UNIVERSITÀ DEGLI STUDI DI MILANO

FACOLTÀ DI SCIENZE POLITICHE,
ECONOMICHE E SOCIALI

DEPARTMENT OF SOCIAL AND
POLITICAL SCIENCES

Doctoral program in *Political Studies*
Curriculum *Political Theory*
XXXVI Cohort

Doctoral Dissertation

BIVALENT SOCIAL FREEDOM: A DEFENCE

SPS/01 – Political Philosophy

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A.Y. 2022-2023

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Introduction

On 24th January, 2014, I had agreed to meet up with a friend of mine who had just returned home after finishing a semester abroad. But he did not show up. Later, in the evening, I learned that he had been arrested and accused of drug trafficking. I participated in all of his trials and he was always a few meters in front of us, but in a cage, made of iron or glass, and surrounded by two or three soldiers. What was wrong here? His arrest was unjust and he did not deserve to be treated as a dangerous murderer. However, I strongly felt that even if he were a drug trafficker or a dangerous murderer, there would have been something wrong, at least pro tanto, about *the mere fact that we were prevented from shaking his hand*. Obviously, like everyone else, I had been prevented by others from doing certain things many times before, but ‘being prevented by others’, as opposed to being merely unable to do certain things, was not something I had cared about specifically. Those court trials brought me to focus more directly on the phenomenon of inabilities brought about by other persons, and in that sense, on freedom.

We all seem to know what freedom is unless we are asked to clarify what we mean by it, and “[s]omething that one knows when nobody asks one, but no longer knows when one is asked to explain it, is something that has to be *called to mind*. (And it is obviously something which, for some reason, it is difficult to call to mind.).”[1] Despite its difficulty, my purpose is to call freedom to mind.

As ordinary speakers, it is not difficult for us to make sense of phrases such as *freedom from another’s prevention* or *freedom from one’s own desires*. Based on these two phrases, we can define freedom as ‘the lack of prevention by others’ or ‘the lack of burdensome desires.’ The first definition does not refer to desires of the person whose freedom is under consideration. A prisoner, for example, is unfree to perform many actions, regardless of whether she desires to perform them, because she is prevented by her guards. However, according to the second definition, a prisoner who reduces her desires to the set of actions that are allowed by her guards does not suffer from any unfreedom. The inconsistency between these definitions of freedom suggests that when we try to make generalizations about freedom by analyzing one definition and “derive a general, abstract answer to the question”, a question such as ‘what is freedom?’,

[1] Ludwig Wittgenstein, *Philosophical Investigations*, ed. P. M. S. Hacker and Joachim Schulte, trans. G. E. M. Anscombe, P. M. S. Hacker, and Joachim Schulte, 4th ed. (Singapore: Wiley-Blackwell, 2009)., 47.

we are puzzled.[2] We are puzzled, because in one particular definition we see "a law in the way a word is used, and trying to apply this law consistently, [we come] up against cases where it leads to paradoxical results."[3] We are puzzled, in other words, because we use the word freedom inconsistently, as synonymous both with 'the lack of prevention by others' and with 'the lack of burdensome desires.' Thus, a conceptual analysis is needed in order to clarify our descriptive and normative beliefs about the world, and the arguments we are to engage in in their defense.[4]

There can be two kinds of concepts: social and natural. While the former "play[s] an important role in determining social reality," the latter "target[s] the world's non-social ontological makeup … it aim[s] to capture *what is there* independent of social realities."[5] For example, the concept of a 'leaf' is a natural kind. Suppose that we point out five forms of leaves to a child, and each time we tell the child that this is a leaf. Later in her life, when the child sees some other, sixth form of leaf, she also calls *that* piece of tree a 'leaf.' She assumes that there is something common to all leaves and based on the first five forms of leaf, she implicitly formulates a general image or a concept of leaf in her mind, which is broad enough to enable her to recognize all relevant pieces of different trees as 'leaves.' However, freedom cannot be found *out there* in nature, because there is no physical entity called, say, 'the lack of prevention by others' to point out in order to teach the child the meaning of freedom. As a social kind concept, the concept of freedom is similar to "[c]oncepts like 'power,' 'authority,' 'consent,' and so forth" in the sense that "their function is to render political facts significant, either for purposes of analysis, criticism, or justification, or a combination of all three."[6] There must be something significant about freedom such that each definition of freedom renders only *some facts* significant.

I think to understand what is significant about freedom, we must begin by asking the following question. Is there any single concept of freedom which is abstract enough to encompass all (major) conceptions of freedom one can find in the current literature? Gerald MacCallum suggested that freedom is always *a triadic* relation among three variables: an agent

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[2] Hanna F. Pitkin, *Wittgenstein and Justice: On the Significance of Ludwig Wittgenstein for Social and Political Thought* (Berkeley, California: University of California Press, 1972), 87.

[3] Ludwig Wittgenstein, *Blue and Brown Books: Preliminary Studies for the "Philosophical Investigations,"* second edition (Great Britain: Billing and Sons Limited, 1969), 27.

[4] Johan Olsthoorn, "Conceptual Analysis," in *Methods in Analytical Political Theory*, ed. Adrian Blau (Cambridge: Cambridge University Press, 2017), 153.

[5] Lukas Schmid, "Freedom-Amelioration, Transformative Change, and Emancipatory Orders," *European Journal of Philosophy* 30, no. 4 (2022): 1378–92, 1383.

[6] Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought - Expanded Edition*, ed. Wendy Brown, Revised edition (Princeton: Princeton University Press, 2016), 6.

(*x*), preventing conditions (*y*), and certain doings or becomings (*z*). On his view, "*x* is (is not) free from *y* to do (not do, become, not become) *z*."[7] This definition of freedom is widely accepted as *the concept of freedom*, on the basis of which different *conceptions of freedom* can be put forward when one construes these three variables in particular ways (chapter 1).[8]

The first variable, *x*, refers to *an agent*. Political philosophers are primarily concerned with ascribing freedom or unfreedom to individual human adults. Therefore, in most cases, the variable x refers to an individual human adult. The second variable, *y*, might be the most debated variable among the theorists of freedom. This variable refers to the *preventing condition*, which is vaguely construed to encompass not only another agent, be it a person or a group of persons, but also things (for example, trees, or one's desires) that might hinder a person's action(s). The third variable, *z*, is usually represented in more recent writings by the Greek letter *φ*. This letter refers to one or some or all of the following: actual and potential actions, other bodily movements such as becomings and undergoings, and non-movements such as remainings.[9] Since I will focus on the second variable, for the sake of simplicity, I will assume that freedom of human agents always pertains to their actions. More importantly, freedom theorists disagree about whether and, if so, in what way, the content of actions (often described in terms of their moral permissibility or impermissibility) is relevant in the ascription of freedom or unfreedom to persons. I will argue that the content of actions is irrelevant in freedom ascriptions (chapters 3 and 5, section 6.5.).

Preventing conditions can be understood as obstacles that prevent a person's doing something. These obstacles can be classified in terms of their *sources*, *kinds*, or *the ways they obstruct*. First, obstacles can be imposed by other agents, oneself, or nature. Hence, in terms of their sources, obstacles can be other-imposed, self-imposed, or natural. Second, obstacles can be physical (such as walls, mountains, human bodies) or mental (fear, ignorance, weakness of will). Third, obstacles can be preventive (they can make the performance of actions impossible), or coercive (they can make certain options ineligible or difficult to choose by imposing significant costs on them). In this dissertation, I will be focusing primarily on the classification of obstacles in terms of their sources and its relevance for freedom.

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[7] Gerald C. MacCallum, "Negative and Positive Freedom," *The Philosophical Review* 76, no. 3 (1967): 312–34, 314.

[8] Ian Carter, "Positive and Negative Liberty," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2021), https://plato.stanford.edu/archives/spr2022/entries/liberty-positive-negative/.; Eric Nelson, "Liberty: One or Two Concepts Liberty: One Concept Too Many?," *Political Theory* 33, no. 1 (February 1, 2005): 58–78.

[9] Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999), 16; Matthew H. Kramer, *The Quality of Freedom* (Oxford: Oxford University Press, 2003)., 164-7.

What is the point of emphasizing the preventing conditions? If we are interested in whether a person *can* (*is able to*) φ, the natural response would be to ignore MacCallum's second variable and focus only on her ability to φ. As Peter Morriss argues, ability is a dyadic relation; it is a phenomenon consisting in a relation between an agent and a certain φ-ing.[10] When we talk about a person's ability to move from one location to another, what we are interested in is whether or not she has the necessary power to overcome any obstacle on her way. Thus, we do not emphasize potential preventing conditions. *The language of ability* refers to her *actual ability* to φ rather than *what* does or might prevent her φ-ing. However, freedom is a triadic relation among three variables, one of which is the preventing condition. This means that we use the term *freedom*, rather than *ability*, when we want to emphasize the presence or the absence of the preventing conditions to a person's φ-ing.

While many theorists of freedom make a specific distinction between unfreedoms and mere inabilities, some theorists reject this distinction. The latter argue that an emphasis on the preventing conditions is unnecessary or unjustified, because all inabilities are also unfreedoms. On their view, we can use the terms (in)ability and (un)freedom interchangeably. Call this *the all-inclusive view*. This view holds that there should not be any distinction between unfreedoms and mere inabilities based on the classification of obstacles in terms of their sources. That is, if an obstacle *O* is the relevant inability-producing obstacle, then it does not matter whether it is imposed by others, oneself, or nature. When a person is unable to walk because of her broken leg, for the purposes of (un)freedom ascription, it is irrelevant whether her leg is broken as a result of an earthquake or through the violent action of someone else. Since my goal is to draw and justify a specific distinction between unfreedoms and mere inabilities, I argue against the all-inclusive view (chapters 2 and 7).

The central hypothesis guiding the research for this dissertation is that the relations between freedom and ability, hence the distinction between unfreedoms and mere inabilities, are crucial for political philosophy. This is why it focuses on preventing conditions. Only by focusing on preventing conditions can we see the difference between the concept of freedom and that of ability. The preventing condition is the variable that renders some facts significant, it distinguishes one concept from the other.

The major difference between freedom and ability is that while the former is triadic, the latter is a dyadic concept. Those who make a distinction between unfreedoms and mere inabilities treat other-imposed differently from natural and self-imposed obstacles: a person is

[10] Peter Morriss, *Power: A Philosophical Analysis*, 2nd edition (Manchester: Manchester University Press, 2002), xxxiv.

unfree when her inability is brought about by others but *merely unable* when her inability is brought about by herself or nature. For example, in the sentence 'she is unable to climb Mount Everest,' the reason behind her inability is not given. Is she unable because she lacks the necessary skills to climb the mountain or because someone else prevents her? The language of ability does not answer this question, because the definition of ability does not include the notion of preventing condition. This means that when we invoke the term *ability*, we are interested in the outcome, not in specifying the preventing conditions. As Peter Morriss points out,

> [t]he absence of constraints is certainly required for a person to have power, but it is not considered part of the very *concept* of power; yet it *is* considered part of the concept of freedom (…) if we have a triadic concept of freedom – that is the dyadic concept of power, plus the recognition of the absence of a constraint – then there must be a *point* to drawing attention to the absence of a constraint.[11]

The language of freedom, on the other hand, requires us to specify the preventing condition – it matters whether her inability to climb Mount Everest is, say, due to a prevention by someone else, her lack of necessary skills, or a storm. She is unfree only when her inability is due to the conduct of other agents. This means that there must be *a point* in emphasizing the preventing condition – other agents. Otherwise, there would be no need to invent a new term – (un)freedom. So, the *language* of ability does not focus on the preventing conditions whereas the *language* of freedom does.

It seems that we use the term 'unfreedom' when we refer to inabilities due to the conduct of other agents. Suppose that a person unable to climb Mount Everest because (a) she suffers from acrophobia; (b) she does not have legs (and nobody is causally or morally responsible for the fact); (c) she is prevented by another person. We can describe her inability in (a) and (b) by saying that 'she is unable to (cannot) climb Mount Everest because she has a fear of heights / she does not have legs.' We do not have a different term to describe these different forms of inabilities. That is, there is no term referring specifically to the *lack of acrophobia* or a term that picks out those cases in which an inability is due to the lack of legs. Her phobia can only be additionally emphasized as an explanation after the phrase 'she is unable to (cannot) climb Mount Everest,' usually with the help of subordinating conjunctions such as 'because' or 'since.' Had we had a term, say *acr*, which referred to the *lack of*

[11] Peter Morriss, "What Is Freedom If It Is Not Power?," *Theoria: A Journal of Social and Political Theory* 59, no. 132 (2012): 1–25, 6. Note that here Morriss refers to the concept of 'power to.'

acrophobia, we could have said 'she is unacr to climb Mount Everest.' However, when it comes to (c), we have a different term – unfreedom – to refer to her inability.

This means that we emphasize inabilities brought about by other persons. When I am unable to drive due to a road blockade, there seems to be a morally relevant difference between a case in which the road is blocked by some workers (involved, say, in road works or a strike) and a case in which the road is blocked by a naturally occurring landslide. Many social and political philosophers have tried to capture this pre-theoretical judgment at a more abstract level through the formulation of a concept of freedom that captures this social or interpersonal relation of prevention, a concept they have attempted to refine in a way that will prove plausible, logically consistent, and fruitful as a building block in the construction of explicative and normative theories. To this end, they make a distinction between unfreedoms and mere inabilities: one is *unfree* when one's inability is brought about by others (workers) but *merely unable* when one's inability is brought about by oneself or nature (landslide).

The nature of this distinction is open to interpretation, because saying that others brought about an inability might mean that the inability is *causally* or *morally* attributable to their conduct. The causality view holds that I am unfree to drive because the workers are causally responsible for the blockade, whereas the responsibility view holds that to determine whether I am unfree, we should ask whether the workers are morally responsible for the blockade (chapter 3 and 4).

The causality view is attractive because it is compatible with *a value-free* conception of freedom, since it defines the sources of unfreedom in non-evaluative terms.[12] To ascribe unfreedom to me, we only need to know whether my inability is due to an obstacle the workers created.[13] This means that persons with different moral outlooks (e.g., socialists and libertarians) can agree on whether someone is unfree. The causality view enables us to measure persons' *overall freedom* and then evaluate the level of their freedom from ethical and other perspectives. Because a value-free conception is not defined in terms of certain ideals, it also allows us to treat freedom as an independent ideal. It therefore helps in clarifying the normative reasoning of anyone who places value on freedom as such, and who wants to clarify trade-offs or priority relations between freedom and other values.

[12] Felix E. Oppenheim, *Dimensions of Freedom: An Analysis* (New York: St. Martin's Press, 1961); Hillel Steiner, *An Essay on Rights* (Oxford: Wiley-Blackwell, 1994); Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*.

[13] Ian Carter, "Value-Freeness and Value-Neutrality in the Analysis of Political Concepts," in *Oxford Studies in Political Philosophy, Volume 1*, ed. David Sobel, Peter Vallentyne, and Steven Wall (Oxford: Oxford University Press, 2015), 279–306, 284.

However, the causality view does not provide any morally relevant or independent argument in favor of the distinction between unfreedoms and mere inabilities, the distinction that motivated focusing on the ways in which constraints are generated in the first place. In purely causal terms, it is not clear why it should matter whether an inability is due to other-inflicted or natural obstacles, because "there is no causal difference between our relations with other human beings and with the rest of nature."[14] My inability to drive is the same whether the road is blocked due to the workers or the landslide. If what we are interested in is only causal relations between an inability and certain temporally prior phenomena, why do we describe the same inability with different terms? Since the causality view does not provide an answer to this question, it describes inabilities due to preventions by others as unfreedoms for no reason, or, what is ultimately the same thing, for some arbitrary reason.

The responsibility view is attractive, because it avoids this problem by proposing a non-arbitrary argument in favor of the distinction between unfreedoms and mere inabilities.[15] It holds that describing inabilities due to other-inflicted obstacles as *unfreedoms* implies that there is something important in those obstacles that moves us to place those inabilities within a morally special category. I am unfree to drive when the workers block the road because they are morally responsible for this blockade, whereas I am merely unable to drive when the landslide blocks the road, because nature is not morally responsible for anything. However, the responsibility view does not suggest a value-free conception of freedom. To ascribe unfreedom to me, we must first decide whether the workers were morally responsible for their conduct. So, freedom ceases to be a descriptive concept, and it becomes impossible for people with different views about the grounds of moral responsibility to decide whether I am unfree when the construction workers or strikers block the road.

As we can see, each view has some strengths and weaknesses. In chapter 5, I capture their strengths and avoid their weaknesses by suggesting a novel interpretation of *moral responsibility as answerability*, according to which we are answerable for all of our actions in virtue of the fact that our actions reflect our evaluative judgments. That is, we are answerable for all of our basic actions and I argue that our answerability for actions should also be extended to all of our non-basic actions. Nobody should be allowed to get off the hook of answerability on the grounds that they could not (reasonably) foresee their own non-basic actions. By

[14] Shnayderman, Ronen. "Social Freedom, Moral Responsibility, Actions and Omissions." *The Philosophical Quarterly* 63, no. 253 (2013): 716–39, 725.
[15] Benn, Stanley Isaac. "VI - Freedom, Autonomy and the Concept of a Person." *Proceedings of the Aristotelian Society* 76, no. 1 (1976): 109–30; David Miller, "Constraints on Freedom," *Ethics* 94, no. 1 (1983): 66–86; Kristjan Kristjánsson, *Social Freedom: The Responsibility View* (Cambridge: Cambridge University Press, 1996).

adopting the conception of moral responsibility as answerability, we can conceptualize *a value-free* conception of freedom and provide *a morally relevant reason* for the distinction between unfreedoms and mere inabilities. In other words, we can take only the strengths of both views and avoid their weaknesses. So, this interpretation of moral responsibility will allow for a plausible resolution of the disagreement between these views.

I defend a bivalent conception of social freedom (or, in short, *bivalent social freedom*) on the grounds that it is value-free, it provides a morally relevant reason for the distinction between unfreedoms and mere inabilities, and it allows us to measure a person's overall freedom (chapters 5 and 7). Unfreedom is inability brought about by the actions of other persons, whereas freedom is the absence of unfreedom. In other words, inabilities due to preventions by others are unfreedoms whereas inabilities due to any other obstacle are only mere inabilities. When a person is merely unable to do something, she nevertheless remains free to do it. This means that neither a person's desires *nor her abilities* are directly relevant for her freedom. She can be free to φ even when she lacks the ability and / or the desire to φ. Here are the main notions we need to grasp in order to understand bivalent social freedom:

> **Unfreedom:** One is unfree to φ iff, irrespective of whether one is able to φ or one wants to φ or one actually endeavors to φ, one is prevented from φ-ing by some action(s) of some other person(s).
>
> **Freedom:** One is free to φ iff one is not unfree to φ.[16]
>
> **Overall Freedom:** A person's overall freedom is the ratio of the sets of compossible actions she is unprevented from performing (i.e., freedoms) to the sum of the sets of compossible actions she is unprevented from performing (i.e., freedoms) and the sets of compossible actions she is prevented from performing (i.e., unfreedoms).[17]
>
> **Ability:** One is able to φ iff, irrespective of whether one wants to φ or one actually endeavors to φ, one would φ iff one were to try to φ. That is, to say that one is able to φ is to say that one has the physical and mental capacity to φ and one is not prevented from φ-ing by anything or anyone.

[16] In the formulation of the definitions of 'unfreedom' and 'freedom,' I am inspired by Matthew Kramer's postulates of freedom and unfreedom for his trivalent conception. See, Kramer, *The Quality of Freedom*, 3.

[17] In his definition of overall freedom, Carter focuses on "the availability of *sets* of actions" or "*sets of compossible actions*" (Carter, *A Measure of Freedom*, 227). It seems to me that Carter's definition presumes that a person's ability to φ is a necessary condition for her freedom to φ. Since I will endorse bivalent social freedom, according to which a person can be free to do things she is unable to do, using Carter's definition can be misleading. Therefore, I simply add *one is unprevented from performing* to Carter's latter definition in order to avoid any confusion.

Note that according to bivalent social freedom, a person can be free albeit unable to do something. In this case, what is the value of bivalent social freedom? More precisely, is there any ability-independent value in social freedom? In chapter 6, I argue that bivalent social freedom has, at least, three kinds of ability-independent value: instrumental, constitutive, and contributory value. Firstly, saying that freedom is instrumentally valuable for some other valuable phenomenon *y* means that it is a causal condition for *y*. That is, freedom is instrumentally valuable for *y* when it is either a causally necessary means to *y*, or at least a causally necessary element of a set that is sufficient for *y*. Secondly, saying that freedom is constitutively valuable means that it is a constitutive part of some other valuable phenomenon, *y*. Freedom is constitutively valuable as a part of *y* when freedom is in the definition of *y*, which means that either freedom is conceptually necessary for *y*, or it is a necessary element of a set that is sufficient for *y*. Thirdly, saying that freedom has contributory value means that there is some other valuable phenomenon, *y*, such that, although freedom does not feature in the definition of *y*, *y* supervenes on it. In other words, freedom is not conceptually necessary for y but in many circumstances, y is realized in virtue of freedom.

To sum up, I argue that we should recognize a morally relevant distinction between unfreedoms and mere inabilities. Based on a specific distinction between unfreedoms and mere inabilities, I aim to show that we can have a conception of social freedom which is value-free and that such freedom has ability-independent value. Moreover, this conception of freedom allows us to measure a person's or groups' overall freedom, which is important if we are to make sense of claims about more or less freedom particular individuals or societies are said to enjoy.

1. Methodology

1.1. Introduction

Among the three variables of the concept of freedom suggested by Gerald MacCallum, the preventing condition is the most debated variable. I believe that the major reasons behind the disagreement among the philosophers over the preventing condition is, broadly speaking, ideological. Many philosophers conceptualize freedom in a way that it is mostly useful within their own theories of justice or just governance. Therefore, their major interest does not lie in the concept of freedom *per se*. They defend a certain conception of freedom mainly because it implies a particular political ideology or entails certain policies in conjunction with specific freedom-distributive principles.

This tendency can be found in the works of ideologically diverse thinkers such as Robert Nozick, Murray Rothbard, Philip Pettit, Van Parijs, and Gerald Cohen. They seek to formulate a conception of freedom which allows them, in conjunction with a certain normative principle, to build their theory of the just society on it in a way that freedom turns out to be perfectly compatible with other important values. I take this as a mere "ideological move that tries to win [a] dispute by sleight of hand."[1] Therefore, I will argue against this way of conceptualizing freedom.

In what follows, first, I discuss the importance of a value-free conception of freedom. I show that the main rationale behind many disagreements over the preventing conditions is the ideological concerns of political philosophers. In the following section, I discuss two competing methodological approaches – constructivism and intuitionism – to concept formation and endorse the latter approach. In the last section, I discuss the role of ethical evaluation in concept formation to argue that it is possible and desirable to formulate a purely descriptive or value-free conception of freedom that does not include any evaluative terms in its definition.

[1] Keith Dowding, "Why Should We Care about the Definition of Power?," *Journal of Political Power* 5, no. 1 (2012): 119–35, 121. Maybe a charitable interpretation of this tendency is the following insight of Isiah Berlin. According to him, political philosophers have a tendency "to believe that all the things they hold good must be intimately connected, or at least, compatible, with one another." Isaiah Berlin, "Two Concepts of Liberty," in *Liberty: Incorporating Four Essays on Liberty*, ed. Henry Hardy (166-217: Oxford University Press, 2017), 166-217, 175 n1.

1.2. Value-Freeness and Value-Neutrality

I argue that freedom should be *value-free* and as *value-neutral* as possible. A conception of freedom is value-free if and only if it is not defined in terms of essentially evaluative terms.[2] A conception of freedom is value-neutral to the extent that its use does not imply the endorsement of a certain ethical view as superior to others.[3] So, whereas value-freeness is binary, value-neutrality is a matter of degree. My goal is to develop a value-free conception of freedom that is as value-neutral as possible among major political ideologies. Whereas it is easy to judge whether or not a conception of freedom is value-free, reasonable persons will disagree on the question of whether one conception of freedom is more or less value-neutral than its rivals. In this dissertation, I do not develop any method of measuring value-neutrality but I believe that such a method is, in principle, possible. But what is wrong with non-value-free or less value-neutral conceptions of freedom? To answer this question, let us look at some examples.

According to Murray Rothbard, an anarcho-capitalist, freedom is the "*absence of molestation by other persons*" and "the regime of pure [or absolute] liberty – the libertarian society – [is] a society where … no man's property in his person or in tangibles is molested, violated, or interfered with by anyone else."[4] Rothbard also defines freedom as "the *absence of invasion* by another man of any man's person or property."[5] On his view, nobody is ever unfree to invade another's property, it is simply conceptually impossible. Given that Rothbard defines freedom in terms of property rights, my *freedom to invade* your property is not my *freedom* at all. That is because, I am not *allowed* to invade your property. On Rothbard's terms, my *opportunity* to invade your property is immoral, and therefore this opportunity is not described as my *freedom* to invade. In other words, although I have the opportunity to invade your freedom, I do not enjoy the freedom to invade your property in virtue of the fact that the opportunity in question is illegitimate within the libertarian framework of justice. This means that, since freedom is defined in terms of property rights, under Rothbard's conception of freedom, everyone can enjoy an absolute freedom in a market-based anarchist society. So, by a definitional fiat, Rothbard's favorite society becomes the freest society. Thus, his conception of freedom is not value-free.

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[2] Carter, "Value-Freeness," 284; See also G. A. Cohen, *Self-Ownership, Freedom, and Equality* (Cambridge; New York k: Cambridge University Press, 1995), 61-2; Lars J.K. Moen, "Republicanism and Moralised Freedom," *Politics, Philosophy & Economics* 0, no. 0 (2023): 1–18.
[3] Carter, "Value-Freeness," 285.
[4] Murray N. Rothbard, *The Ethics of Liberty* (New York: New York University Press, 1998), pp. 33, 41.
[5] Ibid., 42.

Robert Nozick, a libertarian, defends a minimal state and the free market. Similar to Rothbard, he also proposes a rights-based definition of freedom, according to which morally legitimate obstacles – obstacles that do not violate libertarian rights – do not create unfreedom. Although individuals interfere with one another all the time, only those interferences that violate one's libertarian rights are *harmful,* hence *curtailing freedom* unless they are consented to. Nozick also defines voluntariness in terms of libertarian rights. That is, my actions are non-voluntary only if the limitations on my alternatives are the result of others' acting *outside* their libertarian rights. In short, voluntary means nonaggressive. The conclusion is that a libertarian minimal state can function without making anyone unfree. In a minimal libertarian state, some might be poor and some might be rich, but nobody has to be unfree. Nozick's minimal state is perfectly compatible with everyone enjoying absolute freedom.[6] So, by a definitional fiat, Nozick's favorite society becomes the freest society. Thus, Nozick's conception of freedom is not value-free.

Philip Pettit, a republican, defines freedom as *non-domination*, according to which, the only source of unfreedom is *arbitrary* or *uncontrolled interference*.[7] This means that some forms of interference are not inimical to freedom, that is, they do not create unfreedom. For example, when a republican (hence a just) state interferes with its citizens, the state does not make them unfree as long as it tracts their common interests. A republican state is supposed to tract the common interests of its citizens, which means that ideally every citizen enjoys an absolute freedom under a republican form of governance. But many philosophers have observed that common interests are not always compatible with individual interests. Let us agree with Pettit, for the sake of argument, that a just state *should* promote common interests. But as Lars Moen points out, Pettit's claim a state interference that tracts the common interests of its citizens are not inimical to their freedom "means the distinction between constraints that make you unfree and those that do not is a distinction between justified and unjustified institutional constraints."[8] Pettit's distinction between arbitrary (or controlled) and non-arbitrary (or uncontrolled) interference "is based on a theory of justice specifying which

[6] Robert Nozick, *Anarchy, State and Utopia* (Oxford: Wiley-Blackwell, 1974), pp. 257, 403; cf. Serena Olsaretti, *Liberty, Desert and the Market: A Philosophical Study* (Cambridge University Press, 2004), 113-6.
[7] Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), chapter 2; Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), chapter 1.
[8] Moen, "Republicanism and Moralised Freedom," 2.

interests institutions should respect and not."[9] In other words, as many theorists have convincingly argued, Pettit's republican conception of freedom is not value-free.[10]

One of the counterintuitive implications of non-value-free conception of freedom is that freedom becomes context-dependent. Note that republican freedom is a *status freedom*; individuals are 'free persons' if and only if they enjoy non-domination "across a range of significant, personal choices: the fundamental or basic liberties."[11] Basic liberties should be promoted by the state. But what is the content of basic liberties? Pettit applies two forms of constraints, *co-exercisability* and *co-satisfaction*, to all forms of free choices to decide which freedom should be considered a basic liberty. The first constraint requires that choices, which are to be identified as basic liberties, should be able to be exercised by all citizens roughly at the same time. The second constraint adds that only those choices which the local society believes to "promote the enjoyment and welfare [of those who choose them] over the long term" are entrenched as basic liberties.[12] Thus, republican freedom depends on the cultural and historical contingencies, because (a) the state should have necessary capacity to promote basic liberties, which means that the content of basic liberties will be different in poor and rich countries; and (b) basic liberties should promote welfare of individuals from the perspective of the local society; and different societies, depending on their cultural values, will deem different choices as welfare-promoting. To say that freedom is context-dependent is to say that freedom is not value-free.

Another counterintuitive implication of non-value-free conception freedom is that with respect to their effects on a person's freedom, other-inflicted obstacles are not perceived as different from natural obstacles. On the republican conception of freedom, some interferences do not subject the interfered persons to the interferer's will and therefore do not make the interfered person unfree. One of these innocuous forms of interferences is *interference out of necessity*.[13] When I interfere with you out of necessity, I do not act voluntarily, and when I act non-voluntarily, I do not subject you to my will. This view seems to imply that when I act non-voluntarily (out of necessity), my interference lacks the element of *will*, which means that I

[9] Ibid., 3.
[10] See, Ian Carter, "A Critique of Freedom as Non-Domination," ed. Philip Pettit, *The Good Society* 9, no. 3 (2000): 43–46, 45; Matthew H. Kramer, "Liberty and Domination," in *Republicanism and Political Theory*, ed. Cecile Laborde and John Maynor (Malden, MA: Wiley-Blackwell, 2008), 31–57, 41; Keith Dowding, "Republican Freedom, Rights, and the Coalition Problem," *Politics, Philosophy & Economics* 10, no. 3 (2011): 301–22, 303; Christian List and Laura Valentini, "Freedom as Independence," *Ethics* 126, no. 4 (July 2016): 1043–74, 1058-60.
[11] Pettit, *On the People's Terms*, 17.
[12] Ibid., 98.
[13] Pettit, *On the People's Terms*, 40. Pettit also claims that exploitative offers dominate their recipients, see ibid., 54, n31.

cease to be an agent with respect to my interference. For example, when I interfere with you to avoid being killed by a third party, on Pettit's view, I act non-voluntarily, and therefore, do not subject you to my will. This means that although I have prevented you from performing a certain action, you are not unfree. In other words, the effects of my interference on your freedom are similar to the effects of some natural phenomena (i.e., an earthquake, a landslide) or of the interferences of non-human animals (i.e., dogs, snakes). This result is counterintuitive because it seems to entail that with respect to your freedom, there is no difference between obstacles created by nature (including, non-human animals) and humans as long as the latter acts out of necessity.

To sum up, it seems that Pettit proposes a non-value-free conception of freedom to prove that a republican form of government is perfectly compatible with freedom and there is no need for tradeoffs among competing ideals.[14] Rothbard, Nozick, and Pettit are interested in freedom as a dependent ideal. Thus, they define freedom in terms of the ideals they want to achieve.

Now let us consider value-free but less value-neutral conceptions of freedom defended by Gerald Cohen and Philippe Van Parijs. Here, I only aim to show that their rejection of the distinction between unfreedoms and mere inabilities is ideologically motivated. But I discuss their conceptions of freedom at length in chapter 2.

According to Cohen, freedom is ability, and unfreedom is inability. Both of them reject any distinction between unfreedoms and mere inabilities for ideological purposes. For instance, Cohen rejects the distinction on the grounds that it is a right-wing myth.[15] He believes that once we accept the distinction, our conception of freedom will entail some right-wing and anti-egalitarian policies. His rejection of the distinction therefore implies that treating freedom and ability as perfect synonyms, on the contrary, entails a left-wing and egalitarian polities which Cohen favors. So, his rationale in defending the all-inclusive view is explicitly ideological.

Van Parijs also rejects the distinction between unfreedoms and mere inabilities. He believes that this distinction justifies capitalism – especially a form of capitalism defended by

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[14] Republican conception of freedom also suffers from what is commonly known as 'the impossibility' or 'the coalition problem.' See Thomas W. Simpson, "The Impossibility of Republican Freedom," *Philosophy & Public Affairs* 45, no. 1 (2017): 27–53. Recently, another famous republican theorist Frank Lovett tried to resolve this problem by proposing a moderate understanding of republican freedom defined in terms of the notion of 'ignorability.' Elsewhere, I have argued that this moderate understanding of republican freedom fails to avoid the coalition problem. See, Sean Ingham and Frank Lovett, "Republican Freedom, Popular Control, and Collective Action," *American Journal of Political Science* 63, no. 4 (2019): 774–87; Anar Jafarov and Ilkin Huseynli, "Republican Freedom, Domination, and Ignorability," *Journal of Political Power* 15, no. 2 (2022): 221–34.

[15] G. A. Cohen, "Two Addenda To 'Freedom and Money,'" in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton, N.J: Princeton University Press, 2011), 193–200, 197.

Hayek and Buchanan. Without going into details of the conceptions of freedom defended by Hayek and Buchanan, we can safely say that their conceptions of freedom are very similar to those of Rothbard and Nozick. Van Parijs believes that such 'narrow' conception of freedom implies that a "non-coercive society … is nothing but a society with a perfectly enforced system of rights. But [a non-coercive society in this sense] would – unacceptably – be consistent with a very repressive but law-abiding system of slavery."[16] According to him, a free society is the one "whose members are *all* free, or as free as possible," and a society is not free "if its members can constantly be prevented from doing what they might want to do by the arbitrary use of force or threats."[17] And he wants to propose a conception of freedom according to which maximum equal freedom enjoyed by all citizens is compatible with some egalitarian policies (such as the Universal Basic Income he endorses). With this ideological purpose in mind, he asks "what are the obstacles which the institutional framework of a free society should abolish, or at least minimize?"[18] Van Parijs defends what he calls *the real freedom,* according to which, a person is free to the extent that she has the opportunity (or ability) to do what she may want to do.[19] He believes that this conception implies some form of egalitarianism, and thereby makes it easier to defend, the UBI.

In short, at least one of reasons why Cohen and Van Parijs reject the distinction between unfreedoms and mere inabilities are their ideological concerns. Therefore, their conceptions of freedom are less value-neutral, because their use imply the endorsement of certain ethical or political views (socialism, distributive justice, UBI) as superior to others.

What are the problems of non-value-free and less value-neutral conceptions? On the one hand, Rothbard, Nozick, and Pettit define freedom in terms of the ideals (anarcho-capitalist, libertarian, and republican ideals, respectively) they want to defend. Moreover, they claim that their ideals are perfectly compatible with freedom. Instead of defending their ideals on the grounds that they promote freedom, by a definitional fiat, they conceptually link freedom to their own ideal. As a result, their defenses of these ideals become circular and "freedom falls out of the picture," because freedom is not treated as an independent ideal.[20] On the other hand, Cohen and Van Parijs justify their conceptions of freedom on ideological grounds. In that respect, these conceptions can also be seen as mere conceptual tricks to win an ideological battle. Moreover, when each theorist works with a conception of freedom that is primarily

[16] Philippe Van Parijs, *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1995), 21.
[17] Ibid., 20.
[18] Ibid.
[19] Ibid., 23.
[20] G. A. Cohen, *History, Labour, and Freedom: Themes from Marx* (Oxford: Clarendon Press, 1989), 296.

useful within their own theory, engaging in a meaningful debate among theorists becomes futile since they each refer to different phenomena by invoking the same term.

1.3. Behavioral Regularities and Concept Formation

How and to what extent can we silence our ideological concerns when we conceptualize freedom? I suggest that we should only ask ‘what is freedom?’ and in our attempt to answer this question, we should ignore other important questions of political philosophy. That is to say, in conceptual analysis, we should ignore human behavioral regularities. Let me explain my suggestion in details.

As Jonathan Floyd points out, political philosophers try to provide a convincing and meaningful answer to *the organizing question* (how should we live?) and *the foundational question* (why should we live that way and not another?) of political philosophy. The brute fact of life dictates that humans “necessarily live alongside one another” and we “cannot help but live in accordance with one or other set of political principles – even if those principles amount to nothing more than ‘let the strongest survive.’”[21] Therefore, it is very important for political philosophy to formulate political principles which are both *meaningful* (that is, they should be “determinate enough to ensure that, when applied with local facts, and whatever concrete processes that particular principles require, a fairly clear picture of that constitution can be generated”) and *convincing* (that is, they should be “demonstrably more attractive … than any other suggested” ones).[22] To answer the two questions of political philosophy, we engage with three tasks: *analysis*, *critique*, and *ordering*.

In *analysis*, we lay the groundwork for further tasks of political philosophy by identifying major concepts and isolating them from neighboring ones. We consult our language and feelings with the purpose of drawing the boundaries of concepts: clarifying their referents and properties. Analysis is a vital starting point for *critique*, in which we first ask what would be the implications of implementing a specific conception of, say, freedom in politics: would it have *dangerous* or *counterintuitive implications*? Then we ask whether this conception is *inherently consistent* and whether it has some *dangerous historical roots*. Finally, in *ordering*, we order our principles to answer the organizing and the foundational questions. We derive our principles from our normative thoughts and then we criticize the rival sets of principles to argue

[21] Jonathan Floyd, *Is Political Philosophy Impossible?: Thoughts and Behaviour in Normative Political Theory*, Contemporary Political Theory (Cambridge: Cambridge University Press, 2017), 14.
[22] Ibid., 7.

that our proposed set of principles provide more convincing and meaningful answers to the two questions of political philosophy.[23] In this dissertation, I only engage with analysis.

In his *Philosophical Explanations*, Robert Nozick states that he wants to reach to a conclusion that is compatible with the view that humans are worthwhile and have a meaning to live. It is possible to reach this conclusion, according to Nozick, through philosophical enquiry and one of the options is to stop philosophizing when you are satisfied: "I do not stop the philosophical reasoning until it leads me where I want to go; then I stop."[24] It seems to me that many theorists of freedom, as the previous section demonstrates, have followed this option in order to justify their normative conclusions. They are not purely interested in *analysis*, in Floyd's terms, they are interested in *critique* and *ordering*. Their goal is not to analyze the concept of freedom and stop there, rather, they aim to formulate a conception of freedom with the purpose of answering the organizing and the foundational questions of political philosophy. In doing so, such theorists do not have to face any dilemma in which they must sacrifice some freedom(s) for other values such as justice, equality or welfare. instead of isolating one task, namely analysis, they engage in a complicated interplay between the concept and the ideals they want to achieve. They mainly formulate a conception of freedom in order to make their conception more attractive or favourable for their own pre-theoretical answers to the organizing and the foundations questions.

The last few sentences should not necessarily be read as a rejection of reflective equilibrium. What I meant to say is that engaging in an interplay between concepts one aims to analyze and ideals one aims to reach is not (pure) conceptual analysis. Therefore, if one claims that one conceptually analyses, say, freedom, one should ignore one's ideals or pre-theoretical answers to the two questions of political philosophy. For example, a rights-based libertarian such as Nozick should treat his ideals (minimal state, libertarian ethos etc.) as irrelevant in his conceptual analysis of freedom.

Some might object that it is impossible *not* to engage with critique when one develops a conception of freedom. After all, how can we ignore the implications of *implementing* our specific conception of freedom in politics? As I argue below in section 1.5., a concept or a conception of freedom cannot be implemented given that by *implementable idea*, we mean an idea which can be realized in a particular society by means of government policies and / or civic activism. The phrase 'implementing freedom' presumes that (1) we know what freedom is and (2) we want to promote it or distribute it in a certain way. In other words, the phrase

[23] Jonathan Floyd, *What's the Point of Political Philosophy?* (Medford, Massachusetts: Polity, 2019), 46-90.
[24] Robert Nozick, *Philosophical Explanations* (Cambridge, Massachusetts: Belknap Press, 1983), 2.

itself combines a conception of freedom with a certain normative principle. The outcome of this combination is, what I call below, a principle of freedom (more precisely, a principle of justice understood as, for example, *maximum equal freedom*). A principle of freedom is implementable whereas a concept or a conception of freedom is not. Since I am only interested in a conception of freedom, I can – and I should – ignore critique and only engage with analysis (see sections 1.5. and 1.7).

Instead of providing my answers to the organizing and the foundational questions, I only engage with *analysis*, especially I focus on the relationship between freedom and ability. I want to give "a precise focus on important distinctions that would otherwise escape us" if we use current rival conceptions of freedom.[25] I do not assume the superiority of any ideological or ethical view, that is, my goal is to define freedom in a more value-neutral sense. I do not believe that all values I hold dear are compatible or entail one another, because "empirical observation and ordinary human knowledge" show that all good things are not compatible and that sometimes we are required to sacrifice some goods for others, a "tragedy" that underlies the importance of *freedom to choose* and hence of asserting one's agency.[26] In other words, I do not say anything about what a just society or governance is. I only focus on the concept of freedom without assuming that any normative *principle* of freedom must be perfectly implemented within any theory of just society or governance. For maximum equal freedom is simply one of the principles we value and this principle can be, and indeed has always been, sacrificed and exchanged for others.

Saying that I will only focus on analysis does not satisfactorily clarify my methodology, because one of the major disagreements about analysis pertains to the role of *human behavioral regularities*. For example, may we define justice in such a way that it is virtually impossible to fully implement it? I say *virtually*, because what is meant here is not strict impossibility, that is, the question is not whether justice may be defined in such a way that its demands violate the laws of nature or become logically impossible for humans to bring about. Rather the question is whether we should take human behavioral regularities into consideration or *as constraints in the conceptualization of justice*. Behavioral regularities I have in mind include our general knowledge about motivations of persons in their different capacities – as a parent, a citizen, or a member of an ethnic group and so on.

Suppose that one of the principles of justice is that *one should always help those who are physically closer to one*. Note that if the italicized principle is a principle of justice, we

[25] Floyd, *What's the Point of Political Philosophy*, 57.
[26] Berlin, "Two Concepts of Liberty," 213-4.

know that most people will act unjustly when they have to choose between their family members and strangers. We can fairly assume that if two children are drowning in a pond and it is strictly impossible to save them both, the vast majority of people would be strongly inclined to save their own child instead of saving a stranger even if the latter is easier to save due to his close physical proximity. Knowing this, may we define justice in such a way that in this context it requires individuals to save the stranger? Or should we avoid this conclusion by defining justice in another way? Should this behavioral regularity affect our conceptualization of justice? Below I discuss constructivism and intuitionism, two major methodological views on this question. I endorse intuitionism and argue that human behavioral regularities are irrelevant, at least, for the conceptual analysis of freedom.

1.4. Constructivism

Constructivism holds that the validity of a normative principle depends on its acceptance by rational individuals through a certain procedure with the purpose of regulating the basic structure of society. On this view, the *content* of a political principle is determined by the *structure* – the followed procedures.[27] Specifically, with respect to justice, constructivists do not ask 'what is justice?' Instead, they ask 'what rules should be adopted by the society?'[28] Their position is that the concept or the principle of justice should be action-guiding, that is to say, practically useful.[29] The assumption behind this claim is that *the* or *the most important* purpose of political philosophy is not "to discover fundamental principles whose truth holds regardless of any facts" about humans.[30] Rather, its purpose is to propose principles which can be implemented by the state or practiced by ordinary people. A somewhat moderate position holds that exploration of fundamental principles – principles which are virtually impossible to fully implement – can be valuable; but this exploration should not be seen as "the sole, or even the main business of political philosophy."[31] The idea is that any conceptualization of justice which treats human behavioral regularities as an irrelevant factor is useless, because its outcome – a concept or a principle – fails to provide us with action-guiding principles. It tells

[27] John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005), pp. xx, 89.
[28] G. A. Cohen, *Rescuing Justice and Equality*, 1st Edition (Cambridge, Mass: Harvard University Press, 2008), 275.
[29] When I discuss the views of constructivists, I write "the concept or the principle of justice" because constructivists do not clearly differentiate these two notions. I will address this issue below.
[30] David Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2013), 4.
[31] Philip Pettit, "Political Realism Meets Civic Republicanism," *Critical Review of International Social and Political Philosophy* 20, no. 3 (May 4, 2017): 331–47, 339.

us what principles of justice should be implemented in an ideal condition but the real world is not ideal, thus, "political ideals contribute nothing to our reasoning about what to do amidst nonideal circumstances."[32]

In order for a concept or a principle to be action-guiding, we should consider human behavioral regularities as relevant inputs in our theorizing. David Miller explicitly emphasizes that "basic *concepts and principles* … depend on the truth of some general empirical propositions about human beings or human societies, such that if these propositions were to be shown to be false, *the concepts and principles* in question would have to be modified or abandoned."[33] This is not to say that, he adds, new principles should be endorsed immediately and widely; rather the claim is that it should be possible to provide good reasons in favor of these new principles based on the currently held beliefs of people. Since human behavioral regularities, on this view, impose restrictions on the principles of justice, justice may not demand something which is totally unacceptable for the target group. According to Miller's interpretation of Rawls, for example, because abolishing family or raising children outside of the family (by the community) are unacceptable for the vast majority of people in modern Western societies, a principle of justice may not have such demands.[34] Thus, the concept and the principle of justice will differ from culture to culture, because they depend on the currently held beliefs of societies. This means that new principles of justice should not be radically different from the currently held beliefs of people about justice.

In general, constructivism holds that any conceptual analysis should satisfy two criteria: it should be possible to implement the outcome (say, concept / principle of freedom) and the outcome should be morally desirable. John Rawls, a major proponent of constructivism, argues that one of the goals of political philosophy is to identify *workable* solutions to our current problems within the "limits of practicable political possibility" by asking "[w]hat would a just democratic society be like under reasonably favorable but still possible historical conditions … [w]hat ideals and principles would such a society try to realize given the circumstances of justice in a democratic culture as we know them?"[35] When we conceptualize freedom, justice, and equality, we should consider whether within the limits of practicable political possibility, our concept(ion)s of freedom, justice, and equality can be promoted by a reasonably just

[32] David Wiens, "Against Ideal Guidance," *The Journal of Politics* 77, no. 2 (2015): 433–46, 434; see also Amartya Sen, *The Idea of Justice*, 1st edition (London: Penguin, 2010). For a detailed discussion of the relevance of constructivism in conceptual analysis, see also Lars J.K. Moen, *The Republican Dilemma: Promoting Freedom in a Modern Society* (Oxford: Oxford University Press, Forthcoming), section 4.2.
[33] Miller, *Justice for Earthlings*, 18 emphasis added.
[34] Ibid., 31-5; John Rawls, *Justice as Fairness: A Restatement*, 2nd ed. (Belknap Press of Harvard University Press, 2001), 162-6.
[35] Rawls, *Justice as Fairness: A Restatement*, 4.

democratic state. Note that Rawls asks us to take human behavioral regularities into consideration in conceptual analysis.

What is the implication of constructivism for the concept of freedom? According to constructivism, we should define freedom on the assumption that it is a good which should be promoted especially by the state or civil society. When philosophers conceptualize freedom, they do not just *describe* what freedom is, but also *prescribe* a certain policy which should be pursued by the state (and / or civil society). Hence the distinction between concept and principle ceases to exist. Let us take a look at the implication of constructivism on freedom by analyzing the republican conception of freedom as non-domination.

According to republican conception of freedom, when individuals *can* be the subject to an arbitrary exercise of power by another, they are unfree. Interference *per se* is neither sufficient, nor necessary for unfreedom. Rather, freedom requires robust non-interference, that is, the absence of interference not only in the actual world, but also in possible worlds. Only arbitrary interferences – those interferences that replace one's will with someone else's will (*alien will*) with respect to some φ-ing – are sources of unfreedom. Pettit defends this conception of freedom as "an ideal for the state to promote."[36] The state should pursue policies which *equally* reduce domination of individuals as much as possible. Thus, freedom, for Pettit, means "equal freedom."[37] According to him, "insofar as [the state] is interested in justice or legitimacy … [it should] try to make its people free. Subject to the constraint of treating its citizens as equals, the state ought to be guided by the idea of promoting" freedom as non-domination.[38] In other words, Pettit conceptualizes freedom as non-domination to argue that *equal freedom* is a good which should be promoted by the republican state. Freedom is *purposefully* conceptualized in a way that the outcome – conception of freedom as non-domination – plays an important role in the theory of just governance. This purpose is also apparent from the titles of Pettit's major two books on freedom: *Republicanism: A Theory of Freedom and Government* and *On The People's Terms: A Republican Theory and Model of Democracy*.

One counterintuitive implication of the republican conception is that freedom is necessarily tied to the existence of a state. Since republicans hold that freedom is institutionally constituted, they are bound to claim that we cannot talk about freedom in a meaningful way outside of the state.[39] For example, Ingham and Lovett explicitly declare that their "goal is to

[36] Pettit, *On the People's Terms*, 3.
[37] Ibid., 5.
[38] Ibid., 73-4.
[39] Ibid., 133.

develop a political conception of freedom – that is, a conception designed to serve as a political ideal. This differs from analyzing the meaning of freedom as a concept. Generally speaking, we take freedom to be something a well-ordered society should honor or promote."[40] Therefore, they adopt the so-called pragmatic constraint, which holds that "political conception of freedom should be *useful,* meaning roughly that it should have critical force without being *hopelessly demanding*."[41] Similarly, Pettit claims that a "manifestly utopian and infeasible society associated with the Kantian kingdom of ends" without a just and democratic state would fail to provide republican freedom.[42] The problem with this implication is the claim that an important value such as freedom *can only be enjoyed* under the provision of a certain (republican) state. For, by a definitional fiat, republicans conclude that people in an anarchist society cannot possibly enjoy any freedom – at least, freedom understood in a meaningful way, which is *the republican way*. Thus, by defending freedom as non-domination, they also necessarily defend a certain form of government. In other words, republican freedom is non-value-free and less value-neutral.

A major problem of constructivism is that its proponents do not clearly differentiate *concepts* and *principles* since they hold that a concept (a principle) should be action-guiding. As I said above, constructivism holds that freedom is a good, thus, a definition of freedom both describes a state of affairs *and* prescribes certain policy in order to increase freedom of individuals or societies. On this view, there is no distinction between concepts and principles. To make this point clearer, let us focus on two concepts: nationalism and justice.

Suppose that I ask what *nationalism* is and you define it as "advocacy of or support for the interests of one's own nation, especially to the exclusion or detriment of the interests of other nations."[43] Based on this concept, we can formulate a principle of nationalism in the following way: *one should advocate or support the interests of one's own nation, especially to the exclusion or detriment of the interests of other nations*. If we assume that concepts should be action-guiding, that is, concepts should prescribe some action, we should automatically translate your definition of nationalism into my formulation. But we might have an interest in simply knowing what nationalism is without endorsing any nationalism-based principle. That is, we can be interested in what the concept of nationalism is while remaining agnostic on

[40] Ingham and Lovett, "Republican Freedom," 775.
[41] Ibid., 775 emphasis added.
[42] Pettit, *On the People's Terms*, 181-4.
[43] Oxford English Dictionary OED, "Nationalism," in *OED Online* (Oxford University Press, n.d.), http://www.oed.com/view/Entry/125289.

whether or not to accept a principle of nationalism. Thus, the assumption that concepts should be action-guiding is unwarranted.

In the case of nationalism, the distinction between the concept and a principle might be easy to accept. But can we apply the same reasoning to ethical concepts such as justice? Many believe that justice is an essentially evaluative concept in the sense that when a person considers a certain state of affairs as just, she both *describes* and (positively) *evaluates* that state of affairs. After all, for many, it sounds very strange to say that 'this policy is unjust, and all the better for it!' By describing a policy as unjust, a person presumably also condemns that policy. However, nationalism is not an essentially evaluative concept, because one might easily describe, say, a policy as nationalistic without necessarily evaluating it. For the sake of argument, I accept the distinction between essentially evaluative and non-essentially evaluative concepts. But, I argue, this acceptance is innocuous for my argument that there is a difference between concepts and principles: even if some ethical concepts – such as the concept of justice – both describe and evaluate states of affairs, they, unlike principles, do not prescribe any action to achieve something.

Suppose that we define the concept of justice as 'giving everyone their due.' Of course, what *everyone's due* is can be articulated later and we can end up having many *conceptions* of justice but, for our purposes, we can put this issue aside. If the concept of justice must be action-guiding, we automatically, according to constructivists, should translate 'giving everyone their due' into 'one should give everyone their due.' However, the latter formulation, is not the concept of justice, rather it is the principle of justice, because it is prescriptive. A concept of justice, assuming that it is essentially evaluative, *first of all* describes a sexist society as unjust and *only then* evaluates that society as a morally bad society. Without any description of some state of affairs one can observe in that society, one cannot reasonably evaluate it, because such condemnation would be equal to "saying that [one] condemns the society for no reason at all."[44] Hence, description and evaluation are not the same thing, and some concepts may both describe and evaluate. What is important is that the concept of justice does not *prescribe* any action as a remedy.

This means that *a concept can be essentially evaluative without being essentially prescriptive*. Therefore, we are still warranted in making a distinction between the concept of justice (which describes and evaluates states of affairs) and a principle of justice (which prescribes certain actions). Similarly, whether or not one considers freedom as an essentially

[44] Morriss, *Power*, 201.

evaluative concept, it is fair to say that in some contexts, the concept of freedom both describes and evaluates. For instance, "if a liberal describes a country as 'free,' she implicitly (and prima facie) evaluates the country in a positive way."[45] But the fact that the concept of freedom also evaluates states of affairs, at least in some contexts, does not entail the claim that the difference between the concept of freedom and a principle of freedom (that is, a principle of justice which prescribes a certain distribution of freedom) should be collapsed. Hence, I reject the claim that concepts should be action-guiding.

1.5. Intuitionism

According to *intuitionism*, we do not derive fact-independent (or fundamental) principles from our observations of human behavioral regularities.[46] Rather, we are convinced in the truth of those fundamental principles as a result of exploring our deep convictions and intuitions. Fact-independent principles are not devices to reach certain desired outcomes. Rather, they are the ideals which enable us to *evaluate* our current state of affairs.[47] The concept of justice simply tells us what justice is, it does not necessarily say that full justice can be achieved in our society now or in the future. For it might turn out that given the current motivations of most people in our society, justice is too demanding, so that we do not have the necessary motivational capacity (we do not believe that justice is more important than our current desires or for some reason we simply cannot bring ourselves to fulfill the requirements of justice) to fully implement it.

An intuitionist may argue that she has provided good reasons in favor of certain principles of justice that she defends based on the concept of justice but people failed to appreciate these reasons, because they are so corrupted that they cannot bring themselves to implement these new principles of justice. Suppose that society *A* believes that all members of society *B* should be enslaved, because they are racially inferior and that it is unjust for the members of *A* to be treated equally to the members of *B*. An intuitionist would say that members of society *A* are morally corrupt and it is virtually impossible to convince them to adopt a new principle of justice based on their currently held beliefs about justice. Of course, she might continue, in order to reform society *A*, to make it *less unjust*, we should propose a principle which has a high probability of acceptance. We should not say that 'all humans have equal

[45] Carter, "Value-Freeness," 288.
[46] Cohen, *Rescuing Justice and Equality*, 4. Whereas Rawls calls this methodological approach 'intuitionism,' Cohen calls it 'radical pluralism.'
[47] Ibid., 265-8.

moral worth' since it will be unacceptable to the people of *A*. Instead, we should say something like 'even slaves have some natural rights, thus, they should not be mistreated.' The purpose is to create relatively better conditions for the members of *B*, who are or will be enslaved by *A*. The latter principle can be taken as a *good reason* by the members of *A*. But, an intuitionist will insist, this last principle is not *a* or *the principle of justice*; it is simply *a rule of regulation*, which is a device we might adopt in order to achieve certain desired outcomes, and the effectiveness of this device – hence its outcomes – is evaluated in the light of our fact-independent principles.[48]

To see the difference between a principle and a rule of regulation, suppose that we agreed on a principle of justice but we did not know for sure how to implement it. Then based on our knowledge of human behavioral regularities (including relevant social, historical, cultural, and economic condition of the local society), we adopt certain rules of regulation which, to our best knowledge, will deliver at least some of the desired outcomes. In other words, rules of regulation are necessarily fact-dependent since they aim to achieve certain outcomes *given the way people are*. Implementation of these rules of regulation produces certain outcomes, which later are evaluated from the perspective of a principle of justice. An intuitionist says that we first define a principle of justice and then decide, based on our empirical observations, what will be the outcome if we try to implement it. Justice is not the only principle that we value, we also value economic growth, political stability and so on. We define each principle independently and, given the actual conditions, we later make tradeoffs. As a result, we become able to evaluate our current state of affairs by reference to various principles. However, if we were to define those principles themselves by reference to practical considerations, we would end up having rules of regulation, which "necessarily lack ultimacy," because rules of regulation

> cannot tell us how to evaluate effects by reference to which they themselves are to be evaluated. [Social sciences tell] us what the effects of various candidate rules would be, but a normative philosophy that lacks [social scientific] input is needed to evaluate those effects and thereby to determine, jointly with [social sciences], what rules we should adopt.[49]

My thesis does not require me to take a stand on the question of the purpose(s) of political philosophy, a reasonable as well as a moderate view that exploration of fundamental principles is *a goal* of political philosophy is sufficient for my purposes. In that respect, I can agree with

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[48] Ibid., 265.
[49] Ibid., 265-6.

Pettit's position, discussed above, to the extent that exploration of fundamental principles is not *the only* objective of political philosophers and yet remain agnostic on which objective – exploration of fundamental principles or rules of regulation – is *more important*.[50] Even if we assume that the most important goal of political philosophy is proposing action-guiding principles, in particular, principles of justice,

> it does not follow that *all* questions within political philosophy are directed to that aim, that the stated aim is political philosophy's '*entire* raison d'être' … one may also care about justice, as such, one may be interested in what it is, even if one does not care about practice at all. Political philosophy is [… after all,] a branch of philosophy, not a branch of normative social technology.[51]

Here we can also interpret Cohen as saying that one may be simply interested in the concept of justice, which might be both descriptive and evaluative, "even if one does not care about practice at all." That is, one may be interested in the concept of justice without caring about *a principle of justice* which prescribes certain actions. Thus, the above quote can be read as an attempt to emphasize the distinction between the concept of justice and a principle of justice.

Although on methodological questions, I heavily rely on Cohen, I do not necessarily need to take a stand on the question of whether *principles* should be action-guiding. That is, whether principles we formulate are fact-dependent or fact-independent is not relevant for my research, because the question I am interested in is not whether human behavioral regularities should be treated as relevant factors in the exploration of *principles*. I am only interested in *concepts* and the relevance of human behavioral regularities in conceptual analysis, particularly of freedom. Therefore, in order not to argue more than I need, I remain agnostic on Cohen's claim that all ultimate moral principles are fact insensitive and that in the formulation of principles we should ignore human behavioral regularities.[52]

Thus, I adopt the intuitionist methodology *to the extent that when we analyze concepts, we should not take human behavioral regularities into account*. In conceptual analysis, we are not concerned with questions such as how to (fully) protect, say, freedom and what would be the implications of maximizing or equalizing freedom. This methodology enables us to clearly identity concepts, which, in turn, enables us to see what we gain and what we lose when we implement a certain policy (whether it should be understood as a rule of regulation or a principle) by using or referring to certain concepts. The idea is that when we take behavioral regularities as relevant factors in our analysis, we are not doing a *conceptual analysis,* rather

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[50] Pettit, "Political Realism Meets Civic Republicanism," 339.
[51] Cohen, *Rescuing Justice and Equality,* 306.
[52] G. A. Cohen, "Facts and Principles," *Philosophy & Public Affairs* 31, no. 3 (2003): 211–45.

we are formulating a rule of regulation and / or a principle which is implementable (or which prescribes certain actions).

This point can be clarified by looking at the relation among a concept, a conception, a principle and a rule of regulation. (Note that denying the distinction between the last two is not detrimental to my thesis.) Firstly, we define the *concept of freedom* in accordance with MacCallum's suggestion. Secondly, we define each variable in this concept in a particular way and propose *a conception of freedom*. Thirdly, we identify *a principle of freedom* as equal freedom. Note that, this principle of freedom is actually a principle of justice based an equal distribution of freedom. Fourthly, based on our empirical observations, we formulate *a rule of regulation*: we adopt a certain set of laws protecting free speech on the grounds that free speech is, at least, one of the ways of achieving equal freedom.

> **The concept of freedom**: freedom is the absence of preventing conditions on an agent's φ-ing;
> **A conception of freedom**: freedom is the absence of prevention by other person(s);
> **A principle of freedom**: institutions should be arranged in a way that every member of a society enjoys an equal amount of freedom;
> **A rule of regulation**: every person should be allowed to freely express themselves as long as their expressions do not incite violence.

What is implementable is a principle and a rule of regulation, whereas what is non-implementable is the concept and a conception. By *implementable,* I mean an idea which can be realized in a particular society by means of government policies and / or civic activism. A concept and a conception is non-implementable. What does 'implementing non-prevention' mean? If by 'implementing freedom' we mean 'promoting freedom' or 'increasing freedom each individual enjoys,' then, we are referring to a principle of freedom described above. Note that the phrase 'implementing freedom' already presumes that (1) we know what freedom is and (2) we believe that freedom is a good which should be promoted. Therefore, this phrase combines a conception of freedom with certain normative principle and the outcome becomes a principle of freedom, which is implementable.

1.6. A Room Full of Libertarian Saints

What are the implications of intuitionism in the conceptual analysis of freedom? To see this, let us take a look at Carter's criticism of Steiner's Law of Conservation of Liberty (LCL). According to LCL, the total amount of freedoms cannot be changed, because a "universal quest for greater personal liberty is a zero-sum game."[53] This means that a person's overall freedom can only be increased at the expense of the overall freedom of some other agent(s):

> being free to do an action is … being in (actual or subjunctive) possession of its physical components. And everything is in someone's such possession … If I lose possession of something, someone else gains it and thereby gains the amount of freedom (whatever it is) which I've lost.[54]

In order to reject this thesis, Carter gives the following example. Suppose that a room is divided into ten equal spatial units and each unit can be occupied only by one person at a time.[55] If I am the only person in the room, my overall freedom is 10 out of 10. For the sake of simplicity, further suppose that I can perform some set of actions within each unit and each set of compossible actions has only one member. So, we only measure my overall freedom with respect to those set of actions which I may perform within a single unit (Figure 1).

Figure 1: Equally divided room

U1	U3	U5	U7	U9
U2	U4	U6	U8	U10

If you enter the room and occupy one unit, Carter argues that my overall freedom decreases to 9 out of 10 and since you also have the same overall freedom, the group freedom increases from 10 to 18. The maximum freedom for the group is achieved when the room is occupied by five or six people: for instance, when there are five people in the room, each of us has 6 freedoms and the group freedom becomes 6 x 5, so 30.

However, I argue, this analysis is insufficient, because it unnecessarily relies on human behavioral regularities.[56] It implicitly relies on certain realistic assumptions – assumptions

53 Steiner, *An Essay on Rights*, 54.
54 Ibid., 52.
55 Carter, *A Measure of Freedom*, 259-60.
56 It seems that there is an inconsistency between Carter's two criticisms of the LCL. In addition to the criticism I discuss here, Carter criticizes LCL on the grounds that it "rests on a confusion of the number of *actions* that are compossible (that is, the number of actions that can all be performed in the same world) and the number of *freedoms* that are compossible (that is, the number of freedoms that can coexist in the same world)" (Ian Carter, "Respect for Persons and the Interest in Freedom," in *Hillel Steiner and the Anatomy of Justice: Themes and Challenges*, ed. Stephen De Wijze, Matthew H. Kramer, and Ian Carter (New York; Oxon: Routledge, 2009), 167–84, 169. This means that:

about the limits of feasibility in achieving certain principle of freedom (in this case, maximal freedom) in which *freedom* is understood as non-prevention. If what concerns us is *conceptual analysis* and how much freedom can possibly (here I refer to nomic possibility) be enjoyed by a group and each individual, we must ignore behavioral regularities. By doing so, we can see that group freedom and overall freedom of each individual can be increased more than Carter envisages.

Now suppose that the room is occupied by two of us. We both believe that a person should give her place to her neighbor if the latter wants to move in. At t_1, I occupy U1 and you occupy U10. According to Carter, my overall freedom is 9 out of 10, because at t_2, I can occupy any unit from U1 to U9. But if we both believe in the abovementioned ethical view, we both know that if at t_2, I try to leave U1 and occupy U10, you will leave U10 for another unit. Thus, my overall freedom remains 10 out of 10 even after the room is occupied by two people – myself and you. Your overall freedom is also 10, because if you try to occupy U1 at t_2, I will leave U1 and you will not be prevented. If this reasoning is correct, the group freedom is maximum when the room is occupied by ten people. Suppose that each unit is occupied by one person but we all are very kind. If I try to leave my U1 and occupy U3, the resident of the U2 will move to my unit while the resident of the U4 will move to U2 and the resident of U3 will move to U4. In other words, three people will change their units in order to allow me to occupy U3. Similarly, if I try to occupy U10, which is at the other end of the room, the residents of other units will act accordingly in order to avoid preventing my move. Therefore, the overall freedom of each of us is 10 and the group freedom is 100.

But note that the group freedom is 100 providing that nobody *exercises* his freedom to move around. Once I exercise my freedom at t_1 to move to U3 at t_2, the residents of U2, U3, and U5 will act accordingly to avoid preventing my move, and they each will be unfree to stay

> [t]he number of actions that can be performed by means of a given set of physical objects (assuming certain human capacities to do so) depends only on the nature of that set of physical objects, and is therefore constant; the number of *pure negative freedoms* made available by that same set of physical objects depends, in addition, on the preventive dispositions of the agents who are free or unfree to use it. Such preventive dispositions depend on those agents' beliefs, desires and capacities, which are not themselves subject to anything like a law of conservation. Thus, in a world of three agents, it may happen that *each and every* agent has access to object *x*, even though *x* cannot be made use of by more than one person (Carter, "Respect for Persons and the Interest in Freedom," 169).

Interestingly, Carter makes the same argument against LCL in his book too (Carter, *A Measure of Freedom*, 262). If we apply this reasoning to his claim that the group freedom is maximum when there are 5 or 6 people in the room, we also reach to the conclusion that Steiner's LCL rests on a confusion of the number of available compossible actions and the number of available compossible freedoms. So, it seems to me that Carter also implicitly accepts that human behavioral regularities are irrelevant in the conceptual analysis of freedom. However, he does not consistently apply this reasoning in his criticism of the LCL.

in their own units. Then the group freedom will be reduced to 97 at t_2. And if at t3 the former resident of U3 (who is now in U4) tries to move back to his original unit, the current residents of U1, U2, and U3 (me) will act accordingly to avoid preventing his move; similarly, three of us will be unable to stay in our current units and the group freedom at t3 will remain 97. In short, the group freedom is maximum when nobody exercises their freedom to move; when residents start to exercise their freedoms, the group freedom reduces. This reduction depends on how many residents are made unfree to stay in their original units.

As should be clear from Figure 1, I do not assume that each unit shares a border with the rest of the units. That is, I cannot gain access to U10 directly from U1. But I do assume that every person in that room is perfectly aware of one another's intentions. This assumption is not necessarily problematic, at least in this example, because we can think of the residents in the room as a group of individuals who, due to their cultural background or upbringings, are well-coordinated and act accordingly when one of them shouts (or indicates in some other way) 'I am moving to U10.' For example, suppose that if I am the only person occupying the room, I need to move one meter (one step) between the units, because the distance between the units (or their centers) is a meter. Hence if I try to move from U1 to U5, I need to move two meters. Now suppose that the room is occupied by ten people. I am in the U1 at t_1 and I am trying to move to U5. I move to U3 at t_2 and immediately at t_2 the residents of U2, U3, and U4 act accordingly. At t_3 I move to U5 and immediately the current residents of in U4, U5, and U6 act accordingly. In total, I just moved two meters and I spent the same time as if I was the only person in the room.

It might be the case that nobody changes their units (at which point the group freedom is maximum) but each person knows that if they move, nobody will prevent them. My point is that even though my assumptions are not realistic, because normally people do not behave like the persons in Figure 1, behavioral regularities are *conceptually* irrelevant. For example, Carter seemingly assumes that two people are fairly decent, thus, when one tries to moves around, the other does not try to prevent her. But why do we make this assumption? Suppose that they are enemies, one is a Big-Endian while the other is a Little-Endian. In this context, each might have less than 9 out of 10 overall freedom, because each will try to prevent the other's movement. And we can further complicate the context by adding more details about the behavioral regularities of the persons occupying the room, yet they all are irrelevant. A conceptual analysis, one that is unbesmirched by assumptions concerning behavioral regularities, allows us to see that the group freedom can be 100 if we change our current behavioral regularities.[57]

Is this conceptual analysis pointless? I think not, because it shows us that our current behavioral regularities (our lack of kindness and order) cost us a great deal of freedom. Imagine a libertarian anarchist society where people have internalized certain moral norms. They do not wish to attack others or violate their rights. Also, they are willing to engage in supererogatory acts in the sense that they are ready to scarify their own freedoms in order to increase the freedom of others. These internalized libertarian rights and the supererogatory ethics, so to speak, allow them to cooperate voluntarily. That is, there is no enforcement mechanism. In this society then, each person's freedom is maximum, because there is no formal or informal ban on anything, not even murder and assault. In other words, everybody knows that if some individuals try to violate any norm, nobody will prevent them. However, because these moral norms are internalized, nobody even attempts to violate them. So, there is no need to build any formal institution or a state-like organization in order to formally adopt and enforce these moral norms. Therefore, a full acceptance of a certain ethos by every member of a society is sufficient for that society to live in an anarchist utopia in which *there is no unfreedom at all*.[58]

If these moral norms are institutionalized, everybody will experience a decrease in their overall freedom. Every law, providing that it is more or less imposed, produces unfreedoms, because it makes it physically impossible for individuals to have certain conjunctively exercisable liberties – in this case, breaking the law and avoiding punishment.[59] A conceptual analysis allows us to compare our current societies with such anarchist utopia. Maybe, *from the perspective of certain moral or political principles that we accept*, it will turn out that the loss of freedom we experience today is too much and that we should be more like to the libertarian saints. Nevertheless, note that conceptual analysis *per se* does not dictate or necessarily imply which *moral or political principles* should be accepted. Conceptual analysis is valuable not because it *prescribes* some moral or political principle to guide us, but because

[57] One can say that the existence of other people in the room gives every person additional freedoms in virtue of the fact that they can communicate with one another (Kramer 2003, 388-399). For the sake of simplicity, I ignored this fact but if we calculate it, the group freedom becomes even more than 100.

[58] But even in an anarchist society in which everyone accepts certain ethos, there will be unintended preventions, hence some unfreedoms. Here, for the sake of simplicity, I ignored the possibility of unintended preventions. Nevertheless, even if we do not ignore them, still the conclusion will follow that in such society, each individual and the society at large will be radically freer than our current societies.

[59] As Jeremy Bentham famously argued, every law restricts freedom: "it is only by means of its coercive influence, that a primordial law can be of any benefit to a man: since in fact it is only by these means that it can produce any effect whatever." Jeremy Bentham, *Of Laws in General*, ed. H. L. A. Hart (The Athlone Press, 1970), 57.

it *describes* our specific (un)freedoms and leaves it to us to decide what to do with this knowledge.

1.7. Ethical Evaluation in the Concept Formation

I criticized many conceptions of freedom on the grounds that they are not value-free or too less value-neutral . Is it possible to define freedom in a value-free and more value-neutral neutral fashion?

Based on the works of Daniel Dennett, Keith Dowding argues that all concepts are normative to some extent in the sense that they all have normative implications. Human languages designate patterns in the world, based on which we adopt intentional stances towards other creatures which, in turn, enables us to make predictions. Patterning "allows us to see how our environment will affect us and how it will respond to our actions upon it."[60] Patterning the universe enables us to explain our environment, and explanation itself enables us to make predictions about our possible interactions with the objects as well as creatures around us. The rationale behind our desire for predictions is normative in the sense that predictions are "useful to us and such utility is normative."[61] We want to predict the future by using our concepts and those concepts that enable us to provide more accurate predictions are more useful hence more normative than the others. It follows that predictions and normativity are built into our language; we assess concepts in terms of their usefulness, for example, within a certain theory. Hence, even concepts such as *cat*, *water*, *gene*, *freedom*, *justice*, and *power* are normative in the sense that they all have normative implications in virtue of the fact that they allow us to make predictions, at least with respect to our interactions with some objects or agents.

It seems Dowding does not make a distinction between prudential and moral normativity. But assuming that there is a distinction between the two, I am only interested in *moral normativity*. The fact that we use concepts because they allow us to make predictions is irrelevant for my purposes. Also, when Dowding claims that instead of building our ideological views into the concepts, we should define those concepts *as non-normative as possible*, it is not clear exactly what he means. Does it mean that we should build concepts in a way that there are no evaluative terms in their definitions? Or does it mean that since every concept has some *normative implications*, we should define concepts in such a way that those normative implications are as minimal as possible? Dowding does not make the distinction between *a*

[60] Dowding, "Why Should We Care about the Definition of Power?," 122.
[61] Ibid.

concept being less normative and *a concept being used less normatively*. Therefore, I turn to Ian Carter's helpful tripartite distinction among value-freeness, value-neutrality, and value-independence as a useful classification for my purposes.[62]

Carter identifies three methodological desiderata which can be used in concept formation depending on one's purposes: value-freeness, value-neutrality, and value-independence. A concept (or a conception) is (a) *value-free* if it is defined in terms of non-evaluative terms; (b) *value-neutral* if its use does not imply the endorsement of a certain ethical view as superior to others; (c) *value-independent* if its definition or its use is not justified by appealing to ethical normative considerations at all. Carter understands evaluative terms in a broad sense. He assumes that evaluative terms express evaluative concepts and by 'evaluative concept' he means two forms of concepts: essentially evaluative concepts, that is, the concepts "the use of which necessarily involves an evaluation," and non-essentially evaluative concepts, that is, the "concepts the use of which does not necessarily express an evaluation, but often has evaluative connotations."[63] For instance, 'good' is an essentially evaluative concept while 'equality,' 'beggar,' and 'homeless' are non-essentially evaluate concepts, because they can have, and often do have, evaluative connotations, depending on the person who uses them.

For the sake of argument, Carter assumes that value-independence is impossible, that is, all concepts are value-dependent because definition of all concepts are justified by appealing to some *ethical considerations*. Note that value-dependence is not what Dowding means when he argues that all concepts are normative to some extent in virtue of the fact that they have normative *implications*. In other words, Carter assumes that definitions of political concepts cannot be justified simply by an appeal to theoretical or explanatory considerations. This assumption leads to the view that political concepts cannot also be defined in an absolutely *value-neutral* way, that is, all concepts are non-value-neutral to some extent because any political concept implies that some (set of) ethical views are superior to others.[64] I think that value-neutrality, in Carter's sense, is very similar to Dowding's idea that all concepts are normative because both notions are a matter of degree. For instance, Carter points out that value-neutrality is an extrinsic feature of a concept because the implications of a concept vary depending on the context.[65] Thus, Carter and Dowding seemingly refer to the same (or similar) phenomena when they invoke different terms – value-neutrality and non-normativity. Since value-freeness is a matter of yes or no, it is possible to define freedom in purely value-free

[62] Carter, "Value-Freeness."
[63] Ibid., 284.
[64] Ibid., 285.
[65] Ibid., 287.

sense. But since value-neutrality is a matter of degree, one can only define freedom in ideologically neutral way to some extent.

While I agree with Carter's definitions of value-neutrality and value-independence, I think that his definition of value-freeness should be modified if we want to say that there can be a value-free conception of freedom. I propose the following definition of value-freeness:

> **Value-freeness**: A concept is value-free if and only if it is not defined in terms of essentially evaluative terms.

Note that by 'evaluative terms', my definition only refers to 'essentially evaluative terms.' That is because, under Carter's definition, freedom is not a value-free concept (similarly, bivalent social freedom is not a value-freedom conception of freedom) since the terms 'freedom' and 'unfreedom' are non-essentially evaluative. The term 'freedom' is as non-essentially evaluative for liberals as the term 'equality' is for egalitarians. Liberals believe that freedom, among other things, is valuable. Thus, from a liberal perspective, to say that a person is unfree is to say that she lacks or has lost something of value.

As I briefly discussed in the introductory chapter of this dissertation, I defend bivalent social freedom according to which one is unfree to φ iff one is prevented from φ-ing by some action(s) of other person(s), whereas one is free to φ iff one is not unfree to φ. Bivalent social freedom, as it will be argued at length at chapter 3, is a value-free conception of freedom because it is not defined in (essentially) evaluative terms. Moreover, bivalent social freedom is a value-neutral conception with respect to the major ethical positions or political ideologies. For example, this conception can be equally useful for liberals and socialists because it does not favor one over the other.

2. The All-Inclusive View

2.1. Introduction

Many obstacles constrain our abilities to act but most theorists believe that not all obstacles should be seen as relevant constraint for defining freedom. The rationale behind this idea is that in political philosophy, we are particularly interested in freedom as *interpersonal* rather than *intrapersonal* relations or relations between persons and nature. This is not to say that mere inabilities (inabilities that are not unfreedoms) are not relevant concerns for political philosophy; rather the idea is that a clear distinction between unfreedoms and mere inabilities is useful. Although political philosophers are and should be concerned with what individuals are unable to do, they are particularly concerned with what individuals are unable to do *as a result of the conduct of other people*.

This special interest is justified because sorting out the differences between unfreedoms and mere inabilities allows political philosophers to clarify the concepts of freedom and ability, which can be used by philosophers and social scientists to measure the *overall freedom* of individuals for evaluative purposes. However, what I call, the all-inclusive theorists deny the distinction between unfreedoms and mere inabilities by arguing that the sources of obstacles are irrelevant. On their view, what matters is whether a person can actually perform an action if she tries. Therefore, they define freedom as ability, and unfreedoms as inability. In this chapter, I reject this view.

In what follows, I argue that we do not have any good reason to endorse the all-inclusive view of freedom. But before that I divide rival conceptions of freedom based on four dimensions of the preventing conditions and define the all-inclusive view (sections 2.2 and 2.3.). Moreover, all-inclusive theorists claim that their conception of freedom is in line with our ordinary language practices. However, I demonstrate, our ordinary language practices are not consistent. Therefore, one cannot endorse the all-inclusive view of freedom purely on the grounds that it is more in line with our daily language practices (section 2.4.). Furthermore, the all-inclusive theorists claim that the distinction between unfreedoms and mere inabilities is motived by one's (right-wing) ideological views, which assumes that mere inabilities are politically irrelevant. However, I argue that this assumption about the irrelevance of mere inabilities for political philosophy is unsubstantiated. Since the assumption is unsubstantiated, the conclusion of all-inclusive theorists is invalid (section 2.5.). Furthermore, I argue that we should parsimoniously use terms. The term 'ability' already describes the phenomenon the all-inclusive theorists want to describe by using the term 'freedom.' Instead of using these terms interchangeably, it is more parsimonious to use the term 'freedom' to express the concept of 'being prevented by other agents' (section 2.6.).

2.2. Four Dimensions of the Preventing Conditions

In order to better grasp the debate among the rival conceptions of freedom, it is better to identify four dimensions of the preventing condition before discussing the all-inclusive view.

The first dimension of the preventing condition represents the *kinds of constraints*. Broadly speaking, a constraint or an obstacle is something that shrinks or worsens a person's opportunity set. In most cases, different conceptions of freedom perceive only *some constraints* as unfreedom-producing. Hence the question: what kinds of constraints make a person unfree? The answer to this question can include physical obstacles which make a person's φ-ing impossible or physical obstacles which make her φ-ing difficult;[1] mental obstacles such as desires or weakness of will;[2] or anything – any kind of obstacle – which hinders her φ-ing.[3] The all-inclusive view endorses the last position.

The second dimension of the preventing condition represents the *sources of unfreedom*. Sources of unfreedom can be actions for which others are causally, morally, or intentionally responsible;[4] actions as well as omissions for which others are causally or morally responsible;[5] anything – any relevant kind of constraint – irrespective of whether others are causally or morally responsible for it.[6] The last position removes the distinction between the first and the second dimensions of the preventing condition. That is, it removes the distinction between

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[1] For the former, see Steiner, *An Essay on Rights*; Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*. For the latter, see Miller, "Constraints."; Oppenheim, *Dimensions of Freedom*.
[2] Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd edition (Oxford; New York: Oxford University Press, 2001), 139; Nicolas Côté, "Weakness of Will and the Measurement of Freedom," *Ethics* 130, no. 3 (March 6, 2020): 384–414.
[3] Michael Garnett, "Ignorance, Incompetence and the Concept of Liberty," *Journal of Political Philosophy* 15, no. 4 (2007): 428–46.
[4] For the causality view, see Steiner, *An Essay on Rights*; Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*. For the moral responsibility view, see Shnayderman. "Social Freedom," 2013; Andreas T. Schmidt, "Abilities and the Sources of Unfreedom," *Ethics* 127, no. 1 (2016): 179–207; For the intentionality view, see K. J. Scott, "Liberty, Licence, and Not Being Free," *Political Studies* 4, no. 2 (January 1, 1956): 176–85; Patrick Day, "Is the Concept of Freedom Essentially Contestable?," *Philosophy* 61, no. 235 (1986): 116–23; F. A. Hayek, *The Constitution of Liberty: The Definitive Edition*, ed. Ronald Hamowy, The Collected Works of F. A. Hayek 17 (Chicago: University Of Chicago Press, 2011), chapter 1 or pp. 57-72.
[5] For the former, see William E. Connolly, *The Terms of Political Discourse.* (Lexington: D.C. Heath and Company, 1974). For the latter, see Miller, "Constraints," 1983; Kristjánsson, *Social Freedom*, 1996.
[6] Van Parijs, *Real Freedom for All*, 23; Cohen, "Two Addenda To 'Freedom and Money.'"

other-imposed obstacles and self-imposed / natural obstacles. According to this last position, the source of unfreedom is the relevant kind of constraint. A conception of freedom that takes *any kind of constraint* as the relevant kind of constraint (on the first dimension) and *any obstacle* as the source of unfreedom (on the second dimension) holds that all inabilities are unfreedoms. The all-inclusive view endorses this position.

The third and the fourth dimensions of the preventing conditions are mostly relevant for the debate between bivalent social freedom and Kramer's ability-based trivalent conception of freedom. And I focus on that debate in sections 3.5. and 3.6. Nevertheless, let us define these dimensions here before discussing the all-inclusive view.

The third dimension of the preventing condition represents the *conditions for freedom*. This dimension pertains to the effects of non-unfreedom-producing constraints on freedom. Suppose that a person is unfree to *φ* only when her inability to *φ* is due to a physical obstacle (the first dimension) imposed by someone else (the second dimension). Under this conception of freedom, is she free to *φ* when her inability to *φ* is due to a phobia (mental obstacle) or an earthquake (natural obstacle)? While some argue that when a person is unable to *φ* due to non-unfreedom-producing constraints, she remains free, others argue that in such situations the question of freedom does not arise and she is *non-free*, rather than free or unfree.[7] These two positions perceive freedom as a bivalent and a trivalent concept, respectively.[8]

The fourth dimension represents the *conditions for unfreedom*. When a person is unable to *φ*, in the absence of the relevant kinds of constrains which are properly related to the relevant sources of unfreedom, but would be prevented were she becomes able and to try to *φ*, is she free to *φ*?[9] Suppose that a person is paralyzed, thus, without anyone's help, she cannot leave her room. But you also issue a threat that were she try to leave the room, you would prevent her. (It is immaterial whether or not you are aware of her paralysis.) Is she free to leave the room? I will argue that under such circumstances, she is unfree to leave the room.

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[7] For the former see, Hillel Steiner, "Freedom and Bivalence," in *Freedom, Power and Political Morality: Essays for Felix Oppenheim*, ed. Ian Carter and Mario Ricciardi (London: Palgrave Macmillan UK, 2001), 57–68. For the latter, see Kramer, *The Quality of Freedom*, 2003.

[8] I must clarify two things. Firstly, Kramer uses the term 'not free' instead of 'non-free.' But many philosophers use the terms 'not free' and 'unfree' interchangeable. Since Kramer's choice of the term can lead to confusions in my discussion of other conceptions, I prefer to use the term 'non-free,' a term that I borrowed from Philip Pettit (Pettit, *On the People's Terms*, 41). Secondly, there can be many trivalent conceptions of freedom but my discussion of the trivalency will be limited to ability-based trivalent conceptions of freedom. Other well-known form of trivalency, which can be called a domination-based trivalency, is defended by republicans such as Pettit.

[9] The fourth dimension is irrelevant for those theorists who argue that any relevant kind of constraint, irrespective of its source, produces unfreedom. The set of relevant kind of constraints can be limited to physical constraints or it can include any constraint (physical or mental) that hinder one's *φ*-ing. But when a conception holds that the source of this relevant kind of constraint does not matter – the constraint can be imposed by others or by the self or by the nature – then, the fourth dimension becomes irrelevant for that conception.

I divide all conceptions of freedom, in terms of their position on the first and the second dimensions of the preventing conditions, into four general views: *Causality*, *Responsibility*, *Intentionality*, and *All-inclusive*. (While the first three views accept the distinction between unfreedoms and mere inabilities, the last view denies it.) In this respect, I do not follow the traditional approach of classifying all conception of freedom either as 'negative' or 'positive.' This traditional distinction is not conceptual, because the same conception can be labeled as 'negative' or 'positive' depending on one's emphasis. If you emphasize the preventing conditions, you call your conception 'negative,' whereas if you emphasize the end goals, you call your conception 'positive.'[10] As MacCallum points out, freedom is always about being free *from* something *to do or to become* something.

Traditionally, negative freedom is defined as the absence of humanly imposed obstacles on one's specific actions. On the negative conception of freedom, saying that a person is free to drive means that she is free *from* others' interferences *to* drive a car. Or consider a paradigmatic example of positive freedom such as the freedom as self-realization.[11] According to T. H. Green, freedom is an attainment of "a state in which [an agent] shall have realized his ideal of himself," rather than a mere opportunity for such attainment; freedom is the absence of "wants and impulses which interfere with the fulfillment of one's possibilities."[12] When a person pursues objects which do not contribute to his self-realization, in one sense he is free "in the act because … he makes the motive which determines the act and is accordingly conscious of himself as its author" whereas in another sense he is not free, "because the objects to which his actions are directed are objects in which … satisfaction of himself is not to be found."[13] But it does not mean that the agent is *internally unfree*, because any usage of the term freedom "to express anything but a social and political relation of one man to another involves a metaphor."[14] Bernard Bosanquet follows Green in arguing that when we refer to internal constraints, "we must be admitted to be speaking metaphorically" and in this sense, freedom to self-realization is achieved when we are free from internal constraints that "we commonly regard as a part of ourself."[15] So, on the positive conception of freedom, the relevant kinds of constraints are simply anything which hinders one's achievement of a certain state. That is, freedom is the absence of some constraints on the attainment of some ends.

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[10] See, Michael Garnett, "Unity and Disunity in the Positive Tradition," in *Positive Freedom: Past, Present, and Future*, ed. John Christman (Cambridge: Cambridge University Press, 2022), 8–27.
[11] See, Nelson, "Liberty."
[12] Thomas Hill Green, *Lectures on the Principles of Political Obligation and Other Writings*, ed. Paul Harris and John Morrow (Cambridge: Cambridge University Press, 1986), 241.
[13] Ibid., 228.
[14] Ibid., 229.
[15] Bernard Bosanquet, *Philosophical Theory of the State* (Kitchener, Ontario: Batoche Books, 2001), 95.

Note that in both conceptions, freedom is both *a freedom to* and *a freedom from*.[16] Freedom is positive, because it is about doing (driving) or achieving something (self-realization) but freedom is also negative, because it involves being free from something (others' intervention, one's own desires, lack of will). Therefore, I will not use the terms 'negative freedom' or 'positive freedom' since any conception that makes a distinction between unfreedom and mere inabilities can be simultaneously interpreted as a conception of negative and positive freedom.

2.3. Defining the All-Inclusive View

Unlike the causality, the responsibility or the intentionality theorists, some argue that there should not be any distinction between unfreedoms and mere inabilities. All inabilities, they argue, are unfreedoms – in other words, the terms 'inability' and 'unfreedom' should be used interchangeably. Call this *the all-inclusive view*. My use of this term needs qualifying, because inclusiveness might pertain to the sources of obstacles (other-imposed, self-imposed, natural), the kinds of obstacles (physical or mental), or the ways the obstacles obstruct (preventive or coercive, that is, whether they make a person's performing an action impossible or difficult). I am only interested in whether the sources of obstacles are relevant for the ascription of unfreedom.

One the one hand, some all-inclusive theorists seem to argue that any kind of obstacle, irrespective of its source or the way it hinders one actions, produces unfreedom. On their view, freedom is ability in the sense that a person is free to φ if and only if she is able to φ and a person is unfree to φ if and only if she is unable to φ.[17] The question 'are you free to do x?' is equivalent to the question 'will you do x if you try?' That is to say, ability is freedom, and inability is unfreedom. Here I use the word *is* in the sense of *is of identity*, rather than in the sense of *is of predication*.[18] What I mean is that, *freedom is the same thing as ability* and *unfreedom is the same thing as inability*.

On the other hand, one of the major all-inclusive theorists, namely Philippe Van Parijs argues that only a subgroup of one's desires can be classified as unfreedom-producing obstacles: "For a desire to restrict a person's real freedom, it is not sufficient that it should not have been chosen by her. It must also be such that the person could not (sufficiently easily) get

[16] See, Ian Carter, *La libertà eguale* (Milan: Campi Del Sapere, 2005), 26-8.
[17] Amartya Sen, *Inequality Reexamined*, Russell Sage Foundation Books (Oxford University Press, 1992); Garnett, "Ignorance;" Cohen, "Two Addenda To 'Freedom and Money;'" Côté, "Weakness of Will."
[18] Derek Parfit, *On What Matters: Volume Three* (Oxford: Oxford University Press, 2017), 66.

rid of it, if only she wanted to."[19] The quote suggests that according to Van Parijs, whereas all physical obstacles make one unfree, only a subgroup of mental obstacles produce unfreedom. For a mental obstacle to produce unfreedom, it must be imposed on a person by other agents or nature, and it must be difficult for her to resist or remove it. But it is not clear what *sufficiently easily* refers to and Van Parijs does not explicitly explain why only a subgroup of desires, irrespective of their sources, produces unfreedom.

Since I am only interested in the sources of unfreedom, for my purposes, all-inclusive theorists' position on whether the unfreedom-producing obstacles are physical or mental, or whether obstacles should be preventive or coercive is irrelevant. By using the term all-inclusive view, I am referring to any conception of freedom which holds that the sources of unfreedom-producing obstacles (whatever they are) are irrelevant. In other words, *inclusiveness in the all-inclusive view pertains only to the sources of obstacles*. What I am focusing on is whether we should make a distinction between obstacles caused by others (unfreedoms) and those caused by oneself or nature (mere inabilities). For example, suppose that any obstacle which prevents a person's actions are taken to be the unfreedom-producing obstacles. In that case, according to the all-inclusive view, she is unfree to φ when she is prevented, and the source of this prevention is irrelevant. It does not matter whether the prevention is imposed by other agents, oneself, or nature.

> ***The all-inclusive view of freedom***: One is free to φ if and only if one is able to φ; and one is unfree to φ if and only if one is unable to φ.

The all-inclusive view can also be cashed out in terms of the term *power*. That is, we can also say that a person is free to φ iff she has the power to φ and the she is unfree to φ iff she lacks the power to φ. This view is perfectly summarized by John Dewey, who argued that liberty is

> power, effective power to do specific things (…) If one wants to know what the condition of liberty is at a given time, one has to examine what persons *can* do and what they *cannot* do. The moment one examines the question from the standpoint of effective action, it becomes evident that the demand for liberty is a demand for power.[20]

[19] Van Parijs, *Real Freedom for All*, 24.
[20] John Dewey, "Liberty and Social Control," in *John Dewey: The Later Works, Volume 11: 1935-37*, ed. Jo Ann Boydston, vol. 11 (Carbondale and Edwardsville: Southern Illinois University Press, 1987), 360–63, 360.

But for the sake of simplicity, I will refer to the abovementioned definition of the all-inclusive view of freedom in terms of ability. For my purposes, whether the terms ‘ability’ and ‘power’ refer to the same idea is irrelevant.[21]

Since the all-inclusive view holds that freedom is ability and unfreedom is inability, its proponents should clarify what ability is. For example, those who define freedom as ‘non-prevention,’ ‘non-interference,’ or ‘non-domination,’ take great pains to define the terms ‘prevention,’ ‘interference,’ or ‘domination,’ respectively.[22] Similarly, one would expect that the all-inclusive theorists explicitly define ability since this term is doing the real job in the definition of freedom. However, they have not engaged with the literature on ability, nor have they explicitly endorsed a specific conception of ability. In this respect, the conception of freedom they defend is not satisfactory, because they do not really tell us what freedom is.

There are many conceptions of ability but the one I used as an example above is arguably the most prominent one, namely *the simple conditional analysis of ability*, which has the following form: *A* has the ability to do x iff *A* would do x if *A* tried to do x.[23] But the conditional analysis comes with its problems. Some criticize it by arguing that it ascribes ability to one to do x even when a person has a pathological aversion to x. It is logically possible for a person to take a red candy from a bowl of candies offered to her, but because she has a pathological aversion to red candy, she cannot bring herself to take it. Nevertheless, according to conditional analysis, she has the ability to take a red candy because “[i]t is logically consistent to suppose that if [she] had chosen to take the red sugar ball, [she] would have taken one.”[24] Alternatives to conditional analysis include versions of *modal* and *dispositional* analysis. And one of the most recent and interesting accounts of ability is suggested by David Lewis in his outline of a paper in 2000, a paper he could not finish due to his death in the following year. According to Lewis, “S is able to A if and only if there are no obstacles to their A-ing, where an obstacle is a ‘robust preventer’: something that would (or does) cause S not to

[21] For the ability concept of power, see Morriss, *Power*.
[22] For prevention see, Hillel Steiner, “Individual Liberty,” *Proceedings of the Aristotelian Society* 75 (1974): 33–50; Ian Carter, “The Measurement of Pure Negative Freedom,” *Political Studies* 40, no. 1 (1992): 38–50; Steiner, *An Essay on Rights*, 11-4. For interference, see Oppenheim, *Dimensions of Freedom*, 72-81; Felix E. Oppenheim, *Political Concepts: A Reconstruction* (Chicago: Univ of Chicago Press, 1981), 55-9. For domination see, Pettit, *Republicanism*, 52-66; Frank Lovett, *A General Theory of Domination and Justice* (Oxford: Oxford University Press, 2010), 25-123; Frank Lovett, “What Counts as Arbitrary Power?,” *Journal of Political Power* 5, no. 1 (April 1, 2012): 137–52.
[23] John Maier, “Abilities,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2021st ed. (Metaphysics Research Lab, Stanford University, 2021), https://plato.stanford.edu/archives/sum2021/entries/abilities/.
[24] Keith Lehrer, “Cans without Ifs,” *Analysis* 29, no. 1 (1968): 29–32, 32.

A, and which 'wouldn't go away if things were just a little different.'"[25] On this account, "our ambivalence about whether or not S is able to A in a range of cases (e.g., where S lacks the skill to A) is due to our ambivalence about whether or not to count removable obstacles as obstacles to A-ing."[26] Because the all-inclusive theorists do not endorse any specific conception of ability, the sake of simplicity, I will assume that they endorse the simple conditional analysis of ability.

The all-inclusive theorists defend their view – reject the distinction between unfreedoms and mere inabilities – by providing three lines of arguments against the causality view.[27] Firstly, the all-inclusive theorists claim that ordinary speakers mostly use 'ability' and 'freedom' interchangeably, therefore, their conception of freedom is not counterintuitive. Secondly, they argue that this distinction between unfreedoms and mere inabilities has many counterintuitive implications since it implies that mere inabilities are irrelevant for political philosophy Thirdly, they argue that the causality view does not have any morally relevant reason for making this distinction hence we do not any (good) reason to endorse it.

2.4. Freedom and Ability

The first line of argument of the all-inclusive theorists is based on our ordinary language practices. For example, Cohen claims that as ordinary speakers we do not make a distinction between inabilities based on their sources and also describe those inabilities which are not caused by others' prevention as unfreedom. Given that all-inclusive view of freedom is more in line with our ordinary language practices, it is superior to those conceptions of freedom that makes a distinction between unfreedoms and mere inabilities. Indeed, in daily conversations, people sometimes use the words 'freedom' and 'ability' interchangeably. And one of the reasons behind the disagreements over the concept of freedom is that our usage of the word 'freedom,' thereby our intuitions about freedom, are not consistent with one another, because we take various things as preventing conditions depending on the context. This inconsistency, naturally, also influences philosophers in their conceptualizations. Therefore, a conceptual analysis is wanting to avoid miscommunication.

[25] David K. Lewis, "Outline of 'Nihil Obstat: An Analysis of Ability,'" *The Monist* 103, no. 3 (July 1, 2020): 241–44.
[26] Helen Beebee, Maria Svedberg, and Ann Whittle, "Nihil Obstat: Lewis's Compatibilist Account of Abilities," *The Monist* 103, no. 3 (July 1, 2020): 245–61, 246.
[27] Michael Garnett argues that if we want to measure one's overall freedom, we have to endorse the all-inclusive view because otherwise, we would not be able to resolve the measurement problems. I discuss his arguments in chapter 7.

Terms are words which have semantic meanings and are used to express concepts. Since some words lack a semantic meaning (e.g., 'and,' 'but,' 'either,' 'neither,' 'either,' 'or'), not every word is a term. Terms (or words-with-semantic-meanings) are "symbols that we use to refer to concepts" and concepts "are basic ideas that give sense to a term."[28] Because one-to-one relationships between terms and concepts are not always possible, it is important not to confuse terms with concepts. 'Freedom' and 'liberty' each are a word as well as a term that refers to the same concept. Moreover, the same term might refer to more than one concept. The term 'freedom,' for example, refers to many concepts. One term may represent various concepts depending on the context and / or the user. In such cases, we would have a verbal dispute – a dispute which can be resolved by asking the users to clarify what they meant. Verbal disputes, however, are not of philosophical importance, because terms are just symbols or labels for concepts and it is philosophically (though not politically) unimportant to fight over labels.

That is being said, capturing all definitions of freedom in ordinary language is not the most important virtue of a conception of freedom. It is not necessary that the term 'freedom' should include all the meanings of the word 'freedom' in its extensions. But it should include most widespread meanings of this word. If the term 'freedom' does not cover the major meanings of the word 'freedom,' it is unlikely that our proposed term will be accepted by our targeted group. Below I quote all the definitions, except obsolete and rare ones, of *ability* and *freedom* from the Oxford English Dictionary. My goal is to see which meanings of these words are included in the extensions of different conceptions of freedom.[29] (see, Figure 2).

Ability (noun)
2. The quality in a person or thing which makes an action possible; suitable or sufficient power or proficiency; capability, capacity *to* do something.
3. A natural faculty; a particular power of the body or mind; a personal talent or skill.
6. Mental power or capacity; cleverness, astuteness. In later use also: academic aptitude.
7. Law. Power or authority to do a thing of legal validity; capacity in law; legal competency.

Freedom (noun)
1. The state or fact of being free from servitude, constraint, inhibition, etc.; liberty.
   a. Exemption or release from slavery or imprisonment
   b. *figurative*. Liberation from the bondage or dominating influence of sin, spiritual servitude, worldly ties, etc.
   c. Exemption or release from the obligations of a contractual agreement; *spec*. release from a marriage, divorce.

[28] Morriss, *Power*, 202; Olsthoorn, "Conceptual Analysis," 155.
[29] Oxford English Dictionary OED, "Ability," in *OED Online* (Oxford University Press, n.d.), http://www.oed.com/view/Entry/313; Oxford English Dictionary OED, "Freedom," in *OED Online* (Oxford University Press, n.d.), http://www.oed.com/view/Entry/74395.

3. The state or fact of not being subject to despotic or autocratic control, or to a foreign power; civil liberty; independence.
4. [Ability to act].
    a. The state of being able to act without hindrance or restraint; liberty of action. Frequently with *to* and infinitive.
    b. As a count noun: a particular type of freedom (sense 4a), esp. when regarded as a right; a civil liberty. Usually in *plural*.
5. The fact of not being controlled by or subject to fate; the power of self-determination attributed to the will.
7. The state of being free *from* a defect, encumbrance, disadvantage, etc.
8. Frankness, openness, familiarity (in conversation or social interaction); outspokenness; (occasionally) an instance of this.
9. Facility or ease in action or activity; absence of encumbrance or hindrance.
10. Boldness or vigour in conception or execution, esp. of a literary or other artistic work; the fact of not strictly observing conventions of style or form.
13.Exemption, immunity, privilege.
    a. Exemption from a service, obligation, charge, or duty; the state of being so exempted; an instance of this; an immunity, a privilege
    b. Immunity, exemption, or privilege possessed by a city, corporation, etc.; an instance of this.
14. The right to participate
    a. The right of participating in the privileges attached to membership of a guild, company, etc.; (also) the liberty or right to practise a trade.
    b. The right of participating in the privileges attached to citizenship of a town or city (in later use chiefly as an honour conferred upon an eminent or distinguished person).
15. In extended use: unrestricted use of or access to something; the free run *of* a place.

First, let us take a look at those definitions that are *only* accepted by the all-inclusive view. Definitions F_5, F_{14} and A_7, and F_{15} refer to self-mastery, a right to certain privileges (in virtue of being a member of some group) or use of something. F_{1b} construes things such as sin or religious obligations as relevant constrains on one's freedom. A_2, A_3, and A_6 refer to ability as one's inherent characteristic (faculty, quality, power, capacity) to φ. These meanings are in line with the meaning Morriss attributes to the term 'ability.' According to him, ability is the power "which can be exercised at will."[30] Ability, unlike a mere dispositional power, involves "an act of will, a choice or a decision [hence] abilities are conditional dispositional properties that depend on the actor activating them."[31]

F_8 and F_{10} refer to 'freedom from social or professional norms' in the sense that a person is free when she does not hesitate to violate the accepted standards of social interaction or artistic work. These definitions suggest desire-based (or will-based) conceptions of freedom, because they construe a person's desire (or lack of willpower) to break the relevant norms as a constraint on her freedom. Also, they are conceptions of normative freedom since they usually imply that she is morally or legally *allowed* to break a norm or a convention in specific circumstances. Under F_8, OED the editors provide the following sentence as an example: "He

[30] Morriss, *Power*, 25.
[31] Ibid.

scarcely needed to assure Lake that despite the freedom of his criticism, he would if possible 'contribute personally in forwarding any plan.'"[32] The sentence implies that Lake is allowed to criticize him. Therefore, Lake will not be punished for the criticism.

F_7 does not even presuppose the existence of other agents. It simply describes a person's or a thing's freedom from certain characteristics, shortcomings, and urges. For instance, one example under F_7 given by OED editors is about an agent's 'freedom from bias.' "This collection is that of editors, critics, and writers of fiction, whose combined opinion insures catholicity of taste and *freedom from* bias."[33] Here there is no reference to the second agent; it is all about the freedom of the agent herself from some (negative) characteristic. This definition also refers to freedom of things: "The tree is selected, first, for straightness, second, smoothness, third, *freedom from* knots or limbs."[34] Again, there is no talk of any agent; it is about a tree and its freedom from certain characteristic or shortcoming, which is not necessarily the result of the conduct of some agent(s).

Second, let us look at those definitions that are accepted by the all-inclusive view, the causality view, and probably also by the responsibility and the intentionality views. Clearly, F_{1a} and F_3 refer to a person's freedom from an intervention or a prevention by other agent(s). F_{1c} and F_{13} seemingly refer to the lack of certain legal obligations towards other agents or agencies. If we understand the 'lack of legal obligations' in the previous sentence as 'the absence of an interference or a prevention,' then the relevant constrains are the obstacles imposed by others.[35] Most importantly, these definitions do not, at least explicitly, presuppose a person's ability to φ; they only focus on the absence of other-imposed constraints without mentioning her ability to perform those actions (if there are any action to perform). However, other two definitions – F_{4a} and F_9 – presuppose a person's ability (as understood in A_2, A_3, and A_6) to φ in order to ascribe her the freedom to φ.[36] According to these definitions, ability is a necessary condition for one's freedom. Thus, F_{4a} and F_9 perceive freedom to φ as the ability to φ *and* the lack of humanly imposed constraints on the performance of those actions (these two

[32] OED, "Freedom."
[33] OED, "Freedom."
[34] Ibid.
[35] Note that F_{1c} and F_{13} might also refer to the lack of *normative* obligations. In that case, they are conceptions of normative freedom, hence, are not compatible with the causality view.
[36] Some instances of F_{4b} complicates the matter because it also includes civil liberties – that is, positive rights to certain things. One example given by the OED editors is the following: "In the future days (…) we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression... The second is freedom of every person to worship God in his own way... The third is freedom from want... The fourth is freedom from fear." While F. D. Roosevelt's first and second freedoms can be interpreted as the absence of interference to a person's speech or religious practice, the third freedom refers to certain positive rights such as the right to basic or decent income and the fourth freedom treats desires or feelings as relevant factors for the assessment of a person's freedom. Hence the last two meanings of freedom are irrelevant for the current debate.

definitions are accepted by the causality theorists such as Matthew Kramer who endorses an ability-based trivalent conception of freedom).

The all-inclusive view captures some instances of (un)freedom that are not captured by the other views. But, as mentioned before, perfect compatibility of a *conception* of freedom with the ordinary usage of the *word* freedom is not the most important goal in conceptualization. After all, in social and political philosophy, as in other disciples, we work with specialized language which "represents an artificial creation because it is self-consciously constructed to express meanings and definitions as precisely as possible."[37]

Ordinary speakers sometimes treat the terms 'ability' and 'freedom' differently: it makes perfect sense to say that someone is *free but unable* to do something. Interestingly, in his previous writings Cohen also makes a distinction between mere inability and unfreedom. He sees 'unfreedom' and 'incapacity' as "similar … but also rather different" terms.[38] In another occasion, he writes that "I may be unable to do something not because I am unfree to, but because I lack the relevant capacity. Thus, I am no doubt free to swim across the English Channel, but I am nevertheless unable to."[39] These quoted claims would make sense for an ordinary speaker, because our way of speaking about freedom and ability is not consistent. Therefore, only looking at our ordinary language practices is not sufficient in conceptual analysis. Hence, the fact that the all-inclusive view captures more definitions of freedom is not a strong argument in favor of it.

2.5. Ideological Worries of All-inclusive Theorists

The second line of argument of the all-inclusive theorists is that the distinction between unfreedoms and mere inabilities favors one ideology (classic liberalism) over the others. Since this ideology has counterintuitive implications, the distinction itself should be rejected.

As discussed in the previous chapter, Gerald Cohen believes that the distinction between unfreedoms and mere inabilities is an ideological tool invented by right-wing theorists to discredit the rightful demands of the poor. Although he accepted the distinction in his previous writings, later he changed his position by claiming that "[l]ack of ability is … sufficient for unfreedom," and that "the contrast between means and ability, on the one hand,

[37] Wolin, *Politics and Vision*, 12.
[38] G. A. Cohen, "Capitalism, Freedom, and the Proletarian," in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton: Princeton University Press, 2011), 147–65, 157.
[39] G. A. Cohen, "Illusions about Private Property and Freedom," in *Issues in Marxist Philosophy: Moral Philosophy and Human Nature v. 4*, ed. John Mepham and David-Hillel Ruben (Branch Line, 1981), 223–42, 223.

and freedom on the other, is a right-wing myth."[40] So, Cohen suspects that an acceptance of this distinction plays into the hands of right-wing theorists. Thus, he defines freedom as ability for ideological purposes. But what Cohen does is not different from the tactics of his right-wing opponents whom he accuses of trying to portray mere inabilities as politically irrelevant. In this sense, his claim that freedom is ability is, in the words of Keith Dowding, an "ideological move that tries to win dispute by sleight of hand."[41]

Other all-inclusive theorists also seem to share this ideological worry. For example, Michael Garnett believes that the distinction between unfreedoms and mere inabilities does not describe many inabilities of disabled people as their unfreedoms. This position, Garnett continues, might imply that "natural limitations of options, such as those faced by the physically disabled, are in themselves *irrelevant* to political theory."[42] To be fair, Garnett does not argue that any causality theorist is subscribed to this position. In fact, he does not cite anyone who endorses this position. He only claims that unless one holds that mere inabilities are irrelevant for political philosophy, one does not have any morally relevant reason for making a distinction between unfreedoms and mere inabilities.

A somewhat similar charge is made by Peter Morriss. He argues that the causality theorists defend the *Primacy of Freedom Thesis*, according to which, a person's being unfree to φ is more important that her being unable to φ. Based on this assumption, Morriss claims that if we endorse the causality view of freedom, we should conclude that when you are trapped in a cave, the reason behind your inability to leave the cave is irrelevant for a passer-by farmer. The causality view, according to Morriss, implies that "if there is any sort of an obligation to rescue you (…) it should be in response to your inability, not your unfreedom."[43] However, Morriss' assumption and conclusion are wrong. That is because the Primacy of Freedom Thesis is not conceptually tied to the causality view's claim that unfreedoms and mere inabilities should be distinguished. A causality theorist can perfectly remain agnostic on the moral obligations we owe to one another or the relative importance of unfreedoms and mere inabilities. In fact, no causality theorist Morriss discusses has endorsed the Primacy of Freedom Thesis.

Similarly, Philippe van Parijs argues that a distinction between unfreedoms and mere inabilities implies the distinction "between what I may and what I can, between prohibitions

[40] Cohen, "Two Addenda," 196-7.
[41] Dowding, "Why Should We Care about the Definition of Power?," 121.
[42] Garnett, "Ignorance," 445 emphasis added. I use *political theory* and *political philosophy* as well as *political theorists* and *political philosophers* interchangeably.
[43] Morriss, "What Is Freedom If It Is Not Power?," 4. See also, Peter Morriss, "Power and Liberalism," in *The SAGE Handbook of Power*, ed. Stewart R. Clegg and Mark Haugaard (SAGE Publications Ltd, 2009), 54–68.

and incapacities," which, in turn, implies that political philosophy should be concerned with "*may*s" rather than "*can*s."[44] In other words, he argues, those who endorse the distinction between unfreedoms and mere inabilities suggest that political philosophy should focus on the distribution of unfreedoms and ignore mere inabilities. He goes on to argue that "[i]t is plainly wrong to assert that because an institutional set-up is a system of permissions, abilities are *irrelevant* to the task of determining which set-up has the most favourable impact on opportunity-sets."[45]

These criticisms by Cohen, Garnett, Morriss, and Van Parijs are unwarranted. Introducing a distinction between mere inabilities and unfreedoms *does not entail* that:

a. mere inabilities (self-inflicted and natural inabilities) are politically irrelevant or;
b. mere inabilities (self-inflicted and natural inabilities) are politically less important than unfreedoms (other-inflicted inabilities).

Let us suppose with the all-inclusive theorists that indeed some right-wing theorists draws *a conceptual distinction* between unfreedoms and mere inabilities in order to argue or imply that the latter is politically irrelevant. In other words, suppose that these theorists try to win an ideological battle by making a conceptual point. Should we, as a response, reject this conceptual distinction and argue that all unfreedoms are inabilities?

Consider this analogy. Suppose that the same right-wing theorists rely on the tripartite distinction between *natural death*, *suicide*, and *homicide* to argue that only homicide is politically relevant. That is, they claim that death is politically relevant only when other agents are causally responsible for it. Therefore, they conclude, there should not be any state policy that intends to reduce the number of natural deaths or suicides. An appropriate response to this conclusion would not be to reject the abovementioned tripartite distinction. Rather, we would say that this distinction about death is conceptual and it does not tell us what the state should do. Similarly, instead of rejecting a distinction between unfreedoms and mere inabilities, we should point out that this distinction about inabilities is conceptual and does not say which set of inabilities are politically relevant. The normative conclusion the right-wing theorists derives *purely* from this conceptual distinction is invalid. Hence the criticism of the distinction between unfreedoms and mere inabilities by the all-inclusive theorists is unwarranted, because it is based on an invalid claim of right-wing theorists.

[44] Van Parijs, *Real Freedom for All*, 23.
[45] Ibid., 23-24 emphasis added.

Furthermore, we do not need to say that limitations faced by disabled people are irrelevant in political theory. All we need to claim is that natural or purely internal obstacles do not make the disabled person *unfree*. This position may only be problematic if one presumes that the concept of freedom – and, indirectly, any principle built on this concept – is the most important concept in normative political theory. I think the all-inclusive theorists share this presumption. But this presumption is wrong, because freedom is not the only concept relevant for political philosophy. One can claim that justice demands us to compensate those who are disabled because, for example, luck is morally irrelevant;[46] or that we have a duty to enable individuals to participate in democratic decision-making procedures;[47] or that we should maximize primary social goods of the least well-off;[48] or that domination is a bad which should be minimized and that this requires state assistance to the disabled.[49] My point is that limitations faced by disabled people are relevant for political theory for a number of reasons. The concept of freedom should not and cannot possibly account for all the bad things that can happen to a person. That is because freedom "does not mean all good things or the absence of all evils."[50] Such a view would over-stretch the concept and make it less useful due to its ambiguity and vagueness.

Most importantly, accepting the distinction between unfreedoms and mere inabilities does not mean that *all limitations* faced by people due to their disability are mere inabilities. Other individuals are causally responsible in virtue of their actions for *some* of the inabilities of disabled people. Suppose that a student in a wheelchair is unable to attend a lecture, because the staircase is designed by the architect for able-bodied individuals. This does not necessarily mean that the architect intentionally designed the stairs to impede the access of disabled people to other floors. However, the stairs were designed on the assumption that humans generally possess certain abilities and that those abilities are sufficient for them to use the infrastructure. That assumption does not take the abilities of disabled people into account. For example, usually step height in the staircase is around 20 cm but if this figure becomes 50 cm, many able-bodied individuals (elderly and children) would also be unable to use the stairs. The architect is causally responsible in virtue of her actions for inabilities of those who are unable

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[46] Ronald Dworkin, "What Is Equality? Part 2: Equality of Resources," *Philosophy & Public Affairs* 10, no. 4 (1981): 283–345; G. A. Cohen, "On the Currency of Egalitarian Justice," in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton, N.J: Princeton University Press, 2011), 3–43.
[47] Richard J. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 56, no. 1 (1989): 77–93.
[48]John Rawls, *A Theory of Justice*, Expanded edition (Belknap Press, Harvard University Press, 1999).
[49] Pettit, *On the People's Terms*, 86.
[50] Hayek, *The Constitution of Liberty*, 86.

to use the infrastructure she has designed. This means that the student's inabilities other-inflicted, which also means that those inabilities are unfreedoms, say, under bivalent social freedom. Thus, by accepting the distinction between unfreedoms and mere inabilities, we can still ascribe unfreedom to the student.

My point is that some inabilities of disabled people are unfreedoms. But this conclusion does not imply that only unfreedoms are politically relevant. Based on one's normative views, one may believe that *some* unfreedoms and *some* inabilities are politically relevant and / or more important than the others. Rejecting the distinction between unfreedoms and mere inabilities in order to claim that certain (or all) inabilities are politically relevant is an ideological trick, or, to borrow from Cohen himself, an attempt "to pull a normative rabbit out of a conceptual hat."[51] Instead, what all-inclusive theorists owe us is *an independent argument* for the principle that certain (or all) inabilities are politically relevant and that governments should interfere in favor of those who suffer from those inabilities.

2.6. Defending a Distinction Between Unfreedoms and Inabilities

The claim that other-inflicted inabilities are morally different from self-inflicted and natural inabilities does not mean that we have to endorse *the distinction* between unfreedoms and mere inabilities endorsed by the causality view of freedom. Indeed, in chapter 5, I argue in favor of this claim. However, for the sake of argument, here I only argue in favor of *a distinction* (endorsed by any responsibility or intentionality view theorists) between unfreedoms and mere inabilities. I do not specify exactly what it means to say that an inability is other-inflicted: it might mean that the inability in question is causally or morally attributable to the conduct of other agents. It might also mean that other-inflicted inabilities are those that are intentionally brought about by the conduct of other agents. My goal is to formulate a debate between the causality, the responsibility, and the intentionality views, on the one hand, and the all-inclusive view, on the other. If one accepts my claim that other-inflicted inabilities are morally different from natural and self-inflicted inabilities, one can endorse any one of the following views: the causality, the responsibility, or the intentionality.

Saying that not all inabilities are unfreedoms whereas all unfreedoms are inabilities means that we should describe the same result by different terms. When a person is unable to run due to a natural obstacle, her inability is only an inability but when she is unable to run due

[51] Cohen, *Self-Ownership, Freedom, and Equality*, 212.

to an other-imposed obstacle, her inability is her unfreedom. Although this might seem counterintuitive, it is not unusual to describe the same result by different terms. When someone dies of natural causes (heart disease), her death is a *natural death*; when she intentionally kills herself, her death is a *suicide*; when others kill her, her death is a *homicide*.[52] We further describe various forms of homicide with different terms such as *manslaughter* and *murder*, depending on the intention of the killer.[53]

My point is that although the end result is the same (death) in all cases, when someone dies due to the conduct of other people, we – ordinary speakers and lawyers alike – make a distinction in our language. We feel the need to describe different forms of death with different terms. Also, when we make this terminological distinction, we are not necessarily motivated by our beliefs that some forms of death are legally or morally unjustified. The tripartite distinction between natural death, suicide, and homicide does not perfectly track our moral beliefs or legal rules. Some cases of homicide can be seen as morally or legally justified (especially when the killing is done in self-defense) whereas some cases of natural death and suicide can be seen as morally or legally unjustified. We might believe that a society where young people die from preventable illnesses should be condemned or the state might declare that when a young person dies of, say, obesity, others (personal doctors, local rulers, shop owners, parents) can be held legally responsible on the grounds that they failed to fulfill their obligations, i.e., paternalistically interfering with the late person's choices. Similarly, we might believe that individuals do not have a moral right to take their own life (especially, when they have children or vulnerable family members) or the state might declare suicide unlawful (as some countries like Gambia, Sudan, Uganda, Lebanon, Pakistan, and Cyprus have done).

This analogy aims to show that the same result can be described by different terms depending on the presence and absence of human interference. In that respect, describing inabilities with a different term when they are attributable to the conduct of other agents is not something extraordinary. The all-inclusive view fails to recognize the morally relevant importance of other-inflicted inabilities. If the distinction between unfreedoms and mere inabilities, in the words of Cohen, is a right-wing myth, then what kind of myth is the distinction between natural death and homicide? Saying that freedom is ability and unfreedom is inability is similar to saying that the concepts of 'homicide' and 'natural death' should be abandoned in

[52] Oxford English Dictionary OED, "Homicide," in *OED Online* (Oxford University Press, n.d.), http://www.oed.com/view/Entry/87957.

[53] Oxford English Dictionary OED, "Murder," in *OED Online* (Oxford University Press, n.d.), http://www.oed.com/view/Entry/123858; Oxford English Dictionary OED, "Manslaughter," in *OED Online* (Oxford University Press, n.d.), https://www.oed.com/view/Entry/113660.

favor of the concept of 'death,' because any classification of death in terms of its causes is unnecessary or unacceptable. But this is not an appealing view at all.

We already have a term, namely, 'ability' to describe the phenomenon the all-inclusive view aims to describe by using the term 'freedom.' Instead of using these two terms interchangeably, I believe that it makes more sense to use the term 'freedom' to express the concept of, say, 'being prevented by other agents.' Whereas ability is a phenomenon consisting in a relation between an agent and a certain φ-ing, freedom is a phenomenon consisting in a relation between an agent and someone else. In other words, whereas ability is a relation between an agent and nature, freedom is a relation between an agent and other persons. Given that social relations among persons is especially important for social and political philosophy, I think it is desirable to have a term, namely 'unfreedom,' that refers to inabilities brought about by the conduct of other persons.

To be clear, I do not claim that unfreedoms are *more important* than mere inabilities. Saying that unfreedoms are more important than mere inabilities seem to mean that our obligation to compensate or help a person who is unfree to φ is stronger than our obligation to compensate or help a person who is merely unable to φ. Indeed, this seems to be the view of Peter Morriss (see my discussion of the Primacy of Freedom Thesis in section 2.5). However, I do not share this view because this *normative claim* does not follow from my *conceptual claim* that unfreedoms and mere inabilities should be distinguished. Depending on one's moral views or political ideology, one can believe that we, say, have stronger obligations towards to compensate *certain types of inabilities* (whether or not they are caused by other persons) or we have stronger obligations to help *certain types of persons* (e.g., our family members, our compatriots, economically least well-off persons) weather or not their inabilities in question are caused by other persons. In this dissertation, I do not take any side in such normative debates as I am only interested in the conceptual analysis of freedom. Saying that unfreedoms are especially important for our discipline (social and political philosophy) does not mean that they are more important, at least in this sense. So, my claim is that disabilities due to the actions of other persons seem to be *morally different* (not necessarily more important) from disabilities due to Mother Nature or one's own actions. Therefore, it is better, in terms of economical usage of terms, to refer to these two phenomena with different terms.

Let me further clarify my point by looking at a similar debate concerning the concept of power. It is generally believed that 'power to' and 'power over' refer to different social facts. Whereas the former is an ability-based conception of power, the latter is a relational conception of power. We have the power to *do something* but have the power over *someone else*. Pamela

Pansardi rejects this distinction and argues that ‘power to’ and ‘power over’ refer to the same social facts. They both are *social* in the sense that every case of ‘power to’ can be interpreted in terms of one or many cases of ‘power over.’ For example, my power to buy a car also implies my power over the preferences of the car seller, that is, I need to induce the latter to sell me the car, which means that I need to exercise power over the seller. Therefore, Pansardi argues, since ‘power over’ and ‘power to’ are not as distinct as many suggest, the former is more important and we should understand power as ‘power over.’ This means that the cases of purely non-social ‘power to,’ such as my power to raise my hand, should be understood as my ability rather than my power. In other words, purely non-social ‘power to’s should be excluded from the extension of the concept of power.[54]

However, Peter Morriss argues that Pansardi’s proposed distinction is not conceptual, but a substantive one – it shows our interdependence. When we build concepts, we always ignore some aspects as irrelevant or unimportant for our purposes. In ‘power to,’ we ignore our social interdependence, because we want to make certain distinctions *that we find important*. For instance, saying that I exercise power over the car seller, as Pansardi wants us to say, would imply that this exchange is not between equals. It is true that, as Pansardi observes, my power to feed myself (as a person living in a community) implies the existence of certain social relations. Nevertheless, Morriss believes, dissolving the difference between ‘power to’ and ‘power over’ would make us blind to the fact that some individuals, under the current social, political, and economic arrangements, *do* have the power to feed themselves while the others *do not*.[55]

If we follow Morriss, we need to hold that ‘power to’ is the most important conception of power. This conception can be called ‘power as ability,’ according to which I have the power to run faster than Usain Bolt if and only if I can run faster than him. In this respect, power is ability and both terms can be used interchangeably. The suggestion made by Pansardi, on the other hand, allows us to have a clear boundary between these two terms. According to her, we should say that I have the ability to run faster than Bolt, because running is a purely non-social ‘power to.’ Suppose that I run faster than Bolt not because I am a better athlete but because I threatened him that if wins, something bad will happen to him. Bolt acceded to my threat and intentionally ran slower than me. Based on Pansardi’s distinction between power and ability, we can say that in this latter case ‘I have a power to run faster than Bolt.’ In other words, on

[54] Pamela Pansardi, “Power to and Power over: Two Distinct Concepts of Power?,” *Journal of Political Power* 5, no. 1 (2012): 73–89.
[55] Peter Morriss, “A Response to Pamela Pansardi,” *Journal of Political Power* 5, no. 1 (2012): 91–99.

Pansardi's view, when my ability to fun faster than Bolt is purely non-social (I am a better athlete), we use the term 'ability;' but when my ability to run faster than Bolt is social (I threatened him), we use the term 'power.'

Some might object that we can describe both cases in terms of ability. This objection is correct but it misses the point. We used a new term – 'power' – to describe a certain (that is, a social) form of ability to render some facts significant. The introduction of this new term is due to our need to emphasize the way I prevailed: did I run faster than Bolt because I am a better athlete or because I am a mafioso? Or, alternatively, Morriss would object that whether I am a better athlete or a mafioso, if I run faster than Bolt, we should say that 'I had the power ('power as ability') to run faster than him.' While this latter suggestion is in line with our daily usage, it treats the terms 'power' and 'ability' as synonyms.

In this debate, I am more sympathetic to Pansardi's reasoning. While Morriss suggests a definition of power which is relatively closer to our daily usage of the word, Pansardi suggests a rather stipulative definition which is not as close to our daily usage as Morriss' definition *but is useful* for political and social philosophy.[56] Pansardi's definition captures some (and arguably, morally and politically more important) instances of daily usage of the word 'power.' Her central argument is that reserving the term 'ability' for purely non-social 'power to's (understood as 'power as ability' in Morriss' terms) enables us to make a clear distinction between the concepts of power and ability.

To sum up, we have two options: we can either use the terms 'power' and 'ability' interchangeably, or we can say that 'ability' refers to purely non-social facts whereas 'power' refers to social facts. I can have the ability to do something *on my own*, without the contribution of anyone else but I can only have the power to do something when I am part of a social relation. A person's abilities are either intrapersonal (the ability to overcome her own fears of height, the ability to concentrate on her homework), or a relation between her and nature (the ability to climb a tree, the ability to tame a dog). But a person's powers are always interpersonal (the power over her employees, the power to make the lawmakers to work for her). I think the second option is better, because it emphasizes certain social facts that are especially relevant for social and political philosophy. The distinction between ability and power suggested by Pansardi is useful and should not be rejected simply because it is not perfectly in line with our daily language practices – practices that are inconsistent.

56 Pamela Pansardi, "On Abilities and Power Again: A Reply to Peter Morriss," *Journal of Political Power* 5, no. 3 (2012): 493–97, 496.

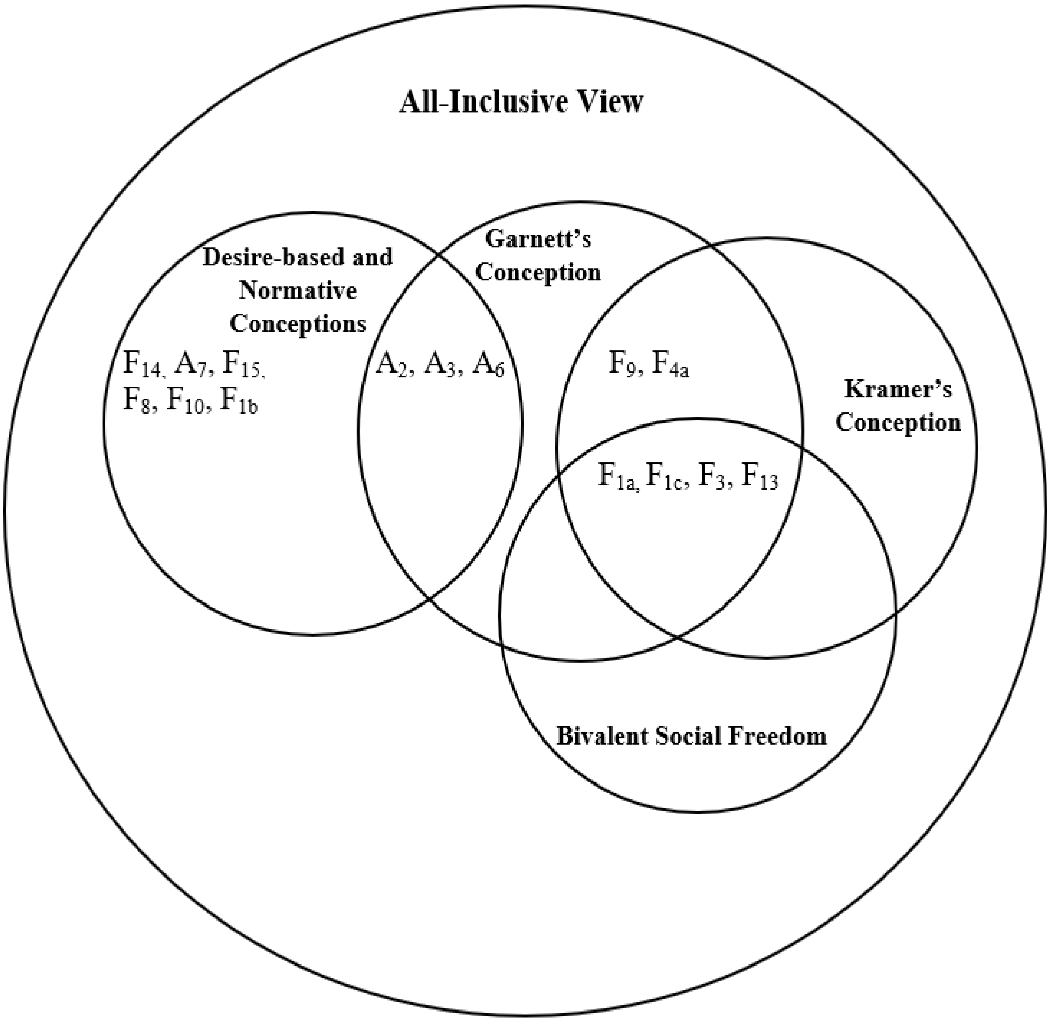
Similarly, it is better not to use (in)ability and (un)freedom interchangeably. Conceptualizing freedom in a way that allows us to make a distinction between 'inability caused by others' and 'inability caused by oneself or nature' is important. As social and political beings, we want to make a distinction between a case in which a person is simply unable to φ and a case in which she is prevented from φ-ing. (In the next section and in chapter 5, I argue that this distinction is morally relevant.) Consider the following examples:

(a) Matteo is on an isolated island called Ruritania in the middle of the Pacific Ocean. He moved to Ruritania and then destroyed his boat. He has no technological device to leave Ruritania and, as a normal human being, he cannot swim to the nearest land, which is hundreds of miles away.
(b) Everything is the same with (a) but this time the Peruvian government builds a wall around the country and declares that nobody will be allowed to enter.

In both cases, Matteo cannot enter Peru but there is a difference between (a) and (b), which is especially relevant for social and political philosophy. Whereas Matteo is *free but unable* to enter Peru in (a), he is *unable and unfree* in (b). That is because in (b), *something additional happens*: he is prevented by the Peruvian state. Although in everyday language some of us might well say that Matteo is unfree in (a) and (b), as students of social and political philosophy, we need to make a distinction between them in our conceptual analysis.

The all-inclusive view treats the relevance of ability to freedom in the wrong way. Because of the direct relation it creates between these two phenomena, Matteo can increase his freedom by developing his abilities *while everything remains the same* beyond his agency. The only thing that matters for his freedom is his abilities. The all-inclusive view is blind to the difference between (a) and (b), because it holds that in both cases Matteo is unable hence unfree to enter Peru. At best, it holds that while Matteo faces one kind of obstacle (inability to swim hundreds of miles) in (a), he faces two kinds of obstacle (inability to swim hundreds of miles and inability to climb the Peruvian border wall) in (b). Nevertheless, these two kinds of obstacle are treated as on a par, each of them is just *a kind* of unfreedom-producing obstacle. I believe this account of freedom is not suitable for social and political philosophy which aims to understand freedom as a social kind concept. Thus, I think it is not useful to treat ability and freedom as synonyms; it is better to reserve the former term for our purely agential capacities and the latter term for our relations with other humans.

Figure 2: Configuration of Definitions[57]



[57] Note that the Figure 2 differentiates conceptions of freedom only based on their positions on the first and the second dimensions of the preventing conditions. Moreover, under some normative and desire-based conceptions of freedom, other kinds of constraints can also be seen as unfreedom-producing obstacles. In order to show their distinctness and their relation to rival conceptions of freedom, I separated normative and desire-based conceptions from the rest.

3. The Causality View

3.1. Introduction

According to the causality view, a person's inability is her unfreedom if and only if the inability in question is causally attributable to the conduct of other agents. This characterization of the view is rather broad and there are many causality conceptions of freedom. Since I will defend only one of them, bivalent social freedom, let us take a look at the position of the causality view on the four dimensions of the preventing condition in order to identify all (major) causality conceptions.

On the first dimension (the kinds of constraints), the causality view holds that the relevant kinds of constraints are physical obstacles. But what kind of physical obstacles produce unfreedom? Some argue that unfreedom is prevention by other person(s): *B* is unfree to *φ* iff her *φ*-ing becomes *physically impossible* due to the conduct of someone else.[1] Others argue that unfreedom is prevention *or* interference by other person(s): along with impossibility, *difficulty* of *φ*-ing also makes a person unfree.[2] Call them *pure* and *impure causality conceptions*, respectively. I defend the former.

On the second dimension (the sources of unfreedom), the causality view holds that the relevant kinds of constraints should be caused by the conduct of other agents. But the phrase *conduct of other agents* can refer to both actions and omissions of others. Most causality theorists believe that only actions of others can be sources of unfreedom: *B* is unfree to *φ* iff her inability is due to the action(s) of *A*.[3] However, few causality theorists argue that omissions can also be sources of unfreedom: *A* renders *B* unfree to *φ* iff *A* is causally responsible for the *mere existence* of an obstacle in virtue of his action(s) or omission(s).[4] Call them *narrow* and *broad causality conception*, respectively. I defend the former.

On the third dimension (the conditions for freedom), the causality view does not have a unified approach to the effects of non-unfreedom-producing obstacles. Carter and Steiner argue that freedom and unfreedom are contradictories, which means that a person is either free or unfree with respect to all *φ*-ings (actions). When a person is not prevented, she is free to

[1] Steiner, *An Essay on Rights*; Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*.
[2] Oppenheim, *Dimensions of Freedom*.
[3] Ibid.; Steiner, *An Essay on Rights*; Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*.
[4] Connolly, *The Terms of Political Discourse*, 167.

climb the mountain whether or not she has the ability to climb.[5] Kramer argues that in the absence of unfreedom-producing constraints, one is neither free, nor unfree; one is simply *non-free* or merely unable. When a person unable to climb a mountain due to her acrophobia (mental obstacle), she is non-free. Hence, a person is free to φ iff she can φ.[6] Call them the *bivalent social freedom* and *trivalent social freedom*, respectively. I defend the former.

On the fourth dimension (the conditions for unfreedoms), the causality view also does not have a unified approach to the question of whether other-imposed obstacles make a person unfree to φ when she does not have the ability to φ. When we ascribe someone the freedom to φ, we consider whether the ascribed freedom exists at the time of our judgement and whether it will exist at the time of its being exercised: "we ordinarily regard an action as rendered impossible by another action if the latter either (i) does occur, or (ii) would occur if the former were attempted, and the latter's occurrence implies the impossibility of the former's occurrence."[7] Saying that now, at t_1, a person is free to φ at t_2 means that between t_1 and t_2 there is "at least one way (and perhaps many ways) in which" she does not face unfreedom-producing constraints.[8] If you will close the door at t_2 once she tries to leave the room at t_2, then now, at t_1, she is unfree to leave the room at t_2 and the actual occurrence of prevention is inessential in the ascription of unfreedom to her. In other words, subjunctive preventions by other persons are sources of unfreedom. The question is the following: what happens when you are disposed to prevent her leaving the room at t_2 but she is already unable to leave the room due to her natural incapacities? Is she unfree at t_1 to leave the room at t_2? Whereas Kramer holds in the absence of the ability to φ, a counterfactual prevention becomes irrelevant and the agent is described as *non-free*, Carter and Steiner seem to believe that irrespective of a person's ability to φ she is unfree to φ iff she would be prevented were she tries to φ.[9] Call them *onefold* and *twofold subjunctive interference* positions, respectively. I defend the latter.

As we can see, within the causality view, conceptions of freedom are divided in accordance with all four dimensions of the preventing condition. In this chapter, and in this dissertation, I defend only one of those conceptions. According to this conception, the relevant kinds of constraints are physical obstacles (the first dimension) that make a person's φ-ing impossible (the second dimension); a person is always either free or unfree with respect to certain φ-ing (the third dimension); when a person will be prevented from φ-ing, she is unfree

[5] Carter and Steiner, "Freedom Without Trimmings."
[6] Kramer, *The Quality of Freedom*.
[7] Steiner, *An Essay on Rights*, 9.
[8] Kramer, *The Quality of Freedom*, 77.
[9] Ibid., 303-9; Carter and Steiner, "Freedom Without Trimmings."

to φ whether or not she has the ability to φ (the fourth dimension). Call this bivalent pure causality conception of freedom or simply, *bivalent social freedom*.

One clarification is wanting. The distinction between unfreedoms and mere inabilities should not be understood as a distinction between *internal* and *external* constrains. Causality conceptions of freedom do not hold that only other-imposed *external* constraints make a person unfree. When a constraint is caused by others, whether this constraint is internal or external to the agent has nothing to do with her unfreedom. If the constraint is imposed by somebody else, regardless of its *location*, she is unfree.[10] For example, if someone breaks her legs, her inability to walk is due to the internal constrains, nevertheless, she is unfree to walk, because this constraint was imposed on her by another agent.

3.2. Bivalent Social Freedom

According to bivalent social freedom, the relevant kinds of constraint are physical obstacles that make a person's φ-ing impossible (the first dimension); the source of unfreedom is the preventive actions of other agents (the second dimension); in the presence of non-preventive obstacles, regardless of a person's ability to φ, she remains free to φ, because freedom and unfreedom are contradictories (the third dimension); when a person is unable to φ in the absence of prevention, she is unfree to φ provided that she would be prevented were she to become able and try to φ (the fourth dimension).

Let me clarify a few necessary terms. Firstly, 'prevention by other agents' or, in short, 'prevention' refers to an act of someone else that makes a person's φ-ing physically impossible to perform. Thus, by *being prevented*, I mean being unable due to a physical obstacle imposed by the act(s) of some other agent(s). Secondly, 'interference by other agents' or, in short, 'interference' refers to an act of someone else that makes a person's φ-ing difficult to perform. Thus, by *being interfered with*, I mean experiencing a difficulty to φ due to a physical obstacle imposed by the act(s) of some other agent(s). Thirdly, 'mere inability' refers to a person's inability due to any obstacle that is not imposed by the act(s) of other agent(s).

Unfreedoms and inabilities sometimes overlap; while every unfreedom is *also* an inability, not all inabilities are unfreedoms. In other words, inabilities due to preventions are also unfreedoms whereas inabilities due to any other obstacle are mere inabilities. I propose the following definitions of 'unfreedom' and 'freedom' for bivalent social freedom:

[10] Carter, *A Measure of Freedom*, 222; Kramer, *The Quality of Freedom*, 42-6.

> **Unfreedom:** One is unfree to φ iff, irrespective of whether one is able to φ or one wants to φ or one actually endeavors to φ, one is prevented from φ-ing by some action(s) of some other person(s).
>
> **Freedom:** One is free to φ iff one is not unfree to φ.

Bivalent social freedom is value-free, because its definition does not include any essentially evaluative terms. The only term that might seem to necessarily involve an evaluative connotation is 'prevention.' But prevention is not an essentially evaluative concept. It only describes a situation in which one person stops another from doing something. Saying that Jane prevents Jones from φ-ing means that she makes it impossible for Jones to φ. For example, she closes the door as a result of which he becomes unable to leave the room. We can simply observe this situation and judge that Jane made Jones unfree to leave the room, because she prevented him. In other words, prevention is a descriptive concept, thus, it is not essentially evaluative.

Below I discuss each of the four points mentioned above and defend bivalent social freedom against its rivals within the causality view. Before the discussion of each point, however, I want to emphasize that my claim is not that bivalent social freedom is the *only* true or consistent conception of freedom. Rather, as a conceptual pluralist, I hold that it is *one* of the conceptions of freedom and it is useful for *some* purposes – especially for being better at capturing the effects of prevention on one's freedom in the absence of ability, clarifying the distinction between mere inabilities and unfreedoms, and enabling proponents of rival ideologies to have a meaningful conversation on freedom (see sections 3.6. and 6.6.).

3.3. Pure and Impure Causality Conceptions of Freedom

On the first dimension of the preventing condition, all causality conceptions of freedom agree that only physical obstacles produce unfreedom. However, they disagree when it comes to *the ways* the physical constraints obstruct a person. On the one hand, pure causality conception of freedom holds that a person is unfree to φ iff her φ-ing becomes *impossible* due to prevention by others. An availability of an option is not a matter of degree, rather it is a matter of possibility and impossibility: "one either is or is not free" to φ.[11] On the other hand, impure causality conception of freedom holds that the *punishability* (*ineligibility*) of φ-ing also makes a person unfree to φ. In the words of Felix Oppenheim, "[w]ith respect to *Y*, *X* is unfree to do *x*, to the

[11] Carter, *A Measure of Freedom*, 228; cf. Kramer, *The Quality of Freedom*, 169-74.

extent that *Y* makes it either impossible or *punishable* for *X* to do *x*."[12] Whereas for the former conception the only kind of unfreedom-producing obstacles is the one that prevents a person's φ-ing, for the latter, the relevant kinds of unfreedom-producing obstacles are those that prevent a person's φ-ing or make it punishable for a person to φ.

Why should we reject the impure causality conception of freedom? The short answer is that a person can perform an action despite its being punishable. As a result, if we were to take punishment as a relevant kind of constraint, we would be endorsing the view that 'a person can do things she is unfree to do.' But this view is both misleading and unnecessary. It seems to me, indeed, that the impure causality conception of freedom tries to accommodate our intuition that when a person is punishable for her actions, her overall freedom decreases. But this intuition can be accommodated within a conception of freedom as non-prevention. Suppose that a highwayman tells you to choose your life or your money. According to pure causality conception, regardless of your decision, your *overall freedom* has been decreased. Whereas before the threat you were free to keep your money and remain alive, after the threat you cannot do both actions at the same time. That is, after the threat, one set of compossible actions (keeping money, remaining alive) is impossible to perform. Hence your overall freedom is decreased.

Let us consider another example. Imagine that Adam and Dina each has two options – (x, y). Further suppose that Victor *tries* to make it impossible for Adam to exercise the option x in any sequence. However, Victor's interference fails to prevent Adam, because he manages to overcome the interference, that is, he can perform the option x. Whereas Dina, due to the lack of interference, can exercise x or y without any resistance, Adam cannot perform this set of options *as such*, without any resistance. Adam's option set is (x-with-resistance, y). The pure causality conception of freedom properly describes Adam's situation and captures the reduction in his overall freedom.[13] Hence, there is no need to adopt an impure causality conception to say that Adam's overall freedom is decreased.

Nevertheless, a proponent of the impure causality conception may argue that although the pure causality conception accommodates our abovementioned intuition, it fails to accommodate the following intuition: when a person's performing of a certain action is interfered with, that person is unfree to perform that action. Here *interference* can be understood broadly: it may refer to (1) a punishment after the agent performed that action or

[12] Oppenheim, *Dimensions of Freedom*, 61 emphasis added.
[13] In addition, interferences such as offers and threats only change the desirability of actions but we should reject the claim that one's desires are directly relevant for one's overall freedom (Steiner 1994, 22; see my section 3.3.).

(2) a difficulty of performing an action due to someone else's physical interference with the agent's performance of that action. Let us take a look at each interpretation.

On the first interpretation, I believe that the abovementioned intuition is the result of a confusion between normative freedom and physical freedom (see, section 6.5.). For example, given that murder is illegal, a person who commits a murder is normatively unfree but physically free to kill another person. In this context, saying that 'a person is unfree to commit a murder' means that 'a person is morally and / or legally forbidden to commit a murder.' Since the pure and impure causality conceptions are conceptions of physical freedom, the abovementioned intuition seems to me inapplicable in the present context.

On the second interpretation, I must confess that I do not share this intuition as it seems strange to say that a person is unfree to do x even though she can do x. Given that we are referring, here, to physical freedom, I find the following statement counterintuitive: 'Adam did x but he was not free to do x,' unless what is meant here is 'despite the intervention by other agents, he managed to do x.' Suppose that Adam is climbing a mountain *while* Victor, grabbing Adam's legs, is pulling him down. Despite this intervention, Adam manages to climb the mountain. It seems to me strange to say that he was not free to climb the mountain. Also, prevention is not a matter of degree. To say that a person is prevented from doing x is to say that she could not do x. But intervention is a matter of degree. Victor's intervention can be more or less effective in the sense that Adam might overcome that intervention easily or laboriously. But in either case, the pure causality conception holds that Adam was unfree, period. This implication seems to me rather counterintuitive.

So, I think we should reject the impure causality conception in favor of its pure counterpart for three reasons. Firstly, we might want to accommodate our intuition that when a person is punishable for her actions, her overall freedom decreases. If that is the case, then we do not need to adopt an impure causality conception because the pure causality conception can register the effects of interventions on an agent's overall freedom. Secondly, we might have the intuition that a person is unfree with respect to a specific action when she is punishable for performing that action. This intuition is inappropriate in this context because it is based on a confusion between physical and normative freedom. This intuition is inappropriate because pure and impure causality conceptions are conceptions of physical freedom. Thirdly, we might have the intuition that a person is unfree with respect to a specific action when she is interfered with while performing that action. I think this intuition is strange and when we try to accommodate it by adopting the pure causality conception, we fail to take into account the effect of the degree of intervention on the interfered person's specific freedom.

3.4. Actions and Omissions

On the second dimension of the preventing condition, the causality view holds that when a person's inability is due to the conduct of others, she is unfree. But the *conduct* in question can be understood as actions and / or omissions. According to most causality conceptions, including bivalent social freedom, only actions of others can be sources of unfreedom. But few causality theorists argue that omissions can also be sources of unfreedom. In the debate between the narrow and the broad causality conceptions of freedom, I join the former to argue that omissions should be excluded from the category of unfreedom. Before defending this claim, however, we need to clarify what actions and omissions are.

What are omissions? By relying on Jonathan Bennett's works, Kramer argues that the major difference between actions and omissions becomes visible when we consider the possible conducts (stationary postures and movements) of person *P* to achieve an effect *E*. Since *P*'s possible conducts can be infinite, it might be impossible to make the distinction between actions and omissions. Thus, Bennett develops a metric, details of which are not relevant for us, which allows him to count possible conducts *P* can adopt. When *E* can be achieved by *P*'s action, the number of conducts open to *P* is significantly small compared to a situation in what *E* can be achieved as a result of *P*'s omission. In other words, when *E* is achieved by an action *a*, that *a* belongs to a *small* proportion of possible conducts of the total possible conducts available to *P*; but when *E* is achieved by an omission *o*, that *o* belongs to a *significantly larger* proportion of possible conducts of the total possible conducts available to *P*.[14] Whether a certain mode of conduct is an action or an omission depends on the "relation among the specified mode of conduct, other available modes of conduct, and some result(s) to which each course of conduct would or would not contribute."[15] Therefore, almost every conduct can be simultaneously described as an action and an omission. For example, when *E* is not achieved due to *P*'s omission, *P* does something else, that is, *P* performs some action which brings about *non-E*. So, *P*'s omission with respect to *E* can be described as *P*'s action with respect to *non-E*.

On the one hand, according to the broad causality conception of freedom, *B* is unfree to φ if the obstacle she faces is created by *A*; or *A* could but did not prevent its creation; or *A* could but did not remove the obstacle after it has been created. On this conception, saying that

[14] Jonathan Bennett, "'Whatever the Consequences,'" *Analysis* 26, no. 3 (1966): 83–102, 95; Jonathan Bennett, "Negation and Abstention: Two Theories of Allowing," *Ethics* 104, no. 1 (1993): 75–96, 78; Kramer, *The Quality of Freedom*, 324-6.
[15] Kramer, *The Quality of Freedom*, 326.

B is made unfree by *A*'s omission means that *A has not done anything* that brings about *B*'s inability at question. In order to ascribe *B* the unfreedom to φ due to *A*'s omission, we consider counterfactuals about *A*'s possible conducts, that is, we ask *what could A have done* to prevent the creation of an obstacle to *B*'s φ-ing or remove it. On the other hand, the narrow causality conception of freedom only agrees with the first part of the abovementioned definition: *B* is unfree to φ if and only if the obstacle she faces is created by *A*. Under this conception, omissions should be excluded from the category of unfreedom.

Why should we exclude omissions from the category of unfreedom? The short answer is that omissions radically shrink the set of mere inabilities.[16] If omissions are sources of unfreedom, we need to consider counterfactuals which are further from actuality and this leads to unmanageable speculations. That is because "[w]e are taking into account what would have happened if people had behaved differently in some respects from the ways in which they have actually behaved, and we are likewise taking into account what would have happened if various substances and materials had been employed differently."[17] This follows that counting omissions as sources of unfreedom would shrink "the domain of mere inabilities … down to that of physical and logical impossibilities," because most of our inabilities can, in principle, be overcome with the help or intervention of other people.[18]

First, saying that omissions are sources of unfreedom means that *the vast majority of our seemingly natural inabilities* are described as our unfreedoms. For example, we are unfree to visit Mars because if governments had diverted necessary resources to space travel, we would have a technology enabling us to visit Mars. Due to the omissions of governments, our seemingly natural inability to visit Mars becomes our unfreedom. We can imagine countless examples in which our mere inabilities turn out to be our unfreedoms because the fact that we are now unable to perform that action is because of some omissions – different allocations of resources – by others.

Second, saying that omissions are sources of unfreedom means that *all of our self-inflicted inabilities* are described as our unfreedoms. Similarly, when a person jumps over a cliff and break her legs, her seemingly self-inflicted inabilities become her unfreedoms. Had enough resources were allocated to monitor her actions, she would be prevented from harming herself. So, once omissions are accepted as sources of unfreedom, the tripartite distinction of obstacles in terms of their sources (other-inflicted, self-inflicted, natural), which is important

[16] Ibid., 346-56.
[17] Ibid., 347.
[18] Kristjánsson, *Social Freedom*, 68.

for all theorists of freedom drawing a distinction between unfreedoms and mere inabilities, will be replaced by a bipartite distinction (other-inflicted and natural).

Both results are counterintuitive. Therefore, I think that we should not count omissions as sources of unfreedom.

3.5. Bivalent and Trivalent Conceptions of Social Freedom

On the third dimension of the preventing condition, causality conceptions of freedom give different answers to the following question: what are the effects of non-unfreedom-producing obstacles (self-imposed and natural obstacles) on one's freedom? Causality conceptions of freedom which agree on the first and the second dimension hold different views when it comes to the third dimension. According to pure causality conception, a person is unfree when she is prevented by others. So, proponents of this conception agree on when he is unfree. However, they disagree on when she is free. On the one hand, bivalent social freedom holds that with respect to all actions, she is either free, or unfree. That is, non-unfreedom-producing obstacles leave her freedom intact. On the other hand, trivalent conception holds that when she is prevented by non-unfreedom-producing obstacles, she is neither free, or unfree; she is non-free or merely unable. I defend bivalent social freedom.

According to bivalent social freedom, freedom and unfreedom are contradictories, which means that we are always either free or unfree with respect to some φ-ing, the category of *non-free* does not exist. A person can be free albeit unable to φ.[19] Is this counterintuitive? I think not: in daily conversations it is not unusual to say that a person is free to do something she is unable to do. An athlete might say 'I cannot (I am unable to) run faster than Usain Bolt' while her coach can perfectly, and maybe to some extent sarcastically, respond 'but you are free do so, nobody is preventing you.' Bivalent social freedom allows us to make sense of such sentences, it makes it clear that it is not the case that the athlete is prevented from running faster than Bolt, but that she is simply unable to run faster than Bolt. In that respect, bivalent social freedom does not necessarily propose a change in our daily usage of the word 'freedom.' As discussed in 2.4., there are many definitions of freedom and bivalent social freedom corresponds to some of them (see, Figure 2 above).

According to trivalent freedom, explicitly defended by Kramer, there are φ-ings with respect to which a person is neither free, nor unfree. What are the implications of this

[19] Steiner, "Freedom and Bivalence."

conception? Firstly, trivalent freedom partially overlaps with the all-inclusive view, because it holds that freedom is ability: "a person is free to φ if and only of he is able to φ."[20] This means that my arguments against the all-inclusive view (especially, the argument from terminological parsimony discussed in 2.6.) can be partially applied to trivalent freedom. Second, trivalent freedom holds that in the absence of prevention by others a person cannot be unfree. What if a person is not prevented from φ-ing but does not have the ability to φ? In such cases, one is non-free or merely unable to φ.[21] Hence, we cannot say that an average person is *free but unable* to run faster than Usain Bolt. Moreover, restrictions imposed by the states do not affect the overall freedom of paralyzed parsons the same way as they affect the overall freedom of able-bodied persons. That is because, restrictions imposed on φ-ing makes a person unfree to φ or reduces her overall freedom (i.e., removes certain conjunctively exercisable liberties) if and only if the person has the ability to φ in the absence of that restriction.

Kramer believes that we should reject bivalence, because it produces counterintuitive results.[22] He argues that a technological advancement will result in the reduction of overall freedom under bivalent social freedom. Suppose that, he writes, Emily and Elmer are both unable to reach a rock at the top of the hill. They both are free to reach the rock even though they are unable to do it. Further suppose that at some later time Elmer invents a tool which enables a person to reach the rock but he does not allow Emily to use the tool. According to Kramer, since Elmer prevents Emily after the invention to use the tool, proponent of bivalent social freedom must say that while before the invention Emily was free to reach the rock, after the invention she is unfree. And this conclusion is indeed counter-intuitive, because it says that a technological advancement reduces a person's overall freedom.[23]

As it stands, the example is not very clear. We do not know the inclination of Elmer before the invention of the tool. Before the invention, was he inclined to prevent Emily, irrespective of her abilities, were she to try to climb the rock? The next subsection will address this question. For now, it is sufficient to note that Kramer's analysis is mistaken. When Elmer prevents Emily from using the tool, Emily is free and unable to climb the hill "with the sole aid of her own limbs both before *and* after Elmer's invention."[24] What changes after the invention is that Emily becomes unfree to climb the hill *by using* Elmer's tool. So, under bivalent social freedom, a technological advancement, even if Elmer prevents Emily from

[20] Kramer, *The Quality of Freedom,* 3.
[21] Ibid., 41-2.
[22] Kramer's major concern is that bivalent social freedom is inappropriate for the purposes of measurement since it leads to the conclusion that everyone has an infinite number of freedoms. I address this worry in chapter 7.
[23] Ibid., 219-22.
[24] Carter and Steiner, "Freedom Without Trimmings," 252, n35.

using the tool, has no effect on Emily's specific freedom to climb the rock with the help of her own limbs alone.

Some might object that according to bivalent theorists such as Hillel Steiner, in measuring a person's overall freedom we should take into consideration her freedoms and unfreedoms. Steiner's original formula for the measurement of overall freedom was F / (F+U). To measure a person's overall freedom, we divide all of her particular freedoms by the sum of her particular freedoms and unfreedoms. Under this formula, the result of the invention is still a reduction in Emily's overall freedom.[25] In other words, the objection goes, the invention increased the number of her unfreedoms, which led to the decrease of her overall freedom. Indeed, this is true but the conclusion holds both for Steiner and Kramer. That is because freedom measurement is relative for both theorists. Kramer also argues that in the measurement of overall freedom, a person's freedoms and unfreedoms should be integrated in a fraction and represented as a ratio.[26] This means that a person's mere inabilities (the whole category of non-freedom) are excluded in the measurement of overall freedom. On Kramer's account of freedom, before the invention, Emily was *non-free* to climb the rock (this mere inability is not included in the measurement of her overall freedom) and Elmer's invention created *new unfreedoms* for Emily. So, her overall freedom is reduced. Therefore, as Kramer acknowledges, his conception also produces this counterintuitive result that a technological advancement might lead to a reduction in a person's overall freedom.[27]

First of all, I do not find the result that technological advancement might reduce a person's overall freedom counterintuitive at all. On the contrary, as Kramer points out despite his belief that the result is "admittedly rather counter-intuitive," this reduction emphasizes the fact that some of our inabilities are due to the prevention by other individuals.[28] This reduction is a strength, rather than a weakness, for any conception of freedom that makes a distinction between unfreedoms and mere inabilities in terms of the absence or presence of other-imposed obstacles. Second, and more importantly, even if we accept that this result is counterintuitive, this is not a good reason to reject bivalency in favor of trivalency, because under both

[25] Steiner, *An Essay on Rights*, 43. Later Steiner's formula was revised by Carter. He argued that F and U should pertain not to single actions, but to the sets of compossible actions the agent is unprevented from perform. Carter, *A Measure of Freedom*, 181-2. This revision is accepted by Kramer, who, in turn, added that the numerator of the fraction should be squared and the value of the sets should also be considered in the measurement. Kramer, *The Quality of Freedom*, 425-43. Since the differences of formulas are irrelevant for my discussion here, for the sake of simplicity, I assume that Kramer also adopts Steiner's original formula.
[26] Kramer, *The Quality of Freedom*, 358-68.
[27] Ibid., 376.
[28] Ibid.

conceptions of freedom, technological advancement *might* lead to a reduction in a person's overall freedom.

Moreover, what is important is that trivalent conception has a serious shortcoming. It implies that we can singlehandedly affect our overall freedom while everything else around us remains the same. In order to explain the problem of this conclusion, we must look at the relations between freedom and desire. Virtually all contemporary theorists of freedom, including Kramer, reject the direct relevance of a person's desires to her freedom. That is because, a desire-based conception of freedom implies that a person can affect her overall freedom by limiting her desires *while everything else around her remains the same*.[29] Desire-based conceptions hold that freedom is "the removal of restraints upon what one wishes."[30] On this view, "it is no limitation of a man's freedom that he has not the power to do something he has no desire to do. We can increase our freedom, therefore, by limiting our desires, without any change in the means of action at our disposal."[31] In the absence of our ability to φ, if we do not desire to φ, the question of freedom does not arise – we are neither free, nor unfree. In other words, "the question of freedom arises only when we are able to do a thing and want to do it."[32]

What are the problems with desire-based conceptions of freedom? First, they are conceptually incoherent, because they build desires into the very definition of freedom. As contemporary theorists rightly point out, *feeling* free and *being* free to φ are not the same thing. A person might not want to visit the UK but her desire tells us nothing about her freedom to visit the UK. If she is prevented from entering the country, it might not be a significant loss for her given her desires. Yet still she would be unfree to enter the UK. Therefore, her desires are not directly relevant for her freedom in the sense that she cannot affect her overall freedom by changing her desires. But note that her desires are indirectly relevant for her freedom in the sense that she can affect her overall freedom by changing *relevant desires of other individuals* who can prevent her if they want. She can increase her overall freedom by removing the desires of other persons to prevent her certain actions.[33] Second, accepting the direct relevance of desires to a person's freedom is rather counterintuitive. It would mean, for example, that the subjects of an authoritarian regime can increase their overall freedoms by changing their desires

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[29] Steiner, *An Essay on Rights*, 10-11; Van Parijs, *Real Freedom for All*, 18-20; Kristjánsson, *Social Freedom*, 36-7; Carter, *A Measure of Freedom*, 96-7; Kramer, *The Quality of Freedom*, 33-4.
[30] Raphael Daiches, "Justice and Liberty," *Proceedings of the Aristotelian Society* 51 (1951 1950): 167–96, 191.
[31] John Macmurray, *Conditions of Freedom* (Prometheus Books, Publishers, 1993[1949]), 6.
[32] Scott, "Liberty, Licence, and Not Being Free," 185.
[33] Ian Carter and Matthew H. Kramer, "How Changes in One's Preferences Can Affect One's Freedom (and How They Cannot): A Reply to Dowding and Van Hees," *Economics and Philosophy* 24, no. 01 (2008).

in accordance with the expectations of their government. If they desire only those actions their government (in practice, whether it is legal or not) allows them to do, their overall freedoms will be maximum, because there will not be anything they desire yet are prevented from doing. Similarly, a prisoner can increase her overall freedom by changing her desires in accordance with the requirements of her prison guards. For these two reasons, virtually all contemporary theorists of freedom reject the direct relevance of desires to freedom. But, as I show below, Kramer's trivalent conception produces similar results.

On the one hand, recall Kramer's freedom postulate: "a person is free to φ if and only of he is able to φ."[34] Hence, when it comes to freedom, trivalent conception and the all-inclusive view agree: a person's abilities are his freedoms. In other words, abilities are directly relevant for freedoms. Whereas *unfreedom* is about interpersonal relations, *freedom* is about intrapersonal relations, or relations between persons and nature. This means that a person can affect her own overall freedom simply by changing her abilities *while everything else around her remains the same*. This conclusion follows because of two reasons. Firstly, under Kramer's account of freedom, freedom is ability. A person can increase her abilities (or her overall ability) while everything else around her remains the same. She can increase her abilities and lift heavy weights if she exercises. Secondly, the first prong of Kramer's unfreedom postulate holds that a person cannot be unfree to φ unless she is able to.[35] Since inabilities in the absence of a prevention by others is mere inabilities, which are excluded in the measurement of overall freedom, a person can affect her overall freedom by decreasing her abilities – that is, by turning her unfreedoms into mere inabilities.

Suppose that a person jumps over a cliff in order to become paralyzed and as a paralyzed person she makes myself unable to visit the UK. On Kramer's view, this inability is a mere inability, because it is self-inflicted. Whereas before she was prevented by the UK government from entering the country and this prevention reduced her overall freedom, now this prevention does not matter at all and her inability to visit the UK becomes irrelevant for the measurement of her overall freedom. Thus, as a result of her self-inflicted paralysis, she became freer.

Let us take a look at another example and make the calculation. According to Kramer, in order to measure a person's overall freedom, we need to divide the squared number of her conjunctively exercisable freedoms (F^2) to the combination of her conjunctively exercisable freedoms (F) *and* unfreedoms (U).[36] His formula for overall freedom is $F^2 / (F + U)$. Suppose

[34] Kramer, *The Quality of Freedom,* 3.
[35] Ibid.
[36] Ibid., 359.

that I am a prisoner. The number of my unprevented and prevented φ-ings are 100 and 900, accordingly. Thus, my overall freedom is $100^2 / (100 + 900) = 10$. Later, I attempt to commit a suicide, as a result of which, I become disabled. I am still able to perform all 100 freedoms I had before but due to my disability, I am now unable to perform many of my previously prevented φ-ings. For instance, before the suicide attempt, I had the ability to climb the prison wall and run but I was prevented from performing them. Now even if the guards do not prevent me, I am unable to climb the wall. Because I am paralyzed, the number of my prevented φ-ings (φ-ings which I am able but prevented from performing) is reduced, for instance, from 900 to 25. That is, due to my self-inflicted harm, my previous 875 unfreedoms became my non-freedoms or mere inabilities. According to Kramer's formula, we ignore mere inabilities in freedom calculation. Therefore, my overall freedom is $100^2 / (100 + 25) = 80$. Thus, I increased my overall freedom from 10 to 80 by reducing my abilities.

To sum up, while according to desire-based conceptions of freedom, a person can increase her overall freedom by changing her desires, for Kramer, she can achieve the same result by changing her abilities. As the subjects of an authoritarian government can increase their overall freedoms by reducing their desires, a person can increase her overall freedom by reducing her abilities. That is to say, trivalent freedom implies that while *everything else* (including the presence or absence of the inclinations of others to prevent a person) remains the same around a person, she can affect her overall freedom simply by changing her abilities. If desire-based conceptions are unacceptable, there seems to be no reason to accept Kramer's trivalent conception of freedom.

3.6. Onefold and Twofold Subjunctive Interference Positions

Let me change the Emily-Elmer example in order to analyze it from the perspective of the fourth dimension of freedom.

> **Modified Example**: Suppose that due to their natural incapacities, before the invention, Emily and Elmer were both unable at t_1 to φ (climb the rock) at t_2 but even if Emily was able and tried at t_1 to φ at t_2, Elmer was disposed to prevent her at some specific time between t_1 and t_2.

The question is the following: when Elmer is disposed to prevent Emily's φ-ing at t_2 but she is already unable to φ due to her natural incapacities, is she *unfree* or *non-free* at t_1 to φ at t_2? As I argue at length in section 6.6., to say that 'Elmer has the disposition to prevent Emily' is to say that the following counterfactual is true: 'were Emily to try to φ, Elmer would prevent her

φ-ing.' This means that whether or not she has the ability to φ in the absence of prevention by others, Elmer's disposition to prevent her φ-ing is a case of subjunctive prevention. Therefore, for example, when we say that *A* is disposed to prevent *B* from performing an action, we do not need to know whether or not *B* has the ability to perform that action in the absence of *A*'s prevention. In either case, *A*'s disposition to prevent *B* is a case of subjunctive prevention.

Below I discuss the views, or my interpretation, of major causality theorists to understand their possible responses to the Modified Example. Kramer explicitly adopts the onefold subjunctive interference position and he would describe Emily's inability as non-freedom whereas Steiner does not seem to address the issue. Although Carter and Steiner do not explicitly discuss the issue, they seem to adopt the twofold subjunctive interference position. Note that there is no necessary connection between a bivalent or a trivalent conception on the one hand, and onefold or the twofold subjunctive interference position on the other. Although Kramer explicitly adopts the former, and I argue that he necessary adopts it because of his unfreedom postulate, one can imagine a trivalent conception which adopts the latter.

Let me start with Kramer. Note that Emily's inability is a case of over-determination: she was unable to φ but would be prevented even if she could φ. Kramer relies on the legal criterion called the *but-for test* to identify whether an actual occurrence of an event *C* was causally responsible for the actual occurrence of an effect *E*. This test asks whether an action *C* was a necessary condition for the occurrence of a certain effect *E*. The idea is that if *C* was not necessary for the occurrence of *E*, then the former cannot be causally responsible for the latter. In other words, Kramer explains,

> given the actuality and logical distinctness of two events or states of affairs *C* and *E*, we shall have to ask whether the occurrence of *C* was necessary in the prevailing circumstances for the occurrence of *E*. Under the prevailing circumstances and the applicable causal laws, would the non-occurrence of *C* have entailed the non-occurrence of *E*?[37]

If the answer is positive, then *C* was the cause of *E*. However, in cases of over-determination, the but-for test does not work.

Kramer focuses on two general types of over-determination: *duplicative causation* and *pre-emptive causation*. The duplicative causation pertains to situations in which "two or more sets of actually occurring conditions are each minimally sufficient for some effect *E* that

[37] Ibid., 278; cf. Richard W. Wright, "Causation in Tort Law," *California Law Review* 73 (1985): 1735–1828; Richard W. Wright, "Once More Into the Bramble Bush: Duty, Causal Contribution, and the Extent of Legal Responsibility, in Symposium, The John W. Wade Conference on the Third Restatement of Torts," *Vanderbilt Law Review* 54 (2001): 1071–1132.

actually occurs."[38] As Richard Wright points out, in the case of duplicative causation, an event *D*, which was distinct from an event *C*, was sufficient to produce *E*. Suppose that *C* and *D* independently started a fire from different directions, and each fire would individually be sufficient to burn a house. Both fires, one from the east and the other from the west, reach the house simultaneously and together burn it down. However, when two distinct events, *C* and *D*, were each enough for the occurrence of *E*, the but-for test fails to find any causation and concludes that neither the occurrence of *C*, nor that of *D* was causally responsible for the occurrence of *E*, because they were not individually necessary conditions for *E*'s occurrence.

The pre-emptive causation pertains to a situation in which an event *C* was individually and solely sufficient for the occurrence of an effect *E* but even if *C* did not occur, another distinct event *D* would have been individually and solely sufficient for *E*'s occurrence. Suppose that *C* shoots at *P* and kills him but just before the shooting, *P* was going to drink a tea poisoned by *D*. According to the but-for test, D's poisoning was pre-empted by *C*'s shot and *C*'s shot was pre-emptive cause of *P*'s death because even if *C* did not shoot at *P*, the latter would have been killed by the poisoned tea. Thus, the test holds that C's shot was not the cause of *P*'s death.[39]

To avoid such counterintuitive conclusions, Kramer applies a more advanced version of the but-for test, namely the NESS (Necessary Element of a Sufficient Set) test. According to NESS test, "a condition contributed to some consequence if and only if it was necessary for the sufficiency of a set of existing antecedent conditions that was sufficient for the occurrence of the consequence."[40] The NESS test is broader than the but-for test, because under the former, an event *C* is causally responsible for the effect *E* providing that *C* was necessary for the sufficiency of *E*'s actual occurrence even if *C* was not necessary in the current circumstance because of the occurrence of another distinct event *D*, which was either actually sufficient (duplicative causation) or would have been sufficient (pre-emptive causation) in the absence of *C*. Thus, if we apply the NESS test to the examples above, we can conclude that *C* and *D* were both individually burned down the house (duplicative causation); similarly, both *C* and *D* were individually killed *P* (pre-emptive causation).

Kramer argues that when it comes to identifying whether an inability is an unfreedom or not, application of both NESS and but-for tests, under his unfreedom postulate, leads to the same conclusion. For we are not interested in the individual factors (actions) that are causally

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[38] Kramer, *The Quality of Freedom,* 296.
[39] Wright, "Causation in Tort Law," 1775-6.
[40] Wright, "Once More into the Bramble Bush," 1102-3.

responsible for a certain inability. For example, when *P* becomes unable to φ, because he was simultaneously shot by *C* and *D*, we ascribe *P* an unfreedom to φ and the identity of the other person who is causally responsible for *P*'s inability is irrelevant in this context. What matters is that *someone else* caused *P*'s inability. Thus, although it is true that the NESS and the but-for test would produce different results if we are interested in the identity of another person, under Kramer's unfreedom postulate, both tests produce the same result.[41]

If Kramer applies any of the tests to the Modified Example, he would argue that Emily was *non-free* at t_1 to φ at t_2. The Modified Example is a case of pre-emptive causation and in such cases, "the inability is a mere inability if the pre-emptive set of conditions did not include any instance or products of anyone else's actions."[42] In other words, Emily's inability was a mere inability, because her inability at t_1 to φ at t_2 was caused by her own natural incapacity. Her natural incapacity was a *pre-emptive cause* of her inability in question but that pre-emptive cause did not include any instance of another person's actions. Thus, the fact that Emily's natural incapacity would have been *pre-empted* by Elmer's prevention is irrelevant. Until the occurrence of his prevention, Emily has already become unable to φ. Therefore, the first prong of Kramer's unfreedom postulate describes her as non-free.

Kramer's view on the issue remains the same in the cases of duplicative causations. He gives an example of a man, Albert, who enters a cave while his enemy, Theodore, is outside. In order to confine him in the cave, Theodore pushes a boulder, which closes the entrance of the cave. According to Kramer's unfreedom postulate, Albert's new inabilities are unfreedoms. But suppose, further, that at the exact moment when Theodore pushed the boulder, a strong wind blew against the boulder too. What we have now is a case of duplicative causation – Theodore's action and the wind were each minimally sufficient to push the boulder and trap Albert inside the cave. In this case, Kramer argues that Albert's new inabilities are mere inabilities rather than unfreedoms, because

> [i]t is not the case that, had no actions by anyone else diminished his liberty, Albert would have been able to engage in the activities that are newly closed off to him. Rather, he would have been unable to engage in those activities in any event, since [the wind …] was sufficient in the circumstances to seal him in the cave without any intervention by Theodore.[43]

Hence, in both types of causation, Kramer explicitly adopts the onefold subjunctive interference position. Although it is possible to imagine a trivalent conception of freedom that

[41] Kramer, *The Quality of Freedom*, 302.
[42] Ibid., 309.
[43] Ibid., 305.

adopts the twofold subjunctive interference position, Kramer's account of freedom necessarily adopts the onefold subjunctive interference position. Let us recall Kramer's two postulates:

F Postulate: a person is free to φ if and only of he is able to φ.

U Postulate: a person is unfree to φ if and only if both of the following conditions obtain: (1) he would be able to φ in the absence of the second of these conditions; and (2) irrespective of whether he actually endeavours to φ, he is directly or indirectly prevented from φ-ing by some action(s) or some disposition(s)-to-perform-some-action(s) on the part of some other person(s).[44]

According to the first prong of the unfreedom postulate in conjunction with the freedom postulate, when a person is unable to φ in the absence of prevention by others, she is neither free, nor unfree to φ. For example, Emily is non-free to φ iff the following counterfactual is true: were she to try to φ, she would not succeed in φ-ing despite the fact that Elmer would not prevent her φ-ing. In other words, according to Kramer:

1) A person is free to φ iff she is able to φ.
2) A person is unfree to φ iff she would have been able to φ were she not prevented by other(s), and she is prevented by other(s).
3) A person is non-free to φ iff she is neither free, nor unfree to φ.

Saying that a person is non-free to φ means that her inability to φ is either self-inflicted or natural. One can object that my reasoning does not settle the question of whether or not we should treat Elmer's disposition to prevent Emily from performing an action she is unable to perform as a subjunctive prevention to begin with. This objection implies that Kramer's account of freedom does not necessarily adopt the onefold subjunctive interference position and that Kramer could have adopted the twofold subjunctive interference position *without making any changes in his two postulates*.

However, this objection is not valid. Indeed, as I argue at length in section 6.6., Kramer, Carter, and Steiner hold that Elmer's disposition to prevent Emily from performing an action she is unable to perform *is* a case of subjunctive prevention. However, Kramer's position on that question is irrelevant for our purposes here. What is important here is that when a person is non-free to φ, on Kramer's account of freedom, *we are not even required to ask whether or not she would have been prevented by others* were she able to φ and were she to try to. Kramer only has three categories: freedom, unfreedom, non-freedom. Since Emily does not have the ability to φ, she cannot be free. Since Emily would not be able to φ in the absence of prevention by others, she cannot be unfree. This means that Emily is non-free because her inability in

[44] Ibid., 3.

question is due to self-inflicted or natural obstacles. Therefore, whether or not Elmer has the disposition to prevent Emily is irrelevant for Kramer's account of freedom. *In either case, Emily is non-free.* Hence, I submit, Kramer's account of freedom necessarily adopts the onefold subjunctive interference position.

What about Steiner? In the Modified Example, can we ascribe Emily freedom at t_1 to climb the rock at t_2 under Steiner's bivalent conception? On the one hand, the onefold subjunctive interference position holds that Emily was free at t_1 to φ at t_2, because no other agent prevented her φ-ing at t_2. Her inability to φ at t_2 was not attributable to Elmer's conduct and the fact that she would have been prevented at t_2 if she was able to φ at t_2 is irrelevant. On the other hand, the twofold subjunctive interference position holds that Emily was unfree at t_1 to φ at t_2, because Elmer was disposed to prevent her if she became capable and tried to φ at t_2. Steiner could have adopted any of these positions, because unlike Kramer's unfreedom postulate, there is nothing inherent in Steiner's bivalent conception of freedom that makes it necessary for him to adopt one of the two positions.[45] When Kramer attacks Steiner on the grounds that under Steiner's conception a technological advancement might lead to a reduction in overall freedom, Kramer implicitly assumes that Steiner adopts the onefold subjunctive interference position. But I cannot see, and neither does Kramer discusses, the rationale behind this assumption.

Which position is implicitly adopted by Steiner? According to Ronen Shnayderman, Steiner seems to adopt the onefold subjunctive interference position.[46] Shnayderman relies on Steiner's claim that a person cannot be rendered unfree to draw a square circle, because she cannot draw a square circle.[47] However, I believe Shnayderman is mistaken in his interpretation of Steiner. Unlike, say, reaching a rock at the top of the hill, drawing a square circle is *logically impossible*. There might be some hypothetical cases in which a person invents a tool which enables her to reach the rock but then she is being prevented. However, there cannot be a similar situation in which she somehow draws a square circle and be prevented. Since drawing a square circle is logically impossible, it is also impossible for anyone to prevent her drawing a square circle. We do not know what *drawing a square circle* means, thus, we do not know how to prevent such action. A person can be free or unfree with respect to all logically possible actions or φ-ings (*logical possibility*); actions or φ-ings she can perform given the laws of nature (*nomic possibility*) or given the current level of technological advancement (*technological*

[45] Ronen Shnayderman, "Causal Tests in Subjunctive Judgements About Negative Freedom," *Res Publica* 20, no. 2 (2014): 183–97," 190.
[46] Ibid., 185 n4.
[47] Steiner, *An Essay on Rights*, 33.

possibility).[48] Steiner accepts the logical possibility view and bivalency. But since drawing a square circle is logically impossible, a person cannot be free or unfree to do it. Therefore, with respect to drawing a square circle the question of freedom does not arise under Steiner's conception of freedom. I submit that it is not clear what position Steiner adopts. Clearly, he does not defend the twofold subjunctive interference position. Nevertheless, based on the abovementioned example, we cannot conclude that he adopts the other position.

Can we apply the same reasoning to Carter and Steiner to see which position they adopt? They adopt nomic possibility view: a person can be free or unfree with respect to only those actions which "are conceivable within the laws of physics."[49] Assume that in Kramer's example it is against the laws of physics to climb the "flat strip of rock at the top of the mountain" without using any tool.[50] Under this assumption, Carter and Steiner would say that Elmer and Emily were neither free, nor unfree to climb the rock before the invention of the tool. I am not sure whether Kramer implicitly makes this assumption in his original example, but clearly, Carter and Steiner do not respond him by saying that climbing the rock before the invention was outside the laws of physics. Instead, they argue that Emily was free to climb the rock without using any tool before the invention, which means they assumed that *climbing the rock* was within the laws of physics. So, let us grant this latter assumption. What is the response of Carter and Steiner to the Modified Example? Before answering this question, it is worth to look at some passages where it seems that they adopt the onefold subjunctive interference position.

> I am free at time t to do x at t+1 if I am not unfree at t to do x at t+1, and I am unfree at t to do x at t+1 if there is *an action of another person that is a sufficient condition for my non-performance of x at t+1*. Now, in order to make sense of the idea of an action of another person being a sufficient condition at time t for my non-performance of x at t+1, we have to assume the set of abilities I possess at t. My abilities at t *are* therefore relevant in determining what freedoms I enjoy at t – not in the sense that my abilities simply are my freedoms, but in the sense that they are a necessary part of what determines *whether an action of another person is a sufficient condition at t* for my *non-performance* of x at t+1. If the agent's abilities were not relevant in the latter sense, then no action would indeed ever qualify as preventing another.[51]

The quoted passage discusses the relationship between freedom and ability with the purpose of showing that a person's abilities are indirectly relevant for her freedom. The idea is that a person's abilities are relevant for her freedom, because when we ascribe unfreedom to her with

[48] Carter, *A Measure of Freedom*, 173.
[49] Carter and Steiner, "Freedom Without Trimmings," 252.
[50] Kramer, *The Quality of Freedom*, 219.
[51] Carter and Steiner, "Freedom Without Trimmings," 251.

respect to her future action (say, entering the UK), what we mean is that her performance of that action will be impossible due to a prevention (by the UK government). And without knowing or assuming her abilities, we cannot know whether a subjunctive interference of the government will be sufficient to render her performance of that action physically impossible. The passage does not discuss a situation where she is already unable to enter the UK due to her paralysis. Nevertheless, based on the last sentence of the passage, we can infer that Carter and Steiner refer to the *current abilities* of the agent. What is relevant is the agent's current, rather than hypothetical, abilities. That is, we look at or assume her *current* abilities in order to determine (with certain probability) whether the interference of the UK government will be sufficient to prevent her attempt of entering the UK.

Immediately after the quoted passage, Carter and Steiner write that "[o]ne's abilities include the ability to affect one's own abilities."[52] They ask us to imagine that Green has imprisoned Black for life. Currently, at t_1, Black does not have necessary muscular strength "to prize apart the bars on the cell window."[53] Obviously, Black now is unfree to leave the cell at t_2. But Green does not prevent Black to work out within the cell and "if Black is both free and *able*" at t_1 to start to develop his muscles, he will have sufficient strength to leave the cell at t_{11}.[54] The situation I am imagining that puts Carter and Steiner to the test is the following: 1) now, at t_1, nobody prevents Black from leaving the room; 2) but Black is paralyzed and will never be able to walk (also, there is nobody to help Black to leave the cell); 3) Green is disposed to prevent Black if he walks. Is Black free or unfree to leave the room?

Given the conception of freedom they defend, Carter and Steiner would argue that Black is unfree to leave the room. They come close to this position only in a footnote where they explicitly deny Shnayderman's claim that under Steiner's conception of freedom, if a prisoner attempts to commit suicide and becomes paralyzed, her previous unfreedoms (leaving the cell and performing many other actions outside the prison) become freedoms, because now nobody is causally responsible for her inabilities.[55] However, Carter and Steiner say that her imprisonment was a sufficient condition for her inabilities to do many things *before* her paralysis and this fact does not change after she becomes paralyzed. The idea is that at t_2 (after the prisoner becomes paralyzed), based on the fact that she was unable to leave the cell at t_1

[52] Ibid.
[53] Ibid.
[54] Ibid. My emphasis. Note that still this is not a perfectly appropriate example in order to determine their position of the fourth dimension of freedom because Black is unfree, not unable to leave the cell at the time being. It would be an appropriate example if after Black becomes paralyzed, in order to humiliate him, Green opens the door of the cell but still is disposed to close the door if Black somehow becomes able to walk.
[55] Shnayderman, "Causal Tests in Subjunctive Judgements About Negative Freedom," 191.

(before the paralysis), we conclude that even if she possessed her previous abilities, her imprisonment would still be sufficient to prevent her leaving the cell. Therefore, in the absence of her current ability to leave the cell, the prisoner still is unfree. Even if she somehow recovers and attempts to leave the cell, she will be prevented.

I submit that bivalent social freedom necessarily adopts the twofold subjunctive interference position. I do not think it is possible for this conception, as it is formulated by Carter and Steiner, to adopt the onefold subjunctive interference position. To see this, let us recall a few points. Firstly, according to this conception, freedom is the absence of unfreedom whereas unfreedom is prevention by others. In the absence of a prevention by others, a person's ability to φ is not necessary for her freedom to φ: she remains free to do something she is unable to do (section 3.2.). Secondly, this conception requires us to take subjunctive interferences into consideration when we ascribe freedom or unfreedom to the agent (section 3.2.). Thirdly, Elmer's disposition to prevent Emily's action is a case of subjunctive prevention whether or not Emily has the ability to perform that action in the absence of prevention by others (the beginning of this section and section 6.6.). Thus, if she would be prevented were she to try to φ, she is unfree to φ. Therefore, according to bivalent social freedom, in the Modified Example, Emily was *unfree* at t_1 to φ at t_2.

How do we know that Elmer's subjunctive interference would have been sufficient to prevent Emily if she had the ability to climb the rock? Before answering this question, let us take a look at the case of onefold subjunctive interference position. Suppose that Emily has the ability to climb the top of the mountain and Elmer issues a credible threat that if Emily tries to climb, he will prevent her. Elmer assumes that he is stronger than Emily, that is, he has the necessary abilities to prevent her. But Emily may or may not concede to his threat.

On the one hand, if Emily concedes to his threat and never actually tries to climb, we can make the following two assumptions. First, Emily believed that she does not have the necessary abilities to overcome Elmer's subjunctive prevention. In fact, however, Emily is stronger than she (and Elmer) thought. Had Emily actually tried to climb, Elmer would not be able to prevent her. Thus, Emily was free to climb but she wrongly believed that she was unfree. Second, Emily rightly believed that she did not have the necessary abilities to overcome Elmer's subjunctive interference. Thus, she was indeed unfree to climb. Note that in both cases we, as observers, as well as Emily and Elmer *assume* Emily's abilities, that is, based on our (as well as her and his) information about Emily – such as her age, physical strength, sport or athletic background – we make certain assumptions regarding her ability to climb the rock *despite* Elmer's interference.

On the other hand, if Emily does not concede to Elmer's threat and attempt to climb the rock, depending on her success, we ascribe freedom or unfreedom to her. In other words, at t_1, Elmer issues his sincere threat but Emily refuses to concede. At t_2, she attempts to climb the rock. Depending on the success of her attempt, we can ascribe freedom or unfreedom to her at t_1 with respect to climbing the rock at t_2.

In the latter case, if Emily does not concede to Elmer's threat, we can never test what will happen. Nevertheless, we can apply a similar reasoning to twofold subjunctive interference position. To assess whether Emily is free, we need more information about the case. Suppose that Elmer is a boxer who has the ability to beat almost all non-athlete individuals to the extent that that person cannot even walk. Emily, however, is an able-bodied person with no athletic or alpinist background. That is, she has certain physical abilities within the normal range. It seems we can fairly assume that even without anyone's prevention, Emily does not have the necessary abilities to climb the rock. However, were she possessed of such abilities (were she to be an alpinist) and try to climb the rock, she would be prevented by Elmer (as an alpinist, she would be unable to neutralize a boxer). Thus, under bivalent social freedom, Emily is unfree at t_1 to climb the rock at t_2. Although in concrete cases, we might have difficulty in ascribing freedom or unfreedom to individuals when they lack the relevant abilities, at the theoretical level such uncertainties are unproblematic.

This conclusion is in line with the claim that abilities are *indirectly relevant* for our freedom in the sense that with respect to some specific action, a person's abilities are relevant in the ascription of freedom not because her abilities are her freedoms, but because those abilities are necessary in the evaluation of whether others' conducts are sufficient to render her φ-ing impossible. When I am unable to φ,

> I am unfree to do so only if a specific actor has performed an action which is a *sufficient condition* for my inability; if the impossibility is not due to the action of anyone in particular, I am not unfree to do what I find myself unable to do.[56]

In this sense, abilities are indirectly relevant for freedom. They are only relevant, because *without assuming* a person's abilities we cannot possibly determine whether others' conducts can prevent her φ-ing. Suppose that a person builds a three-meters tall wall around her garden to stop the trespassers. While the wall prevents many individuals to enter her property, it fails to stop those who have good athletic ability to overcome the obstacle. The obstacle she introduced prevented only those who lacked the necessary ability to climb the three-meters tall

[56] Oppenheim, *Dimensions of Freedom*, 69 emphasis added.

wall. Her ability is indirectly relevant for her freedom, because the same obstacle may not be sufficient to make everyone's performance of certain action physically impossible.

One might object that a person can increase her overall freedom by developing her abilities. Thus, her abilities are directly relevant for her freedom. But this view is misleading. Suppose that now, at t_1, her three-meters tall wall prevents you from entering her property. If you are free at t_1 to develop your abilities and manage to climb a three-meters wall at t_5, then at t_1 *you are already free* to climb the wall at t_5. Thus, it does not mean that your abilities are directly relevant for your overall freedom. And this conclusion is in line with our intuition that a person cannot increase (or decrease) her overall freedom *while everything else around her remains the same*.

I defended the twofold subjunctive interference position, because it allows us to capture the effect of other-imposed obstacles on a person's freedom, independent of her ability. It allows us to say that a prevention by others matters, because it makes a person unfree to φ even when she is unable to φ. However, Kramer's trivalent conception of freedom fails to capture the effect of a prevention by others on a person's freedom in the absence of her relevant abilities. That is, when Emily lacks the ability to φ, Kramer treats her inability as non-freedom (mere inability) and perceives Elmer's disposition to prevent her as irrelevant from the perspective of freedom. It seems to me that any conception of freedom that makes a distinction between unfreedoms and mere inabilities in terms of the absence or presence of other-imposed obstacles should be able to capture the effects of prevention by others on a person's freedom. That is because, other-imposed obstacles are morally different from natural obstacles (chapter 5), and the lack of prevention by others is valuable in itself (chapter 6). I do not see any reason to ignore this morally relevant difference or the value of non-prevention when the agent whose freedom is under question lacks the relevant abilities to perform certain actions.

4. The Responsibility and the Intentional Views

4.1. Introduction

I have discussed the positions of various causality conceptions of freedom on the four dimensions of the preventing conditions and I defended *bivalent social freedom* against its rivals within the causality view. But in addition to the causality view, there are two more views that make a distinction between unfreedoms and mere inabilities: the responsibility and the intentionality views of freedom. Here I will defend the causality view, especially bivalent social freedom, against them. In my discussion of these two views, I only focus on the second dimension of the preventing conditions, because what makes them different from the causality view lies exactly in their positions on the sources of unfreedom.

For the sake of simplicity, when I discuss the responsibility and the intentionality views, I will assume that their proponents treat only physical obstacles which make a person's φ-ing impossible as the relevant kind of obstacle on the first dimension. Note that my assumption is a simplification, because most proponents of the responsibility and the intentionality views do not subscribe to the impossibility view. However, my assumption does not affect the validity of my argument for two independent reasons. Firstly, I have argued against *the difficulty view* when I addressed the debate between pure and impure conceptions of freedom. Thus, I already assume that the difficulty view should be rejected (section 3.3.). Secondly, and most importantly, I will not criticize the responsibility and the intentionality views on the grounds that they see difficulty of performing an action as a kind of constraint. Thus, the validity of my criticisms of them will not depend on a person's position between the *impossibility* and *difficulty* debate.

4.2. The Responsibility View of Freedom

When it comes to the second dimension, some theorists argue that mere causal responsibility is unnecessary or unsatisfactory, and that what matters is moral responsibility. On this view, *B* is unfree to φ iff *A* is *morally responsible* for her inability to φ. What distinguishes unfreedoms from mere inabilities is whether the *presence* of an obstacle is morally attributable to the conduct of other agent(s).

After all, the responsibility theorists ask, what is the point of the causality view of freedom? The causality view does not provide any morally relevant or independent argument in favor of its distinction between unfreedoms and mere inabilities. That is because, from purely causal point of view, it does not matter whether an inability is due to other-imposed obstacles or natural obstacles.[1] However, the responsibility proposes a non-arbitrary argument in favor of its distinction between unfreedoms and mere inabilities.[2] It holds that describing inabilities due to other-imposed obstacles as *unfreedoms* implies that there is something important in those obstacles that moves us to use a different term to describe those inabilities. The main difference between other-imposed and natural obstacles is not causal, but moral. Only humans can be held morally responsible for the obstacles they caused. So, a person's inability to drive is her *unfreedom* when the workers block the road, because they are morally responsible for this blockade. But her inability to drive is her *mere inability* when the tree blocks the road, because a tree cannot be held morally responsible for anything. So, the responsibility view draws a morally relevant distinction between unfreedoms and mere inabilities. All inabilities for which others are morally responsible are unfreedoms, whereas the remaining inabilities are mere inabilities.

The action and omission distinction divides responsibility theorists as well: while some argue that only actions can be sources of unfreedom, some disagree.[3] These two views can be called the *narrow* and *broad responsibility conception of freedom*, respectively. I discuss both conceptions in the following sections and argue that they are not value-free but it is possible to eliminate the difference between the narrow responsibility conception and the pure causality conception of freedom.

4.3. Broad Responsibility Conception of Freedom

According to the broad responsibility conception, B is unfree to φ if A is morally responsible for the creation of the obstacle; or not preventing its creation; or not removing the obstacle after it has been created. B's inability to φ is a case of unfreedom if that inability is morally attributable to actions or omissions of A. Note than on this view, moral responsibility simply

[1] Shnayderman. "Social Freedom," 725.
[2] Benn. "Freedom, Autonomy and the Concept of a Person;" Miller, "Constraints;" Kristjánsson, *Social Freedom*.
[3] For the former, see Shnayderman. "Social Freedom." For the latter, see Miller, "Constraints;" Kristjánsson, *Social Freedom*.

means that *A*, an agent, is *answerable* for his actions or omissions; it does not necessarily mean that *A* is *blameworthy*.[4] Thus, although the responsibility view is not value-free, unlike Robert Nozick's conception of freedom, it does not hold that *B* is unfree iff her rights are violated or that *B* is unfree if *A* is blameworthy for her inability.[5]

David Miller is one of the major proponents of the broad responsibility conception. He starts his argument with a presumption, which he attributed to our language, that "humans should not obstruct one another's activity" and he submits that we distinguish unfreedoms from mere inabilities, because "we want to emphasize the human source of the obstacle," whereas, he claims, "[t]here is no such presumption in cases of [mere] inability."[6] To be precise, his point is that mere inabilities are irrelevant per se, but they become "morally or politically relevant only where the inability serves to bring other values into play."[7] He gives an example of a speleologist who is trapped in a cave. The inability of this speleologist matters for us simply because that inability might put his life at risk. That is, his inability to leave the cave matters "because we are independently concerned for his welfare."[8] On the contrary, Miller asserts, the fact that almost all of us are unable to move to the Moon does not move us to act. So, Miller seems to claim that freedom has some intrinsic (non-instrumental) value whereas ability is only instrumentally valuable.

According to Miller, both actions and omissions can be sources of unfreedom. On the one hand, any obstacle imposed on *B* by *A*'s intentional or negligent *action* make *B* unfree, and whether *A* had a moral obligation not to perform those restrictive actions are irrelevant in the ascription of unfreedom to *B*. This is because an ascription of unfreedom implies "that an obstacle exists which stands in need of justification."[9] Even if *A*'s intentional or negligent restrictive actions can be justified, the very fact they *A* needs to explain himself is enough to ascribe unfreedom to *B*. In that case, *A* would be morally responsible, but not blameworthy, for *B*'s unfreedom. It follows that other forms of actions (unintended and unforeseeable ones) do not count as the relevant kinds of constrains on this view.[10] In other words, only intentional and negligent actions are unfreedom-producing, because only those actions require a justification from the interfering person. Other forms of actions are not unfreedom-producing, because the interfering person may not be asked to justify his interference.

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[4] Miller, "Constraints," 72.
[5] Nozick, *Anarchy, State and Utopia*, 262; cf. G. A. Cohen, *Self-Ownership, Freedom, and Equality*, 59.
[6] Miller, "Constraints," 69.
[7] Ibid.
[8] Ibid.
[9] Ibid., 72.
[10] Ibid., 81.

On the other hand, only those omissions for which others are morally responsible are unfreedom-producing constraints. That is, when it comes to omissions, moral responsibility is not merely being answerable for the presence of an obstacle, rather, it means that others had a moral obligation to prevent the creation of an obstacle or remove it. When they do not fulfil their moral obligations, they are blameworthy for their omissions.[11] To sum up, *moral responsibility* is connected to both actions and omissions whereas *moral obligation* is only connected to omissions. When *B* is unfree due to *A*'s intentional or negligent actions, *A* is merely answerable for his actions, he might not be blameworthy for them. But when *B* is unfree due to *A*'s omissions, *A* is blameworthy, because he did not fulfil his moral obligations.

The main shortcoming of Miller's conception is that it is not value-free. An ascription of unfreedom requires us to take a stand on the question of moral obligations we owe to others. People with different moral outlooks will disagree on whether someone is morally responsible for the presence of an obstacle. As Miller recognizes, his proposed "distinction between unfreedom and mere inability is morally loaded" which "leaves open … a wide field of controversy."[12] For example, unless a libertarian and a socialist agree on what negative and positive moral obligations we owe to one another, they will not be able to agree on the question of freedom.[13] In a later writing, Miller explicitly states that freedom is an "essentially contestable" concept, a claim that I reject by endorsing value-freeness (see section 1.6.).[14] Claiming that a concept is essentially contestable implies that it would be linguistically impossible for us to convince our rivals, who have different moral outlooks, "to allow people to have certain freedoms," because they would be unable to comprehend "our belief that their obstructive practices actually are sources of unfreedom."[15] Surprisingly, Miller is explicit in his concession that the existence and the nature of moral obligations, hence the question of freedom, is essentially contested.

According to Kristján Kristjánsson, *B* is unfree to φ iff it is appropriate to ask *A* to justify his *non-suppression of an obstacle*. Saying that *A* did not *suppress an obstacle* means that *A* prevented *B* (he did not refrain from imposing his own prevention); or that he did not prevent a prevention by someone else; or that he did not remove an obstacle after it was created by anyone or anything.[16] Hence, according to Kristjánsson:

[11] Cf. Shnayderman. "Social Freedom," 727-8.
[12] Miller, "Constraints," 74-5.
[13] Ibid., 86.
[14] David Miller, "Reply to Oppenheim," *Ethics* 95, no. 2 (1985): 310–14, 314.
[15] Steiner, *An Essay on Rights*, 15.
[16] Kristjánsson, *Social Freedom*, 63.

> An agent *A* is morally responsible for the non-suppression of an obstacle *O* to *B*'s choice's/actions when it is appropriate to request from *A* a justification of his non-suppression of *O*, and that in turn is when there is an objective *reason*, satisfying a minimal criterion of plausibility, why *A*, given that he is a normal, reasonable person, could have been expected (morally or factually) to suppress *O* – however, easily overridable this reason is.[17]

Asking a justification does not mean that *A* is morally blameworthy for his non-suppression of an obstacle, it simply means that *A* is answerable for his conduct. Kristjánsson assumes that building objective reasons for the suppression of an obstacle into the very definition of freedom is not morally contestable. Suppose that we see a child basketball player who is forced to leave the game because her shoelaces are untied and we know that her father, is sitting on the bench and does not help her to tie her shoelaces. Kristjánsson claims that under such circumstances, we or other observers have an objective reason to ask the father "for a justification of his inaction."[18] The father might justify his inaction on the grounds that by not helping her, he is teaching her individual responsibility or that the basketball coach does not allow parents to help their children during the game. In other words, he might not be blameworthy. Nevertheless, it is appropriate for us to ask for a justification.

But why do we have an objective reason to ask the father for a justification? Kristjánsson does not clarify what the objective "standards of appropriate requests are."[19] But it is clear that his test of moral responsibility depends on contingent facts, namely, the norms of the local culture to which the father and the observers belong to. This means that in some cultures it is inappropriate to ask the father for a justification. Therefore, depending on the local culture, we might or might not ascribe unfreedom to the child in question.

Let us take a look at another example of Kristjánsson. He argues that if the Icelandic government does not help the poor in Ethiopia, it is appropriate to ask for a justification, "because there must always be at least a minimally good reason why people in a life-threatening situation should be helped, if possible."[20] But why should we believe that there *must be* such a reason? Why is it the case that the Icelandic or any other rich government is answerable for the dire conditions of Ethiopians? Suppose that some people in Ethiopia are starving due to a recent drought. Since the Icelandic government is not causally or even morally responsible for the drought, why does it have to justify its lack of help to the Ethiopians? My point is that it is not

[17] Ibid., 74.
[18] Ibid., 75.
[19] Ibid.
[20] Ibid.

clear at all that there must be *any* reason "why people in a life-threatening situation should be helped, if possible."[21] Kristjánsson does not explain that reason.

Suppose that the Icelandic government does not help the poor in Ethiopia and when asked, the government says that it does not have *any good reason* to help them. This fact that one may ask the Icelandic government to justify its omission is sufficient for Kristjánsson to hold that the poor in Ethiopia is unfree, because the Icelandic government is *answerable* for its omission. This view *presumes* that there is *a minimally good reason* why the poor should be helped but that reason was not *a sufficient reason* for the government to help the poor in Ethiopia, because it had other (legal or moral) obligations towards other people (its citizens or countries in relatively close proximity). For instance, the government had to make a choice between helping the poor populations of Ethiopia and Albania. Due to the latter's geographical proximity, Iceland chose to help the poor Albanians and did not have enough resources to help the poor Ethiopians.

However, my point, is this: Why do we have any reason at all, sufficient or not, to ask the Icelandic government to justify its omission with respect to the poor in Ethiopia? Why is the Icelandic government, which is not causally responsible for the current condition of the Ethiopian poor, *morally answerable* for its omission? There is a widespread belief that any rich government is morally answerable when it could help the poor but chooses not to. But this is a *moral belief* and if Kristjánsson's account of freedom relies on such beliefs in its ascription of freedom to individuals, then it is not a value-free conception of freedom.

Consider another example from Kristjánsson. Suppose that I am late to my job by one minute, because Luke "happens to be driving in front of me."[22] According to Kristjánsson, it is *not* appropriate for me to ask Luke for a justification, because he is only causally, but not morally, responsible for my delay. Unless I can provide "a reason which other people could acknowledge," I cannot hold Luke morally responsible (in this case, morally answerable or morally blameworthy) for my delay.[23] The fact that this reason should be acknowledged as an appropriate reason by others – presumably, by the local people – entails that Kristjánsson's conception of freedom is susceptible to moral relativism. Why is it the case that others should recognize the appropriateness of my request?

In fact, Kristjánsson accepts that his test of moral responsibility is relative to time and place. Thus, in some particular kinds of case, one person can be described unfree in one society

[21] Ibid.
[22] Ibid., 83.
[23] Ibid.

and free in another. But he considers such relativism unproblematic, because they are cases of *factual relativism*. His example to factual relativism is the following: we have a reason to expect that a doctor of 1990s should prescribe "the necessary medication to cure" the tuberculosis of a patient but "such a reason did not exist in the 1930s."[24] This kind of factual (in this case, technological) relativism is not problematic, because it was impossible for a doctor in the 1930s to provide a medication for tuberculosis since such a medication did not exist.

However, it is not clear why Kristjánsson also considers *ethical differences* between societies as cases of factual relativism. Let us consider his own example. Suppose that a man and a woman dated for some time without having any sexual intimacy. At the end of three months of dating, the man says that without any sexual intimacy, he will not continue seeing her. In order to decide whether her freedom is restricted, we need to ask whether it is appropriate to ask the man to justify his demand. Kristjánsson acknowledges that it depends on the context – time and place. Do the man and the woman live in "Mormon Utah or promiscuous Hollywood?"[25] Obviously, by *context*, we must mean the moral norms of the local society (that is, facts of positive morality in that society) to which the man and the woman belong. Context matters, because the moral norms of the devout Mormons of Utah are different from the moral norms of promiscuous liberals of Hollywood. Thus, if the test of moral responsibility is relative to such contexts, it seems more appropriate to call this form of relativism a moral, rather than a factual, relativism.

In addition, Kristjánsson argues that only an "intrinsic kind" of relativism regarding "essential controversies about the criterion of a good reason itself [would] undermine" his conception of freedom.[26] Nevertheless, he does not provide an argument against the possibility of such form of intrinsic relativism, he simply holds that "radical relativism with respect to human rationality [is] unconvincing."[27]

Regardless of one's position about the discussion in the penultimate paragraph, the fact that ascriptions of freedom are relative to the moral norms of local societies is, I believe, a serious shortcoming. Kristjánsson's conception does not avoid the problem faced by Miller's account. His conception of freedom is also susceptible to moral relativism. Hence, I submit, the major problem with Kristjánsson's conception is that it builds too many normative assumptions into the very definition of freedom. It refers to evaluate terms such as

[24] Ibid., 85.
[25] Ibid.
[26] Ibid., 86.
[27] Ibid.

appropriateness, *objective reason*, *criterion of plausibility* and *reasonable person* in the definition of freedom. Therefore, it is not a value-free conception of freedom.

Finally, an additional argument against Kristjánsson's conception of freedom is that it fails to capture some paradigmatic cases of unfreedom accepted by all the parties to the dispute. For example, when Kristjánsson discusses whether laws against child-abuse reduce the freedom of potential child abusers, he rhetorically asks

> what objective reason (factual or moral) could there be for expecting the law-giver to permit such atrocities?" to which he answers that "sanctions imposed by the law … are such that we could reasonably question their moral legitimacy.[28]

Ronen Shnayderman believes that this response is inadequate. He asks us to "consider a case in which the child-abuser is being prevented from abusing children, rather than threatened with punishment if he does so. As Kristjánsson himself argues, there is no reason to expect anyone to permit such atrocities. Thus, on Kristjánsson's account, preventing the child-abuser from abusing children, which is a clear-cut case of unfreedom, does not render him unfree to do so."[29] In other words, a law against a child-abuse *does* render a potential abuser unfree – a law may prevent the abuser or it may make it difficult for someone to abuse children – while an actual prevention does not. But this result is very counterintuitive and absurd. Thus, even if one believes that value-freeness is not very important for a concept of freedom, one would still have a good reason to reject Kristjánsson's conception of freedom.

4.4. Narrow Responsibility Conception of Freedom

According to the narrow responsibility conception of freedom, only actions for which one is morally responsible are sources of unfreedom. But why? As discussed in section 3.4., one of the reasons against accepting omissions as sources of unfreedom is that if omissions count as sources of unfreedom, the category of mere inabilities will almost cease to exist, because nearly all inabilities can be removed by the help of other people. It is true that this criticism does not fully apply to the responsibility view, because, the proponents of this view argue, we are not morally responsible for all of our omissions. Obstacles for which we are morally responsible are only a subset of all obstacles for which we are causally responsible. For example, under a broad responsibility conception of Kristjánsson, we are unfree to go to Mars, because our

[28] Ibid., 76 n13.
[29] Shnayderman. "Social Freedom," 729.

current inability to visit Mars is the result of deliberate decision of many government officials around the world and it is appropriate to ask them to justify their decision, namely their omission. But, as we saw above, Kristjánsson believes that it is not always appropriate to ask someone to justify their non-suppression of an obstacle. That is, even if we build our conception of freedom based on the notion of moral responsibility (rather than moral obligations or blameworthiness), it means we have already presumed that a person is not morally responsible for all obstacles she is causally responsible for. Without this presumption, there would be no difference between the responsibility and the causality views.

But it is rather counterintuitive to say that we are unfree to visit Mars, because some people are morally responsible (in the sense of answerable) for our inability to go to Mars. It means that according to broad responsibility conception, you are unfree to go to Mars in both of the following scenarios: 1) you built a rocket which is capable of taking you to Mars but the government confiscates the rocket for some reason; 2) nobody has ever built a rocket which is capable of taking humans to Mars, because the government did not allocate necessary resources to the production of such rockets. It is very counterintuitive to say that in both cases, you are unfree to visit Mars. Broad responsibility conception, like broad causality conception, fails to capture the distinction between two cases, because it holds that the distinction between actions and omissions are irrelevant in the ascription of freedom.

Shnayderman identifies another reason to reject omissions as the sources of unfreedom (2013, 735-737). He quotes David Miller saying that freedom "depends on what other agents have done; if an obstacle can be attributed to the action of another human being," whereas, "[a]bility is a matter of natural facts, facts about agents and their physical environment."[30] Here, Shnayderman writes, by *natural facts* what is meant is "our physical environment and our own personal capacities."[31] When I am merely unable to visit Mars, someone else's omission does not *normally* change "the relevant natural facts about [me] and [my] physical environment."[32] At least in the Mars example, an omission does not make me *able but unfree* to visit Mars, thus, it cannot be said that that omission changed my mere inability into an unfreedom. Or consider an example from Shnayderman: suppose that *B* is alone on an island and she is unable to climb the trees and pick their fruits, thus, she is about to starve. Her inability is due to her own natural (personal) capacities and the relevant properties of trees. Now suppose that *A* arrives on this island one day and although he is able to climb the trees, he refuses to climb for whatever

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[30] David Miller, *Market, State, and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1989), 31.
[31] Shnayderman. "Social Freedom," 735 n51.
[32] Ibid., 736.

reason. *A*'s omission does not change the physical environment and natural facts (personal capacities) of *B*. Therefore, *A*'s omission does not turn *B*'s mere inability into her unfreedom. Later Shnayderman discusses two far-fetched examples in which an omission *does* change physical environment and natural facts of the relevant agents but he holds that these exceptions are not a satisfactory reason to change our ordinary language practices. Thus, he concludes, "only obstacles for which other people are morally responsible in virtue of their actions are sources of unfreedom."[33]

The problem here is that, as Shnayderman acknowledges, the distinction between the modes of conducts that *do* and *do not* affect our physical environment and natural facts is not in a perfect match with the distinction between actions and omissions. Presumably, the two distinctions are in correlation in most of the ordinary cases and it is pragmatic for us, as ordinary speakers, to use the action / omission distinction in order to identify the sources of unfreedom. However, if, through reflection, we find out that what really matters for us is the former distinction (the one between those modes of conducts that do and do not affect our physical environment and natural facts), then we should ignore the action / omission distinction in our talk about the sources of unfreedom. We should simply say that only those modes of conduct that affect our physical environment and natural facts are sources of unfreedom. Such types of modes of conduct are *mostly* actions, but they can also be omissions in some rare circumstances. In short, the reason behind Shnayderman's rejection of omissions as sources of unfreedom does not seem to be valid. It seems that he uses the action / omission distinction for pragmatic, rather than analytical, reasons – as a shortcut for the distinction between the abovementioned two forms of modes of conduct.

For now, let us grant that omissions should be excluded from the sources of unfreedom. In order to capture paradigmatic cases of unfreedom, Shnayderman, by relying on Philip Pettit, proposes his own test for moral responsibility:

> Someone is morally responsible for an obstacle when she is appropriately considered susceptible to either blame or praise for creating it; whereas the answer to the question of when someone is appropriately considered susceptible to blame or praise is written, as Pettit puts it, into the architecture of our psychology, into some of our most basic relations to ourselves, such as *resentment* we feel towards someone who *harms* us, the *gratitude* we feel towards someone who *benefits* us, the *indignation* we feel on behalf of others towards someone who *maltreated* them, the *approval* we feel on behalf of others

[33] Ibid., 737.

> towards someone who *treats them well*, the *guilt* or *shame* we feel about our *misdeeds* and the *pride* we feel about the *good things* we do.[34]

The quoted passage implies that only *persons* can be held morally responsible, that is, only they can be seen as appropriate candidates for a "range of reactive feelings and attitudes which belong to [our] involvement or participation with others in inter-personal human relationships."[35] According to this Strawsonian interpretation, *we* in this definition, simply refers to the community of moral agents or, in other words, to all persons. On this interpretation, the notion of freedom is "discernible only to someone [that is, a moral agent] who is party to the practice of holding people responsible and who has the evaluative and other concepts required for taking part in this practice."[36]

Shnayderman, similar to Pettit, also does not argue that when someone is responsible for the presence of an obstacle in virtue of her action, she is either praiseworthy or blameworthy. Instead, he argues that when the person "is appropriately considered *susceptible to blame or praise*" for her actions, she is morally responsible for the obstacle.[37] This means that some of her actions might not provoke any feeling on our behalf, we might remain indifferent to her actions; nevertheless, if she is susceptible to blame or praise, we take her morally responsible for her action. Shnayderman does not clarify what exactly susceptibility means but it seems that the term refers to some counterfactuals. The idea is that even though currently we remain indifferent towards her action, we would have felt "resentment or gratitude, indignation or approval" if she had "done something good [or] something bad."[38]

Note that this notion of susceptibility is very broad that agents can be held morally responsible for *any action*. Such a broad interpretation would allow us to argue that since *any action* can be considered susceptible to blame or praise, a person is morally responsible for *all obstacles she creates*. Importantly, however, Shnayderman does not argue that since any action can be considered susceptible to blame or praise, a person is morally responsible for all obstacles she creates. Although a person is susceptible to blame or praise for all of *her actions*, she is not morally responsible for *all obstacles she creates*. In other words, she is not responsible for all consequences of her actions. Suppose that the dog Galadriel recently adopted has a strong tendency to attack other people when hearing a whistle but Galadriel is not aware

[34] Ibid., 730-1 emphasis added; Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Oxford; New York: Oxford University Press, 2001), 12.
[35] Peter Strawson, "Freedom and Resentment," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza (Ithaca and London: Cornell University Press, 1993), 45–66, 52.
[36] Pettit, *A Theory of Freedom*, 28.
[37] Shnayderman. "Social Freedom," 731.
[38] Pettit, *A Theory of Freedom*, 13.

of this tendency, because the dog's previous owners did not inform her. One day, when she walks with his new dog at the park, she whistles and the dog attacks and bites some passerby. Shnayderman would say that although Galadriel is causally and morally responsible for her whistling, she is only causally responsible for the attack. Hence, she is not susceptible to blame or praise because of this attack.[39] So, according to Shnayderman, sometimes we are not morally responsible for obstacles that we cause. Hence, his narrow responsibility conception of freedom does not overlap with the causality view of freedom.

Shnayderman arrives at this conclusion, because he relies on an underdeveloped and intuitive understanding of moral responsibility defined as *susceptibility to blame or praise*. Therefore, I think, his conception of freedom is not a value-free conception of freedom, because people with different moral outlooks – such as libertarians and socialists mentioned above – would have conflicting intuitions with respect to whether or not someone is susceptible to blame or praise. For example, unlike Shnayderman, my intuition on the above-mentioned example is that Galadriel is morally responsible for the attack, because she should have considered the fact that dogs, however domesticated they are, can be dangerous to others. She is obliged to make sure that nobody is harmed because of her dog. Also, her moral responsibility for the attack is revealed by the fact that it would not be inappropriate for the victim to demand a compensation from her, which can range from sincere apology to financial restitution. (As I argue in sections 5.5. and 5.6., given our current social norms, in some cases most people would believe that it is inappropriate to ask for a justification from a person for her action. However, to believe this is not necessarily to believe that she is not answerable for her action. Saying that a person is answerable for doing something does not mean that anyone ought actually to require her testify in such a way as to answer for her action.

In chapter 5, I argue that as moral agents, we are morally answerable for all of our actions however unforeseeable or unintended they might be. This interpretation of moral responsibility as answerable is, in principle, in line with the Shnayderman's interpretation of moral responsibility as susceptibility to blameworthiness and praiseworthiness. I say they are in line, because, as discussed in the previous paragraph, the notion of susceptibility does not tell us where to stop, so to speak, when we ascribe responsibility to someone. For example, suppose that (1) a gust of wind or (2) another human, Pietro, closes the door and makes it impossible for me to leave the room. If we make a distinction between unfreedoms and mere inabilities, we assume that there is a morally significant difference between (1) and (2). We

[39] In "Social Freedom," Shnayderman does not discuss any example in which one is not morally responsible for things one inflicts on others. He gave this example in our personal discussion.

would say that I am *merely unable* in (1) but *unfree* in (2). Note that the effects of both cases are the same in the sense that I am locked in the room but we pick out those effects by using different terms. I think the only reason behind this usage of the terms is that we believe Pietro is morally responsible for what he did. In short, I will argue that it is *always* appropriate to ask for a justification when a person inability is causally attributable to someone else's action.

In our daily lives, we do not always ask for a justification – we do not always act as if others are morally responsible for all of their actions as well as their unforeseeable or unintended consequences – because doing so would probably paralyze our regular life. Most obstacles we cause and face are taken as *normal preventions*, they are implicitly and immediately excused, forgiven or justified. But when we unintentionally prevent others, we are inclined to say 'sorry.' In the abovementioned example, it would not be unusual for Pietro to say 'sorry, I didn't mean it' or 'sorry, I could not resist the wind.' It is still possible to complain to Pietro that 'I cannot leave the room *because of you*.'[40] We do not usually say these things, because of practical reasons, we immediately forgive Pietro. But if the prevention Pietro caused was significant, then we are more likely to complain and explicitly hold him responsible. Suppose that I was about to leave the room for an exam and Pietro unintentionally locked the door for a couple of hours, as a result of which I could not go to the university and I failed. Because his prevention had significant effects on me, Pietro – assuming that he does not hate me – would feel guilty and I would explicitly hold him responsible for my failure even if I sincerely believed that his action was unintentional.

4.5. The Intentionality View of Freedom

Some argue that what matters, with respect to the second dimension, is the intention of the agent who is held to be causally responsible for another's inability. *B* is unfree to φ if and only if her inability to φ is due to an obstacle intentionally imposed by *A*.[41] Freedom, according to F.A. Hayek, is the absence of coercion and coercion is an intentional interference of another person which forces the coerced "to act not according to a coherent plan of his own but to serve the ends of another."[42] Thus, by definition, an omission cannot be a source of unfreedom. My

[40] Similarly, suppose that something bad would happen if I left the room (say, I was going to kill Camilla) but Pietro was unaware of it. A strong wind made him fall on the door and he made it impossible for me to leave the room. In that case, still it would not be unusual for me to complain to Pietro that 'I cannot leave the room *because of you*.' And it would not be inappropriate for Camilla to thank Pietro for closing the door or for just 'being there' despite the fact that Pietro's prevention was unintentional.

[41] Scott, "Liberty, Licence, and Not Being Free."

[42] Hayek, *The Constitution of Liberty*, 71; see also Charles Fried, "Is Liberty Possible?," in *The Tanner Lectures on Human Values: Volume 3, 1982*, ed. Sterling M. McMurrin (Cambridge University Press, 1982), 89–135, 96.

argument is that due to its position on the second dimension, the intentionality view is too narrow in the sense that it fails to capture some paradigmatic cases of unfreedom.

My usage of the term *unintentional* might be contested on the grounds that any action is intentional under a certain description: "a man is the agent of an act if what he does can be described under an aspect that makes it intentional."[43] Suppose you are a school security guard and, assuming that there is nobody in a room, you locked the door and confined a student. Your action is intentional under the description of 'flipping the key' but unintentional under the description of 'confining a student.' However, I do not need to take a stand on the validity of this 'unifier' account of action. By *unintentional* action, I simply mean a particular consequence of a basic action which is not brought about *deliberately* or *on purpose*. When you move your hand, you perform a basic action. *By* performing a basic action, you also perform many non-basic actions such as 'flipping the key,' 'locking the door,' and 'confining a student.' What I mean by 'intentional,' then, is very limited: I mean 'deliberately' or 'on purpose.' On this narrow usage, to say that 'you confined a student intentionally,' is to say that 'you deliberately locked the door with the purpose of confining a student in the room.' In other words, only some descriptions, those which are close to our daily usage of the word 'intentional,' are taken as relevant descriptions.

Now let us take a look at two examples. Suppose that your country invades its neighbor and you believe that this invasion is unjust. You are a soldier of the invading country and the enemy intentionally shot at you, as a result of which you lost many of your abilities, including the ability to walk. Alternatively, suppose that you are a hunter and one of your fellow hunters unintentionally shot at you and you lost the same abilities, including the ability to walk. The intentionality view holds that with respect to walking and many other actions, you are unfree only in the first case. All your inabilities, which were caused by someone else, in the second case are mere inabilities. But why should we accept this view?

One suggestion is that intentional preventions by others are insulting. For example, Isiah Berlin claim that "[i]f I am prevented by others from doing what I could otherwise do, I am to that degree unfree" and when I am unfree, "I can be described as being coerced."[44] To say that I am coerced is to say that I have faced with a "deliberate interference of other human beings within the area in which I could otherwise act."[45] Although Berlin does not explicitly

[43] Donald Davidson, *Essays on Actions and Events* (New York: Clarendon Press, 1980), 46; see also G. E. M. Anscombe, *Intention* (Cambridge, MA: Harvard University Press, 2000), §23, 37-41.
[44] Berlin, "Two Concepts of Liberty," 169.
[45] Ibid.

endorse the intentionality view of freedom, according to David Miller, this line of thought suggests that we feel resentment when we are prevented due to others' ill will.[46]

The problem with this suggestion is that we might also feel some degree of resentment towards those people who prevent us unintentionally. In the previous two examples, you might get angry at your fellow hunter because of his incompetence or recklessness. Contrary, you might not feel resentment towards your enemy because of your belief that 'he is morally allowed to shot me given that he defends his country against my aggressor country.' Note that we do not need to show that we feel more or equal resentment towards those who prevent us intentionally and unintentionally. All we need to point out is that feelings of resentment or anger are not limited to cases of deliberate preventions. We might, and in some cases do, experience those feelings when we are obstructed by unintentional preventions. Hence the first defense of the intentionality view fails.

The second suggestion might be that the intentionality view prescribes certain principles, because the distinction between intentionally and unintentionally imposed obstacles coincide with the distinction between morally or legally legitimate and illegitimate obstacles. If a person is intentionally prevented, her inability is her unfreedom in virtue of the fact that the prevention is illegitimate.

But intentionality theorists do not claim that every deliberate prevention is illegitimate. States deliberately prevent their subjects all the time or we prevent strangers when they try to enter our house and use our belongings. On the intentionality view, states and property owners make their subjects and strangers unfree, respectively. But it does not mean that those preventions are illegitimate, morally or legally. The same conclusion holds for cases of unintentional preventions. Not every unintentional prevention is legitimate or excusable. If I stop the car in a narrow single-track road, while the traffic light is green, because I want to get out of the car for a minute and observe the nature, I prevent all drivers behind me. My prevention is unintentional, because I do not stop the car with the purpose of preventing other drivers, their being prevented is a side effect of my action. Yet my unintentional prevention is morally and legally illegitimate. In short, the intentionality view *does not prescribe any principle*; it does not say that all intentional preventions are illegitimate or all unintentional preventions are illegitimate. Hence the second defense of the intentionality view fails.

Before considering the third defense, I want to focus on Patrick Day, who is often cited as an intentionality theorist. Day argues that an intentional prevention creates unfreedom,

[46] Miller, "Constraints," 73.

because it violates the moral and legal rights of the prevented person to liberty. But his claim is not that all intentional preventions are violations of moral and legal rights. He gives an example of a businessman who intentionally locks the doors and confines his secretary in the office, "because he considers that she has been slacking and he wants to force her to dispose of her arrears of work."[47] This example is specifically designed in a way that the moral and legal rights of the secretary are violated and the intentionality of the businessman's act does not play any major role in these violations. That is because the moral and legal rights of the secretary could have also been violated without her being intentionally prevented. It is not plausible to say that according to Day, any prevention which violates a person's moral and legal rights is, by definition, intentional. In fact, Day argues that those preventions which violate a person's moral and legal rights are the sources of unfreedom. Thus, Day does not defend the intentionality view. Rather his conception of freedom may be classified as one of the conceptions within the responsibility view of freedom.

The third defense might be that although the intentionality view does not prescribe any political principle, it *entails certain policies in conjunction with certain freedom-distributive principles*. I think this answer is plausible in the sense that with the purpose of prescribing certain policies and institutional set-ups, one can define freedom as the absence of intentional preventions. One of the examples for such endeavor is Hayek's *The Constitution of Liberty* where he defines freedom in a way that makes it easy for him to justify a libertarian government. Similar approaches are followed by other libertarian thinkers such as Robert Nozick and Murray Rothbard. But as I discussed in section 1.2, the problems of this approach are that it is not value-free and it is ideological, hence it is less value-neutral. If someone wants to justify a certain institutional set-upon the grounds that it satisfies some *principle of freedom* (equal or maximum freedom), then she *should not* define the concept of freedom in a way that the latter implies the former. Otherwise, she would not be treating freedom as an independent ideal, because she would be defining the very concept of freedom in terms of the ideals she wants to defend. In other words, her arguments in favor of any institutional set up would become circular. Defining a concept in a specific way for ideological purposes is an attempt to win an ideological battle under the veil of conceptual analysis. Such an endeavor seems to me too *political* for political *philosophy*. Hence the third defense of the intentionality view is unappealing.

[47] Day, "Is the Concept of Freedom Essentially Contestable?," 118.

5. Bivalent Social Freedom and Moral Responsibility

5.1. Introduction

Except the all-inclusive view, all conceptions of freedom hold that not all inabilities are unfreedoms, and therefore, there should be a clear distinction between *unfreedoms* (inabilities due to unfreedom-producing obstacles) and *mere inabilities* (inabilities due to non-unfreedom-producing obstacles). I have identified four dimensions of the preventing conditions (kind of constraints, source of unfreedom, conditions for freedom, and conditions for unfreedom) and argued that we can make a distinction between unfreedoms and mere inabilities based on them. But most conceptions make this distinction solely based on the first and the second dimensions. In this chapter, I focus on the second dimension without taking any position on the question of whether the ability to φ is necessary for the freedom to φ.

There can be many distinctions between unfreedoms and mere inabilities based on a person's view on the dimensions of the preventing conditions. I have endorsed bivalent social freedom, according to which, the distinction between unfreedoms and mere inabilities is based on the distinction between other-imposed obstacles and self-imposed / natural obstacles. But why does bivalent social freedom (or, in general, all pure causality conception of freedom) make this distinction? The causality theorists do not tell us why we *should* say that inabilities caused by other agents are unfreedoms. That is, they do not provide us a reason to justify their distinction between unfreedoms and mere inabilities. Since their distinction lacks a justification, it seems that pure causality conception of freedom has *no point*, because it perceives preventions by others as unfreedoms for no reason, or, what comes to the same thing, for some arbitrary reason.

Can one find a morally relevant reason to justify the distinction between unfreedoms and mere inabilities endorsed by pure causality conception of freedom? In section 4.4, I discussed the narrow responsibility conception of freedom, according to which an obstacle produces unfreedom if someone else is morally responsible for that obstacle in virtue of their actions. I suggested that Ronen Shnayderman does not explore the full implications of his approach and does not claim that as moral agents, we can be held morally responsible for any of our actions. In this chapter, I develop this idea and claim that every obstacle created by someone else stands in need of justification, because agents are morally answerable for all of their actions. If I am right, then we have a morally relevant reason to focus on preventions by other agents and hold that inabilities caused by others are unfreedoms.

My strategy in this chapter will be as follows. I demonstrate that the pure causality theorists do not provide any independent or non-circular argument in favor of the distinction between unfreedoms and mere inabilities. I argue that this distinction can be justified if we hold that agents are *morally answerable* for all of their actions in virtue of the fact that their actions reflect their evaluative judgments. Here moral responsibility should be understood not as *being* blameworthy or praiseworthy, or not as *deserving* blame or praise, but simply as being *susceptible to* blame or praise in virtue of the fact that the preventing agent is a moral agent – a morally responsible being. While agents can be asked to answer for their actions, nature cannot be said to be answerable (in the morally relevant sense) for anything.

I must note that, I will ignore a person's answerability for self-inflicted inabilities, because such inabilities do not produce unfreedom. As discussed at section 3.5., virtually all contemporary theorists of freedom reject desire-based accounts of freedom. Bivalent social freedom also holds that a person's desires are not directly relevant for her freedom. Therefore, for my purposes (namely, finding a morally relevant reason for the distinction between unfreedoms and mere inabilities based on the absence or presence of prevention by other agents), a person's answerability for self-inflicted inabilities is irrelevant. In order to justify the distinction between, I only need to show that there is a morally relevant difference between other-inflicted and natural inabilities.

5.2. The Causality View Again

Clearly, there can be an indefinite number of ways to make *a distinction* between unfreedoms and mere inabilities. But there must be a *point* in making this distinction: we may not reasonably claim that obstacles to a person's φ-ing that are caused by *apple trees* or *individuals named Cesare* make her unfree whereas all the other obstacles make her merely unable. Why do we need to specifically focus on inabilities caused by apple trees (or any other non-sentient beings) or persons with certain names to make a conceptual distinction? There seems to be no non-arbitrary reason for such a distinction.

We describe some inabilities as unfreedoms, because we emphasize some obstacles, which implies that there is *something* important in those obstacles that moves us to use a different term to describe the inabilities caused by those obstacles. I agree with the responsibility theorists that what moves us to use a different term is the idea that only agents can be held morally responsible for the obstacles they create. In that respect, the relevant reason for the distinction between unfreedoms and mere inabilities is moral responsibility. But want is that *something* for the pure negative theorists? What is their justification for their own distinction?

Recall that according to pure causality conception of freedom, a person is unfree to φ, if and only if some other agent is causally responsible for her inability to φ. Whether or not this prevention is intentional, or the preventing agent is morally responsible for it, or she wished to φ are irrelevant in the ascription of unfreedom to her.[1] Unfreedom is a relationship among individuals: a person is always unfree *with respect to* some other agent(s), she cannot be just unfree *per se*.[2] Thus, all inabilities she has due to prevention by others are unfreedoms while all inabilities she has due to other factors are mere inabilities. Moreover, pure causality freedom is *value-free*.[3] A concept is value-free if it is defined with non-evaluative terms. Here evaluative terms express the concepts "the use of which necessarily involves an evaluation."[4] To say that freedom is value-free is to say that we do not need to refer to any evaluative term to ascribe freedom or unfreedom to someone. We can ascribe a person the freedom to kill innocent people provided that nobody is inclined to prevent her when she attempts to exercise this freedom.

Major proponents of pure causality freedom are Hillel Steiner, Ian Carter, and Matthew Kramer. They disagree on some important issues such as whether freedom should be understood as a bivalent or a trivalent conception; whether or not the value of freedom (which is not considered in the *definition* of freedom) should be included in the measurement of overall freedom; whether or not freedom pertains only to (actual or potential) actions or also to other bodily movements (non-actions) such as *becomings* and *undergoings* and non-movements such as *remainings*; and what theory of causation should be adopted.[5] However, they all agree that unfreedom is prevention by other agents. But why should we make the distinction between unfreedoms and mere inabilities based on the absence or presence of prevention by other agents? Since I am only interested in the rationale of pure negative theorists behind the

[1] Steiner, *An Essay on Rights,* 10-21; Carter, *A Measure of Freedom,* 133-4; Kramer, *The Quality of Freedom,* 60-5.
[2] Oppenheim, *Dimensions of Freedom,* 67. Oppenheim defends an impure causality conception of freedom but proponents of both pure and impure conceptions perceive unfreedom as a social relation.
[3] Steiner, *An Essay on Rights,* 9.
[4] Carter, "Value-Freeness," 284.
[5] Ian Carter and Hillel Steiner, "Freedom Without Trimmings: The Perils of Trivalence;" Matthew H. Kramer, "Looking Back and Looking Ahead: Replies to the Contributors," in *Without Trimmings. The Legal, Moral and Political Philosophy of Matthew Kramer,* ed. Visa A. J. Kurki and Mark McBride (Oxford: Oxford University Press, 2022), 363–552.

distinction between unfreedoms and mere inabilities, I will ignore the abovementioned disagreements among them.

For the sake of clarity, we should separate two questions from one another. What is the justification for making *a distinction* between unfreedoms and mere inabilities? What is the justification for *the specific distinction* between unfreedoms and mere inabilities endorsed by pure negative conception of freedom? The causality theorists only provide an answer to the first question. They argue that our reasons for making such a distinction is moral. That is to say, pure causality conception of freedom is a *value-dependent* conception, because its definition is justified in terms of ethical considerations.[6] As Kramer explicitly states, "the ultimate justification for [his] book's specific way of distinguishing between unfreedoms and mere inabilities is partly moral-political – in an extremely abstract and expansive sense."[7]

> When we seek to ascertain whether an individual has been made unfree in some respect(s), we typically do so in order to reach exonerative or condemnatory judgements. We likewise often do so in order to gauge the efficacy of formal or informal mechanisms for averting some type(s) of unfreedom … Perhaps most notably, our enquiries into the existence of unfreedoms are steps toward the measurement of the overall freedom of each individual and of each society. Our measurements can form the bases for comparative judgements about societies' differing merits, and can also form the bases for determinations concerning the extent to which any given society's institutional arrangements are just … a prominent part of the justification for looking carefully into the existence or inexistence of various unfreedoms is moral-political.[8]

Kramer immediately adds that although the reasons why we are interested in singling out unfreedoms and mere inabilities is moral, the definition of freedom he endorses does not include any evaluative term. That is, although *a distinction* between unfreedoms and mere inabilities is justified in terms of ethical considerations, *his distinction* between unfreedoms and mere inabilities does not refer to such considerations. So, pure causality conception is a value-dependent but a value-free conception of freedom. Below I try to find an answer the second, more problematic, question.

Hillel Steiner claims that overall freedom should be represented as a fraction. A person's overall freedom is the ratio of the number of available actions (freedoms) to the sum of the number of available actions and unavailable actions (unfreedoms). Hence the formula for the measurement of overall freedom is F/(F+U). But why should not we just count the number of actions a person is free to perform while ignoring the number of actions she is unfree to perform? Steiner's answer is that when *A* and *B* each have the same number of freedoms but

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[6] Carter, "Value-Freeness," 290-4.
[7] Kramer, *The Quality of Freedom*, 327.
[8] Ibid., 339-40.

A has more unfreedoms than *B*, it would be counterintuitive to ignore this fact in the measurement of their individual overall freedoms and say that *A* and *B* are equally free. Instead, we want to say that *B* is freer than *A*. According to Steiner, unless we take a person's unfreedoms into consideration, we would hold that members of technologically advanced societies are almost always freer than the members of less developed societies. This conclusion would follow, because individuals in advanced societies have more available actions due to technological developments. Persons in "classic Athens could not perform the action (act-type) of going to the refrigerator to fetch a can of beer" but it does not necessarily mean that today we are freer than the ancient Athenians because today *other agents* may prevent us from performing that action.[9]

Note that Steiner does not say that today individuals might fail to go to the refrigerator to fetch a can of beer because of their self-imposed or naturally caused inabilities. Instead, he gives an example in which his neighbor prevents him from performing that action. Why does Steiner focus on other-imposed rather than natural obstacles? He answers that "[f]reedom is a social relation, not a technological one. It's a relation between persons and persons, not between persons and nature."[10] But even accepting that freedom is a social relation among persons does not necessarily entail the truth of his claim that *any* prevention by others produce unfreedom. One can perceive freedom as a relation between persons yet argue that only intentional or unjustified prevention by others creates unfreedom. So, Steiner neither explains his intuition that freedom is a relation between persons, nor his own distinction between unfreedoms and mere inabilities.

Ian Carter makes two revisions to Steiner's metric for overall freedom, details of which are irrelevant for our purposes, and also argues that overall freedom should be represented as a fraction. According to Carter, Steiner's view that freedom is a relation between persons is based on a liberal "intuition … that in order for an obstacle to count as a constraint on the freedom of a human agent to do a particular thing, that obstacle must have been created by some other human agent (or group of human agents)."[11] However, Carter does not say what, at least according to him, lies behind that liberal intuition. Moreover, he does not explain the importance of this intuition. For example, there are some intuitions that we are asked "to silence" for the purposes of measuring freedom or consistency in the pure negative conception.[12] Why is not this liberal intuition one of them?

[9] Steiner, *An Essay on Rights*, 43.
[10] Ibid., 44.
[11] Carter, *A Measure of Freedom*, 173.
[12] Steiner, *An Essay on Rights*, 7; Carter, *A Measure of Freedom*, 100.

Most importantly, Carter does not take any stand on the question of sources of unfreedom. He focuses on the possibility of measuring freedom because justice, he says, at least partially consists "in a distribution of freedom."[13] Hence his interest in freedom is justified by his interest in justice. Although his seminal work, *A Measure of Freedom*, is usually believed to defend the idea that *any inability for which other agents are causally responsible is an unfreedom-producing obstacle*, the book does not explicitly argue in favor of this view. Rather, Carter explicitly points out that for the purposes of measuring freedom, the sources of obstacles are irrelevant; it does not matter whether the source of an obstacle that makes it impossible for one to do *x* is some action of other agents. As he points out, "the analysis of empirical freedom" does not imply that we should necessarily "distinguish between natural and human obstacles."[14]

However, in the last part of his book, especially in chapter 8 where he discusses constraints on freedom, Carter implicitly perceives unfreedom as prevention by others. He discusses the impact of threats and offers on a person's overall freedom and naturally, his examples are about cases in which some persons issue threats or make offers to others. But even in other subsections where he discusses the probability of constraints or the impact of difficulty of performing specific actions on a person's overall freedom, his examples portray freedom as a relation between persons. He could have given an example of a person for whom running in the open field becomes more difficult due to natural obstacles such as bad weather conditions, or of a person in the middle of the Pacific Ocean who might fail to reach the nearest island because of a possible shark attack.

Why does Carter not give examples where the constraints on freedom are natural obstacles? I believe we can find an answer to this question if we look at his discussion of the debate between libertarians and socialists. Carter emphasizes the importance of "the distinction between unfreedom and [mere] inability" and argues that to capture the effects of money on one's overall freedom and challenge libertarians that the lack of money reduces one's overall freedom, we do not need

> to embrace a more 'positive' notion of freedom (by rejecting the distinction between unfreedom and [mere] inability). The fact is that the money in one's possession partly determines whether or not others will physically prevent one from performing certain sets of actions. Thus, the tramp is physically prevented, not by his lack of money, but *because* of his lack of money, and *by other people*,

[13] Carter, *A Measure of Freedom*, 4.
[14] Ibid., 173.

> from eating at the Ritz and then walking away unimpeded (assuming he is not thrown out first for bad dress).[15]

This quoted passage suggests that according to Carter, who defends a 'negative' notion of freedom, the distinction between unfreedoms and mere inabilities is vital. Without this distinction, he believes, we consider natural obstacles as constraints on freedom, hence we perceive freedom as a 'positive' conception. It seems that by 'positive freedom,' Carter refers to some form of ability-based conception of freedom, according to which one is free to φ when one is unprevented *and* has the means (understood as external resources) to φ. He emphases the phrase *by other people* and immediately after this passage, he, by relying on G. A. Cohen, argues that the lack of money is not the same thing as the lack of bodily or mental resources. While former amounts to the lack of freedom, the latter amounts to the lack of ability. So, despite explicitly claiming that the sources of obstacles are irrelevant for his purposes, Carter seems to assume that *only other-imposed obstacles* produce unfreedom.

Indeed, in his later writings, Carter explicitly defines freedom as a social relation between persons. For example, in a book chapter, he cites *A Measure of Freedom* as a defense of pure negative freedom, according to which "a person is unfree to perform some action if and only if some other person renders that action physically impossible" and, he adds, this conception of freedom "should be thought of as a relation between persons, for it limits the class of freedom-restricting [or what I call, unfreedom-producing] obstacles to those created by other persons."[16] In another article, he defines pure negative freedom as a conception according to which "a person is unfree to φ if and only if he is prevented from φ-ing by the conduct or dispositions of some other person(s)."[17] Yet on another occasion, he writes that "unfreedom is a social relation consisting in the presence of humanly imposed impediments rendering actions impossible."[18] A common problem in all these writings is that he, like Steiner before him, does not say why should only *other-imposed obstacles* be considered unfreedom-producing obstacles.

According to Matthew Kramer, a person is unfree only when her inability is attributable to other person's actions or dispositions to act. But why is that? Kramer writes that his

[15] Ibid., 235.
[16] Ian Carter, "How Are Power and Unfreedom Related?," in *Republicanism and Political Theory*, ed. Cecile Laborde and John Maynor (Malden, MA: Wiley-Blackwell, 2008), 58–82, 61-2.
[17] Carter and Kramer, "How Changes in One's Preferences Can Affect One's Freedom," 81.
[18] Ian Carter, "Social Power and Negative Freedom," in *Power, Voting, and Voting Power: 30 Years After*, ed. Manfred J. Holler and Hannu Nurmi (Berlin, Heidelberg: Springer-Verlag, 2013), 27–62, 31; see also Ian Carter and Ronen Shnayderman, "The Impossibility of 'Freedom as Independence,'" *Political Studies Review* 17, no. 2 (2019): 136–46, 138; Ian Carter, "Grounding Equal Freedom: An Interview with Ian Carter," *Erasmus Journal for Philosophy and Economics* 14, no. 2 (2021): 123–56, 132.

conception "concentrates on the domain of social and political philosophy – a domain comprising human interrelationships in all their multifariousness."[19] Although he says that "any social or political philosopher must take account of relations between human beings and their natural environments," he immediately emphasizes that "[o]f course," social or political philosophers "will focus primarily on relations among human beings themselves as a distinctive object of investigation and concern."[20] His claim that only preventions by others count as unfreedom-producing obstacles

> is based on the premise that the freedom-impairing effects of human intercourse (even remote and indirect human intercourse) are especially noteworthy for political philosophers" and that "the distinctiveness of [socio-political] liberty lies precisely in one's attribution of *special significance* to the curbs brought about by human interrelationships.[21]

Kramer holds that when a person is unable to do something, that inability is classified as a mere inability and is not included in the measurement of her overall freedom. One of the subsections of his book is called "The Distinctiveness of Humanly Endangered Constraints" where he argues that if we only count the number of freedoms in the measurement of overall freedom, we would put unfreedoms and mere inabilities into the same basket. However, he continues, such a measurement would be suitable for "physicists or engineers who are entirely uninterested in matters of social and political philosophy."[22] But, as I noted above, Kramer does not provide any argument in favor of his claim that there is something distinctive about other-inflicted inabilities. As he points out in the next paragraph

> the arguments that support my claim about the distinctive importance of human interaction in the curbing of liberty … are doubtless each based partly on a premise that imputes such importance to such interaction. To come up with justificatory arguments that are not ultimately circular, someone would have to adduce a more profound dichotomy that pertinently comprehends the distinction between the human and the natural. No obvious candidates for that role come to mind.[23]

He briefly considers the possibility of justifying his distinction between unfreedoms and mere inabilities based on the idea that other-inflicted inabilities arouse resentment while naturally caused inabilities do not. Nevertheless, Kramer rejects this idea for two reasons. Firstly, he writes, some other-inflicted inabilities do not arise any resentment and / or gratitude. Secondly,

[19] Kramer, *The Quality of Freedom*, 6.
[20] Ibid.
[21] Ibid., 310 emphasis added.
[22] Ibid., 362.
[23] Ibid.

some natural obstacles provoke resentment on the part of the affected people. To support his last claim, he points out that it is not rare for religious people as well as non-believers to feel resentment towards natural calamities. Therefore, he concludes that since a non-circular justification cannot be avoided, "we must rely on a justification that is ultimately circular."[24]

So, Kramer takes it as given or obvious that social or political philosophers do and will continue to see a difference between other-imposed obstacles, on the one hand, and self-imposed or natural obstacles on the other. And Kramer does not explain why political philosophers attribute special significance to all other-inflicted inabilities. In that respect, Kramer's argument in favor of the distinction between unfreedoms and mere inabilities, as he concedes, "is probably not justifiable in any way that ultimately escapes circularity."[25]

To sum up, the causality view has a serious shortcoming. It does not provide any morally relevant or independent argument in favor of the distinction between unfreedoms and mere inabilities, the distinction that motivated us in the first place in focusing on the ways in which constraints are generated.

The responsibility view is attractive, because it proposes a non-arbitrary argument in favor of its distinction between unfreedoms and mere inabilities. It holds that the main difference between other-inflicted and natural obstacles is moral. A person's inability to drive is a case of *unfreedom* when the workers block the road, because they are morally responsible for this blockade, whereas her inability to drive is a case of *mere inability* when the landslide blocks the road, because a landslide cannot be held morally responsible for anything. But the responsibility view does not suggest a value-free conception of freedom, because it does not perceive all inabilities due to preventions by others as unfreedoms. Whether a person is unfree due to the blockade of workers depends on the evaluator's moral outlook, which means that to ascribe unfreedom to her, we are first required to decide whether the workers were morally responsible for their conduct. So, freedom ceases to be a descriptive concept and it becomes impossible for people with different moral outlooks to decide whether she is unfree when the construction workers or strikers block the road.

Is it possible to develop a value-free conception of freedom which provides a morally relevant reason for the distinction between unfreedoms and mere inabilities? I suggest a novel interpretation of moral responsibility which allows us to dissolve the debate between these views. I argue that under the account of *moral responsibility as answerability*, it is possible to

[24] Ibid., 366.
[25] Ibid., 362.

have best of the both words: to conceptualize a kind of *value-free freedom* that also provides *a morally relevant reason* for the distinction between unfreedoms and mere inabilities.

5.3. Moral Responsibility

The most influential contribution to contemporary discussions on moral responsibility is Peter Strawson's seminal essay titled "Freedom and Resentment," originally published in 1962, which argues that to understand moral responsibility, we should analyze our *reactive attitude*s towards agents that we hold morally responsible. Reactive attitudes are moral reactions to others' behavior and they can be divided into three categories. The account of moral responsibility I will defend (responsibility as *answerability*) is, broadly speaking, Strawsonian in inspiration, even though it differs from Strawson's own account. Therefore, before defending my account of answerability, it is useful to take a detailed look at Strawson's account of moral responsibility.

Firstly, we have *personal reactive attitudes* – emotions such as "gratitude, resentment, forgiveness, love, and hurt feelings."[26] These emotions are reactions we have, *in virtue of our being moral agents*, to other agents' "good or ill will or indifference or lack of concern" towards us.[27] Such reactions rest on our expectations or demands that others should treat us in a certain way. Attitudes of other agents towards us should involve a "certain degree of good will or regard", or at least, their attitudes towards us should be free from "active ill will or indifferent disregard."[28]

Secondly, we have *vicarious reactive attitudes*, which are our reactions to the treatment of other agents by some third parties. Vicarious reactive attitudes such as indignation and disapprobation are our reactions to others' good or bad will or indifference towards other agents, not towards us. In other words, we apply our beliefs regarding how other agents should treat us to interpersonal relations with other individuals. When *A* acts with an ill will towards *B*, irrespective of *B*'s personal reactive attitude towards *A*, we, as a third party, might blame *A* for his behavior.

Thirdly, just as we demand of others that they treat us and other individuals in a certain way, so we demand of ourselves that we treat others in a certain way. Such demands are

[26] Peter Strawson, "Freedom and Resentment," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza (Ithaca and London: Cornell University Press, 1993), 45–66, 48.
[27] Ibid., 56.
[28] Ibid.

associated with *self-reactive attitudes* such as remorse and guilt.[29] Since I am interested in the role of reactive attitudes in interpersonal relations, I only focus on personal and vicarious reactive attitudes.

Strawson does not claim that a person is either praiseworthy or blameworthy with respect to her actions. Suppose that *A intentionally* harms *B*. In this case, it is appropriate for *B* to feel resentment and, in general, it is appropriate to consider *A* blameworthy for his action. But when *A* unintentionally harms *B*, it is appropriate to plea on behalf of *A* by saying that '*A* didn't mean it' or that '*A* had no other choice.' In the case of unintentional harm, *B* might feel less or no resentment and it might be inappropriate to blame *A* for his action. However, Strawson emphasizes, this does not mean that in the case of unintentional harm, *A* is not fit to be held morally responsible. The abovementioned pleas

> do not invite us to view [*A*] as one in respect to whom [a reactive attitude] is inappropriate. They do not invite us to see [*A*] as other than a fully responsible agent. They [do, however,] invite us to see the *injury* as one for which [*A*] is not fully, or at all, responsible.[30]

When people are excusable for their unintentional, or maybe forced, actions, their *status as moral agents* are not suspended for any time. Thus, it is not the case that they are not responsible for their actions. They might be excused for their actions but still they are moral agents, that is, they remain responsible beings even when they exercise unintentional actions.

According to Strawson, "the central commonplace" about moral responsibility "is the very great importance that we attach to the attitudes and intentions towards us of other human beings, and the great extent to which our personal feelings and reactions depend upon, or involve, our beliefs about these attitudes and intentions."[31] The notion of moral responsibility, on this view, is not independent of our practice of holding people responsible:

> It is not that we hold people responsible because they *are* responsible; rather, the idea (our idea) that we are responsible is to be understood by the practice, which itself is not a matter of holding some propositions to be true, but of expressing our concerns and demands about our treatment of one another.[32]

This interpretation of moral responsibility also explains vicarious reactive attitudes: when I face an obstacle imposed by you, it does not have to be *me* who considers you susceptible to

[29] Ibid., 56-7.
[30] Ibid., 50-1.
[31] Ibid., 48.
[32] Gary Watson, *Agency and Answerability: Selected Essays* (Oxford and New York: Oxford University Press, 2004), 222.

blame or praise. I might be manipulated in a way that my reaction toward the imposition of an obstacle is not a reaction of a normal moral person. According to the criterion of holding people morally responsible, what matters is that from the perspective of the normal practice of holding people responsible, you are susceptible to blame or praise when you impose an obstacle on me. Strawson does not claim that any action for which a person is morally responsible should provoke a reaction from others. He simply claims that a person is morally responsible for an action if it would be *appropriate* for others to have reactive attitudes towards her. She can be morally responsible for many morally neutral or indifferent actions.

This claim is *partially* supported by other theorists too.[33] For instance, according to Fischer and Ravizza, the Strawsonian view of moral responsibility holds that "being morally responsible is being *an appropriate candidate* for the reactive attitudes. A morally responsible person is *rationally accessible* to the reactive attitudes … but he need not be an *actual* recipient or target of any such attitude."[34] It seems fair to read the phrases 'being rationally accessible' and 'being susceptible' as synonyms in this context. A similar view is seemingly endorsed by Jay Wallace who argues that "to hold someone to an expectation … is to be susceptible to a certain range of emotions if the expectation is violated, *or to believe that it would be appropriate for one to feel those emotions* if the expectation is violated."[35] For example, if you like someone, you might not feel resentment towards them when they intentionally harm you, but it does not mean that they cannot be aptly held responsible for their actions. That is because, not every action for which a person is morally responsible (in this case, blameworthy) need provoke a feeling on behalf of others.[36]

Suppose that *A* pays his bill by a credit card at a market and the cashier *C* withdraws the correct amount of money from *A*'s card. Also suppose that as a usual customer, *A* is not very attentive when he enters his pin and *C* could have withdrawn more without *A*'s notice. Because we believe that a normal person should have done exactly what *C* did, we remain indifferent toward *C*'s honest action (his withdrawing the correct amount). Nevertheless, if *C* had done something bad (attempted to cheat), we would blame him. So, *C* is *susceptible* to

[33] Michael J. Zimmerman, *An Essay on Moral Responsibility* (Rowman & Littlefield, 1988), 61-2; Michael McKenna, *Conversation and Responsibility*, 1st ed. (Oxford University Press, 2012), 16-7. I say this claim is *partially* supported to mark the fact that although philosophers I cite agree that one can be morally responsible for an action even when one's action does not provoke any feeling on our behalf, they do not claim, as I intend to, that one is morally responsible (in any sense) for all actions one performs.
[34] John Martin Fischer and Mark Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*, Cambridge Studies in Philosophy and Law (Cambridge: Cambridge University Press, 1998), 7.
[35] R. Jay Wallace, *Responsibility and the Moral Sentiments* (Massachusetts London: Harvard University Press, 1994), 23.
[36] Ibid., 77.

blame. Thus, he is morally responsible for his actual, honest action. Consider another example. Suppose that I am a professional fighter and you are an ordinary person with average fighting skills. We see each other in the neighborhood and we shake hands. Because this is a normal practice, neither we nor any observer would not feel resentment or gratitude towards either of us. But if I had done something bad – if while shaking your hand, I attempted to break it – I would be appropriately blamed for my action. So, I am *susceptible* to blame now. Thus, I am responsible for my actual action (shaking your hand).

Note that the accounts of moral responsibility defended by Peter Strawson and Fischer and Ravizza do not imply that a person is morally responsible *for all actions* she performs. But I will defend the conception of *moral responsibility as answerability,* which, broadly speaking, can still be classified as a Strawsonian conception of responsibility. I will argue that this conception allows us to claim that we are answerable for *all of our actions*. A person's being answerable for an action does not necessarily imply that she *is* blameworthy or praiseworthy, or that she *deserves* to be blamed or praised. To say that she is answerable for an action is to say that she is susceptible to blame or praise (even when one's actions do not provoke any emotional response on behalf of others) in virtue of the fact that her action reflects her evaluative judgment. If she is answerable for her all of her actions, she is also answerable for all obstacles she creates to others' actions.

5.4. Moral Responsibility as Answerability

Many contemporary theorists of moral responsibility are pluralists. They believe that there are more than one kind of moral responsibility and one can be responsible in a person sense while not being responsible in another sense.[37] They use terms such as 'answerability,' 'accountability,' and 'attributability' to describe various kinds of moral responsibility. But there has yet been to a consensus on the meanings of these terms as different theorists refer to different phenomena when they invoke the same terms.[38] One of the major proponents of the conception of moral responsibility as answerability is Angela Smith, who is a monist about moral responsibility. That is, she believes that there is only one sense or concept of moral

[37] Erin Kelly, "Doing without Desert," *Pacific Philosophical Quarterly* 83, no. 2 (2002): 180–205; Derek Parfit, *On What Matters: Volume One*, 1st edition (Oxford University Press: Oxford, 2011), 260-3; Derek Pereboom, *Free Will, Agency, and Meaning in Life* (Oxford University Press, 2014), 134-6; David Shoemaker, "Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility," *Ethics* 121, no. 3 (2011): 602–32.
[38] Sofia Jeppsson, "Accountability, Answerability, and Attributability: On Different Kinds of Moral Responsibility," in *The Oxford Handbook of Moral Responsibility*, ed. Dana Kay Nelkin and Derk Pereboom (New York: Oxford University Press, 2022), 73–88, 74.

responsibility and she calls the core of this notion *responsibility as answerability*.[39] Without taking any position on the pluralism-monist debate, I mostly rely on Angela Smith's conception of answerability. That is because answerability is a thin conception of moral responsibility, thus, it avoids the free will debate (see, section 5.7.). I will explicate her conception of answerability and claim that it can be expanded to cover all of our actions.

For an agent to be responsible for some something, it is both necessary and sufficient that it reflects her evaluative judgment, because "the justificatory demand implicit in moral criticism is a demand to reassess, modify, and in some cases apologize for those judgments."[40] Smith argues that it does not make sense, or it is not justifiable, to demand an answer from a person for an action that does not *reflect* her evaluative judgments. Here I should clarify two key terms. First, by 'evaluative judgments,' Smith refers to "continuing and relatively stable dispositions to respond in particular ways to particular situations, and not merely onetime assessments."[41] The term not only refers to "consciously held propositional beliefs," but also includes "tendencies to regard certain things as having evaluative significance."[42] This means that a person may not always be aware, or sure, of her own evaluative judgments. In certain situations when she has to decide, she may discover what she really cares about. Second, saying that a mental state 'reflects' a person's evaluative judgement means that "if one sincerely holds a particular evaluative judgment, then the mental state in question should (or should not) occur."[43] When a person sincerely believes that wishing her political rivals to be murdered is not something she should be happy about, then she should not be happy when her political rivals are murdered. Here *should* is understood as "the should of rationality, and, therefore, marks a normative ideal which our actual attitudes may not always meet."[44] When a person's evaluative judgement should not follow her sincerely held beliefs, she can be accused of irrationality.

I think the following personal example is helpful to explain the notion of answerability. I used to work as an assistant dean at a private university in Baku and our pro-rector persistently asked us to publicly remove the students who had not paid their tuition fees from the classroom.

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[39] Angela M. Smith, "Responsibility as Answerability," *Inquiry* 58, no. 2 (2015): 99–126, 102.
[40] Angela M. Smith, "Control, Responsibility, and Moral Assessment," *Philosophical Studies* 138, no. 3 (2008): 367–92, 383. Things for which one can be answerable include all intentional actions as well as some intentional and unintentional omissions and most attitudes such as beliefs and desires. See, Angela M. Smith, "Attributability, Answerability, and Accountability: In Defense of a Unified Account," *Ethics* 122, no. 3 (2012): 575–89, 577-8.
[41] Angela M. Smith, "Responsibility for Attitudes: Activity and Passivity in Mental Life," *Ethics* 115, no. 2 (2005): 236–71, 251 n27.
[42] Ibid., 251.
[43] Ibid., 253.
[44] Ibid.

But without any hesitation, I protested this decision and openly refused to obey this informal order. Later, when the same university tried to restrict my academic freedom, I resigned.[45] The first decision might be said to be involuntary, at least, the refusal to obey was not something I thought through. It was an immediate reaction to an illegitimate order which, if executed, would have humiliated the students. The second decision was a result of some deliberation with a friend of mine. However, both decisions – my mental states in both cases – reflected my evaluative judgement that I was not aware, or sure, of until that moment. I did not know that I valued the dignity and privacy of my students or my academic freedom more than a good-paying prestigious job. If the threat I faced in any of those cases was something else (i.e., humiliation, imprisonment, torture), I could have reacted differently. I could have discovered that, for example, I am willing to humiliate my students in order to avoid being humiliated myself. In that hypothetical case too, my mental states would have reflected my evaluative judgements, because those states would have revealed my dispositions to value certain things over others.

The notion of answerability is based on the idea that a creature can only be answerable for those evaluative judgments that are "open, in principle, to revision or modification *through that creature's own processes of rational reflection*."[46] On this view, only human agents can be answerable for their evaluative judgements, because it seems they are "the only animals who have the capacity to reflect on and revise their evaluative judgments in light of rational considerations."[47] Only human agents can their explicit and implicit evaluative judgements. In that respect, other-imposed obstacles are different from natural obstacles, because it only makes sense to ask *other agents* to justify their interferences. When you are unable to leave the room because the door is locked by some other agent, it is plausible to ask them to justify their actions. But when your inability to leave the room is due to some natural phenomenon such as an earthquake, it does not make sense to request a justification from the earthquake (such a request would be at best metaphorical if not nonsensical). As Benn points out, one may request a justification not *from* an earthquake but *for* an earthquake, and in that case, the justification is demanded from God. For

> it is pointless to ask for a justification unless one supposes that things might be different from the way they are but for the will or the negligence of a responsible being [which means that] freedom in the full sense is about the absence of restrictions of the options available to independent agents or choosers, by persons

[45] See Ilkin Huseynli, "Academic Freedom and University: The Case of Azerbaijan," in *La Liberté Académique: Enjeux et Menaces*, ed. Vanessa Frangville et al. (Brussels: Editions de l'Université de Bruxelles, 2021), 133–43.
[46] Smith, "Responsibility for Attitudes," 256 emphasis added.
[47] Ibid.

> having the capacity to deliberate and intentional interference, who might have made things otherwise had they so decided.[48]

It only makes sense to ask for a justification from a creature which (a) understands that its actions can cause harm or create obstacles to others' actions and (b) has a capacity to make an evaluative judgment about the importance of such ethical considerations.[49]

What does it mean to be *answerable for something*? On Smith's view,

> to say that an agent is morally responsible for something is to say that that agent is an appropriate target, in principle, of requests for justification regarding that thing and that she is eligible, in principle, for a variety of moral responses depending upon how well or poorly she meets this justificatory request.[50]

She adds the clause 'in principle' in the definition of answerability to emphasize that my answerability for something is independent of such contingent facts as whether there is someone who is *in a position* to demand a justification from me or whether my action in question *actually provokes* a response from others. In other words, saying that a person is answerable for something does not mean that her action actually provokes a reaction on behalf of others, what matters is that such a reaction would be legitimate if it has been discovered that her action violates some moral demand or expectation. So, she can be answerable for a morally neutral or indifferent action such as shaking someone's hand. Moreover, saying that a person is answerable for something does not mean that there must be someone in the current circumstances who can legitimately ask her to justify her action. What matters is that such a request would be legitimate or warranted.[51]

To put in another way, similar to the concept of freedom, as MacCallum formulated it, the concept of moral responsibility is a triadic relationship among *x* (an agent), *y* (some other agent), and *z* (some *φ* of x). That is to say, "an individual (or group) is responsible *to* others for something."[52] However, this relational aspect of moral responsibility does not necessarily imply that a person answerable for her action if and only if there is some *particular agent* who *actually* requests an answer from her.

What does it mean *not to be answerable for something*? To ask differently, what does it mean to say that something does not reflect a person's evaluative judgment? Roughly

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[48] Stanley Isaac Benn, *A Theory of Freedom* (Cambridge; New York: Cambridge University Press, 1988), 133.
[49] Angela M. Smith, "Responsibility, Reactive Attitudes, and 'The Morality System?,'" *Ethical Theory and Moral Practice* 24, no. 1 (2020): 333–45, 342.
[50] Smith, "Responsibility as Answerability," 103.
[51] Ibid., 106.
[52] Watson, *Agency and Answerability*, 7.

speaking, things which are *not* open, in principle, to revision or modification through [agents'] own processes of rational reflection" do not reflect the agents' evaluative judgements, therefore, they cannot be asked to answer for them.[53] For example, Smith writes, "I am not morally responsible for my height, for my intelligence, or for my heartbeat because it would make no sense to demand that I justify these things."[54] In a later article, she writes that a person's "basic physical characteristics" or "family lineage" or "natural abilities" do not bear any relation to her evaluative judgment; thus, "'why are your ears so big?' can at best be a request for causal explanation, not rational justification."[55] Smith's account of answerability also rules out "most sensations and visual perceptions, random thoughts and mental images, appetitive desires, and 'implanted' attitudes, since we do not expect these states to reflect or to be governed by our judgment."[56]

Smith talks not only about actions, but also about mental states for which we can be answerable. My claim about answerability, however, is narrower. This is because I am interested in answerability in order to resolve a debate over social freedom. Theorists of responsibility as well as causality conceptions of freedom agree that a person's inability is a case of unfreedom when that inability is due to the conduct (action or omission) of someone else. Recall that in section 3.4., I argued that omissions should not be accepted as sources of unfreedom. This means that, for my purposes here, I am interested in actions. Therefore, I remain agnostic on the relationship between answerability and non-actions.

In order to argue that we are answerable for *all obstacles* we cause to others' action in virtue of our actions, I need to show that we are answerable for all of our *intentional* and *unintentional* actions. To do that, first, I join Smith in arguing that we are answerable for all of our intentional actions. Later, I argue that we are also answerable for all of our unintentional actions. Recall that by 'unintentional action,' I mean a particular consequence of a basic action which is not brought about *deliberately* or *on purpose* (see section 4.5.). When you move your

53 Smith, "Responsibility for Attitudes," 256.

54 Smith, "Attributability, Answerability, and Accountability," 578. But, to some extent, a person is *causally responsible* for her height (she could have consumed healthy food), intelligence (she could have worked harder to increase her cognitive abilities), or heartbeat (she can increase her heartbeat by running or listening to *Slayer*). Therefore, if, say, a person's heartbeat plays a part in a causal chain (especially when any increase or decrease in her heartbeat is caused by her action) as a result of which some other agent is prevented from doing something, she might be morally responsible for her heartbeat. Suppose that Vova and I are captured by psychopath Lector who imprisoned us in his basement. Lector ties me to a chair and connects vibration sensitive cables, which are attached to a gun, to my chest. If my heart rate increases, the gun will fire at Vova, who is also tied to a chair and is placed in front of the gun. Unbeknown to Lector, I hate Vova. I intentionally start to remember things that excite me. My heart rate increases and stronger vibrations send a signal to the gun, which fires at Vova. On Smith's account of answerability, I am answerable for my heartbeat.

55 Smith, "Responsibility as Answerability," 103.

56 Smith, "Responsibility for Attitudes," 262.

hand, you perform a basic action. I will argue that since a person is answerable for her basic actions, she is also answerable for all of her non-basic actions, however unintended or unforeseeable they might be at the time of her basic action.

5.5. Answerability for Intentional Actions

Let me start with intentional actions. Smith writes, and I agree, that:

> I consider myself morally responsible for all of the intentional actions I perform, in the sense that I am, in principle, eligible for requests for justification and eligible for negative and positive moral responses should those actions turn out to violate or exceed the moral norms or expectations to which I am legitimately subject. The fact that most of our boring, everyday actions neither invite requests for justification nor call for moral responses of any sort does not show that we are not morally responsible for them, on the answerability account.[57]

Her conception of answerability is, broadly speaking, Strawsonian. It holds that (1) we can be answerable for morally neutral as well as insignificant actions, (2) and actions for which we are answerable do not have to provoke a moral response on the part of others.

Those who reject the first part of this view claim that moral agents are only answerable for *morally significant actions*. For example, Michael McKenna distinguishes morally neutral actions from morally insignificant ones and argues that while a person can be morally responsible (in any sense) for actions of the former type, she cannot be morally responsible for the latter ones.[58] On his view, a person's whistling at home when there is nobody around to be disturbed is morally insignificant, hence she is not morally responsible for it. I think McKenna's view has two problems.

First, we are not sure which actions count as morally significant. To borrow an example from Smith, driving to a grocery store seems like a morally insignificant action but by driving a car a person can also negatively contributing to climate change. Thus, driving can also be described as a morally significant action. Going back to McKenna's example, it seems to me that a person is answerable for her whistling at home. One of the reasons might be the following: by whistling she burns some calories, which means that she will need to gain those lost calories by eating more than she would have to had she not whistled. Consuming more food might be said to negatively contribute to climate change – an issue that has moral significance. Hence, she can be asked to answer for her whistling.

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[57] Smith, "Responsibility as Answerability," 107.
[58] McKenna, *Conversation and Responsibility*, 17.

Some might reject this argument on the grounds that her contribution to climate change by whistling is so small that it can be seen as a trivial amount of harm. But, like whistling, her sundry other actions also impose some trivial amount of harm to climate change.[59] At some point, *the sum of all these trivially small harms* passes a certain threshold and becomes sufficiently large, hence non-trivial. It would be strange to hold that we are not answerable for *an individual action* that brings about a trivial amount of harm but that once we perform a sufficient number of such actions, we suddenly become answerable for *the sum of actions each of which brings about a trivial amount of harm*. I agree with Smith that "the questions about moral significance are best addressed at the level of moral response, not at the level of basic moral responsibility."[60] The question of whether a person's whistling is a morally significant action is not relevant to the question of whether she is answerable for it.

Second, and most importantly, any action can be described as a morally significant action. So, even if one joins McKenna and rejects the claim that whether a person is answerable for *x* does not depend on whether *x* is morally significant, one has a good reason to hold that agents are answerable for *all intentional actions*. Any intentional action, however conventional or insignificant it might seem, can be described in a way that affects other people. Even seemingly insignificant actions can turn out to be morally significant in virtue of the fact that they affect the lives of others. If a person intentional action affects other people, that action can be described as a morally significant action. Thus, those who adopt McKenna's position can also hold that a person is answerable for all of her actions.

Let me clarify the above point. It seems McKenna assumes that actions can be revealed to be morally insignificant by the fact that they do not provoke any moral reaction from others. But, as discussed before, answerability does not require a moral reaction from others. Saying that a person is answerable for doing something neither means that her action provokes any reaction from others, nor that there is actually someone who holds her answerable. Some actions provoke reaction from others after we learn new facts about their harms. A few decades ago, smokers were not held answerable for smoking among others because we did not know about the harms of passive smoking. Some actions, however, provoke reactions from others not only because we learn new facts about their harms, but also because our attitudes about *tolerable harms* have changed. Until some years ago, hardly anyone was saying that ordinary individuals are answerable (or even blameworthy) for negatively affecting climate change,

[59] See, Gianfranco Pellegrino, "Robust Individual Responsibility for Climate Harms," *Ethical Theory and Moral Practice* 21, no. 4 (2018): 811–23.
[60] Smith, "Responsibility as Answerability," 107.

because they eat meat (cows produce methane emissions), shower every day (we are running out of drinking water) or print books (printing also consumes energy and resources). But today climate activists blame those who eat meat, shower every day or print regularly. Many companies across the business spectrum allegedly try to be *climate-neutral* or *climate-friendly*. Presumably, at present, the human contribution to climate change by whistling is so minuscule that nobody bothers to hold agents answerable for whistling, but this does not entail the view that agents are not answerable for whistling.

In other words, the simple fact that nowadays people do not hold one another answerable for whistling does not mean that it would be *inappropriate* to hold them answerable for it. After all, whistling does *in fact* (negatively) contribute to climate change and just because its contribution is now perceived as *a tolerable harm* does not mean that we are, morally speaking, off the hook.

5.6. Answerability for Unintentional Actions

Suppose that Dave followed all traffic rules in an intercity highway but through no fault of his own he unintentionally runs over and kills a child. Smith suggests that Dave *is not* answerable for this accident or the death of the child. However, she adds, he is answerable for *his attitude* (for his spontaneous reaction). As a normal human, he *should* regret the death of the child. We would be suspicious of Dave if he said 'it was not my fault' and did not feel any regret, "because this would indicate a failure to appreciate the seriousness and significance of the harm he has, however blamelessly, helped to bring about."[61] Smith's claim is that as a moral agent, Dave *would* feel differently (very bad) compared to any spectator – someone who just witnessed this accident. Also, as moral agents, we *would* have some doubts about Dave's moral agency or sanity or intentions if he did not feel any regret. According to her, it would be a mistake to ignore these important aspects of our moral practice: "our spontaneous reactions [such as Dave's regret after the accident] reveal … the underlying evaluative commitments shaping our responses to the situations in which we find ourselves."[62] In short, Smith holds that: (a) Dave is not answerable for the child's death; (b) Dave is answerable for his attitude towards this death; and (c) Dave should feel differently from any spectator (i.e., should feel more regret).

But I do not believe that all these three propositions can be true at the same time. If, as Smith suggests, Dave is *merely causally responsible* for the child's death, it would not make

[61] Smith, "Responsibility for Attitudes," 249-50.
[62] Ibid., 250.

any sense *for him, specifically,* to regret the situation or *for us* to expect that he should feel regret. That is, under such circumstances, Dave *would not and should not* regret the situation any more than anyone else should. After the accident, he does not need to regret the situation because of some prudential reason, namely that he will be legally punished. That is because, he is not legally liable since he followed all the traffic rules. In that respect, when Smith says that the driver should feel regret, what she means is that Dave should regret the situation for *a moral reason* – he should regret that he is causally responsible for some *morally* distressing result – someone's death. However, if we accept Smith's view that the driver is merely causally responsible for the child's death, he would not have any moral reason to feel regret. Even within Smith's own conception of answerability, we can say that Dave is *answerable for the child's death*, because the chain of decisions that lead to the accident does reflect Dave's evaluative judgment. Thus, the conclusion that 'the driver is not answerable for the child's death because the accident does not reflect his evaluative judgment' is wrong.

Let me clarify my point. It is true that at t_5, the moment when Dave ran over the child, there was nothing he could do to stop the car. It is also true that the basic actions he performed at t_1 (his sitting behind the wheel), t_2 (his moving his hand in order to start the ignition), t_3 (his pressing his foot down on the accelerator), t_4 (his continuing to press his foot down on the accelerator), and t_5 (his continuing to press his foot down on the accelerator) reflected his evaluative judgements. Dave's intention was not killing someone, which means that his basic action at t_4 or t_5 cannot be described as *intentional killing*. Thus, if we focus on t_4 and t_5, we have to conclude that Dave is not answerable for the child's death, because his killing the child was unintentional and this killing does not reflect his evaluative judgment.

This, however, is a rather myopic approach to moral responsibility. Why do we stop at t_4 or t_5? Why do not we go back? For example, when a drunk driver kills someone, we hold him answerable even though the killing was unintentional. We hold him answerable because we go all the way back to the moment the driver started to drink or the moment he sat behind the wheel. We say that the driver's basic action of drinking or sitting behind the wheel reflects his evaluative judgment, and he is answerable for the consequences of that basic action. The fact that one of the consequences (the child's death) does not reflect his evaluative judgment becomes irrelevant. What matters is that at some point in the causal chain that led to the accident, there was a basic action which reflected the driver's evaluative judgment.

Going back to the original example. Indeed, (c) Dave should feel differently from any spectator simply because he is answerable for the child's death. Answerability does not tell us to arbitrarily stop at t_4 or t_5. We can go all the way back to the moment when Dave decides to drive that day. Dave made a judgment about the relative significance of driving and the general risk of harming others: he decided that driving was worth taking that risk. The basic actions he performed at t_1, t_2, t_3 and t_4 reflected his evaluative judgements. Even at t_1, we could ask him to answer for his action of sitting behind the wheel, and he would probably say that he must drive, otherwise, he cannot earn enough money to support his family. He may not be *blameworthy* for his basic actions at t_1, t_2, t_3, t_4, and t_5 or all of its consequences (one of which is the child's death), because he had a good reason to drive, and followed all traffic rules. Nevertheless, he is *answerable* for the abovementioned basic actions, and I do not see why he should not also be answerable for his non-basic action. Note that the killing is Dave's non-basic action brought about by his basic action at t_5. Consider another analogy. Smith argues that a person is cruel if she

> judges that the fact that something *will cause pain or suffering to another* is no reason to avoid it [and] It is that judgment, as reflected in her actions and attitudes, for which we consider her answerable and expect her to defend or give up.[63]

Whether she become cruel as a result of her own efforts or brute luck might be relevant to the question of whether she is blameworthy for her actions and attitudes. However, *how she become cruel* is irrelevant to the question of whether she is answerable for her actions and attitudes. The driver in our example also judges that the fact that driving *may* (or *will probably*) cause pain or suffering to another is no reason to avoid it. The mere fact that driving (providing that one follows all the traffic rules) and taking this *general risk* of harming others is accepted as *normal* (both empirically and normatively) in our society does not reduce one's answerability for one's decisions and actions. The driver, in Jeff McMahan's words, chose "to set a couple of tons of steel in motion as a means of pursuing her end [which is] a voluntary choice with a foreseeable risk."[64]

Consider another analogy. As Smith rightly points out, older people who grow up in a racist environment are still answerable for their attitudes, because

> the fact that a person's evaluative judgments are shaped in various ways by her early attachments and environment does nothing to undermine the claim that they are still genuinely *her judgments* – that is, they are genuine tendencies on the part of the person to place evaluative significance on certain features of the situations she confronts.[65]

[63] Smith, "Control, Responsibility, and Moral Assessment," 389-90 emphasis added.
[64] Jeff Mcmahan, "Self-Defense Against Morally Innocent Threats," in *Criminal Law Conversations*, ed. Paul H. Robinson, Stephen Garvey, and Kimberly Kessler Ferzan (Oxford University Press, 2009), 385–94, 392.
[65] Angela M. Smith, "Attitudes, Tracing, and Control," *Journal of Applied Philosophy* 32, no. 2 (2015): 115–32, 125.

Similarly, Dave's decision to drive and take the general risk of harming others was based on what were genuinely his judgments. Therefore, he is answerable for its consequences, one of which is the death of the child. Moreover, his answerability is revealed by the fact that it would not be unusual for him, after the accident, to say 'oh, I wish I had never decided to drive today.' The fact that we do not blame him does not detract from this point.

Any moral agent knows that as long as they live, they will almost certainly create obstacles to others' actions. They also know that in everything they do – however, insignificant it might look or however unforeseeable it might be – there is a general risk of harming others. Therefore, we should conclude that moral agents are answerable *for all of their unintentional actions*. Some might object that my argument is a non-sequitur, because it is based on a few specific examples. But this objection would take us back to the position defended by McKenna according to which we are not answerable for morally insignificant actions. As I argued above, even actions which do a trivial amount of harm, nevertheless impose harm on others. Smith's argument against McKenna to the effect that "the questions about moral significance are best addressed at the level of moral response, not at the level of basic moral responsibility" implies my broad conception of answerability.[66]

My conception of answerability is very broad, because it does not allow anyone to get off the hook on the grounds that they could not (reasonably) foresee the consequences of their intentional actions. I submit that moral agents are answerable for all of their basic actions as well as *the causal chains of which those basic actions are necessary parts*.[67] Since every unintentional action of agents can be traced back to *a moment in which the relevant basic action they performed reflected their evaluative judgments*, they are answerable for all of their intentional and unintentional actions (i.e. all of their basic and non-basic actions).

Let me clarify my point with the following extreme example. It is very difficult to determine at what point in a person's life she becomes a moral agent, so that her actions can be said to reflect her evaluative judgment. Nevertheless, it is reasonable to assume that an 18-year-old person with normal mental capacities is clearly an agent. Suppose that 20-year-old Rasim, an agent, starts to develop a mental illness, as a result of which he becomes criminally insane and now is unable to understand whether what he is doing is morally right or wrong. It is reasonable to assume that the transition to insanity is gradual and it is difficult to determine

[66] Smith. "Responsibility as Answerability," 107.
[67] On basic actions, see Arthur C. Danto, *Analytical Philosophy of Action* (Cambridge: Cambridge University Press, 1970).

any exact moment at which he ceases to be an agent. So, further suppose that at t_1, before or at the beginning of the process by which he develops a mental illness, Rasim is an agent, whereas at t_{10}, a month later, he is criminally insane and therefore a non-person. We know for sure that his actions performed before t_1 reflected his evaluative judgements, whereas he cannot be said to perform any basic action after t_{10}. We do not know whether or not he could be said to perform any basic action between t_1 and t_{10}.

At the age of 25, Rasim, a non-person, violently attacks Hanna and breaks her arm, making her unable to perform many actions. The court rightly declares Rasim criminally insane, that is, the court decides that he is not morally responsible for his attack on Hanna, because he is not a moral agent. Shall we say that Rasim is not answerable for the attack? The reason for saying so would be that he is not a morally responsible being and the attack did not reflect his evaluative judgment.

I think we should resist such a conclusion. Note that as an agent he performed many basic actions before t_1 and that all of his doings after t_{10} are his non-basic actions brought about by his basic actions before t_1. (Recall that we do not know whether, among his doings between t_1 and t_{10}, there are any basic actions on his part.) So, his attack was his non-basic action, which means that Rasim the agent (the person who performed the relevant basic action before t_1) is answerable for this attack on Hanna. Note that his doings after t_{10} were brought about by many factors such as influences by other people after t_{10}. Rasim the agent is not answerable for such factors. However, his basic actions before t_1 are NESS causes for his doings after t_{10}. In other words, his basic actions before t_1 made a causal contribution, however small they might be, to his doings after t_{10}. *Rasim the agent* is answerable for basic actions before t_1 and his non-basic actions consisting in the bringing about of bodily movements of *Rasim the insane* after t_{10}. This is not counterintuitive because we ascribe answerability to agents for their actions performed many years ago. For example, dead politicians (i.e., non-agents) are morally judged for their actions they performed when they were alive.

Moreover, Rasim's case is similar to that of Dave. Recall that Dave is a driver who runs over a child and who is answerable for killing the child despite the fact that the killing itself was unintentional and did not reflect his evaluative judgment. Dave is answerable for the killing in virtue of the fact that the chain of decisions that lead to the accident reflects his evaluative judgment. At the time of the accident, say at t_5, Dave's action of running over the child does not reflect his evaluative judgement. Nevertheless, we hold him answerable, because we do not only myopically look at t_4 or t_5 . We say that Dave is answerable for his basic actions at t_1, t_2, t_3, t_4, and t_5, and that he is also answerable for his non-basic action (killing) brought about by his basic action at t_5. If I am right that Dave is answerable for killing the child, then we should also accept the conclusion that Rasim is answerable for his attack on Hanna.

To sum up, as moral agents, we are answerable for our actions, which consist of our basic actions and the bringing about of the causal chains of events which those basic actions initiate. This conception of answerability does not reject the difference between moral and causal responsibility. One can be causally responsible for something without being answerable for it. Before humans became agents, they act – their bodies do make causal difference in the world – but they are not morally answerable for those doings.

Under the interpretation of moral responsibility as answerability, the difference between the causality view and the responsibility view collapses. First, like the causality theorists, we can say that freedom is the lack of prevention by others. This definition is value-free, because it only refers to prevention, which is not an essentially evaluative concept. To decide whether *A* prevents *B* from doing *x*, we only need to describe the situation to find out whether *B*'s inability in question is due to the conduct of *A*. Second, like the responsibility theorists, we can define freedom as a lack of prevention by others for a morally relevant reason. It makes sense to focus on preventions by others, because there is a morally relevant difference between other-imposed and natural obstacles. So, the end result is a value-free conception of freedom which makes a morally relevant distinction between unfreedoms and mere inabilities.

Before I end this section, I should address an important objection that could be posed by the moral responsibility theorists. According to this objection, my argument that agents are answerable for all of their actions virtually dissolves the distinction between other-imposed and natural obstacles, because human actions and nature play a joint causal role in the creation of almost all obstacles.[68] In other words, we can find some human cause in the case of almost all obstacles. Consider the following example of David Miller.[69] A picnicker on a clifftop tosses aside an apple core, which takes root and becomes a tree. A century later, the roots of this tree cause a rockfall that blocks the entrance of a cave and traps a speleologist inside. Since the picnicker was answerable for his basic action of tossing aside an apple core, my conception of answerability implies that the new inabilities acquired by the speleologist are other-inflicted, and therefore, unfreedoms. But this conclusion is counterintuitive and seems to threaten the distinction between unfreedoms and mere inabilities. To preserve the distinction between unfreedoms and mere inabilities, and avoid such counterintuitive implications, we should

[68] Shnayderman. "Social Freedom", 724; Schmidt, "Abilities and the Sources of Unfreedom," 183.
[69] Miller, "Reply to Oppenheim," 310–14.

defend a non-value-free conception of freedom and reject my conception of answerability. In other words, we should endorse some form of moral responsibility view of freedom.

Indeed, according to my conception of answerability, the picnicker is answerable for his arm movement amounting to the tossing aside of the apple core and the bringing about of the causal chains of events which that basic action initiates. This means that the picnicker is answerable for the speleologist's entrapment. However, this conclusion is not necessarily counterintuitive or inimical to the distinction between unfreedoms and mere inabilities. The reason for this is that, following several recent contributions to the theory of causation, we can plausibly hold that causation comes in degrees.[70] One can make more or less of a causal contribution to the occurrence of a certain outcome. Assuming that it is possible to apportion causal responsibility for some outcome among different agents and nature, we can say that, for example, by switching on a light I was only 0.00000000001 percent causally responsible for the climate change.[71] Thus, I am only answerable for the share of the outcome I helped to bring about. Note that answerability, unlike causal responsibility, is not a matter of degree. Answerability is binary: a person is either answerable or not answerable for a certain outcome. My claim is that *a person is answerable for her own (greater or lesser) causal contribution to an outcome*. Since being answerable means that one is susceptible to blame or praise, causal responsibility is not the same as blameworthiness or praiseworthiness. To determine whether, or how far, I am blameworthy for contributing to climate change, we may need to look at my intention, relevant knowledge and moral obligations among other things. Answerability only opens the door to blameworthiness or praiseworthiness.[72]

Given that causation comes in degrees, a person can make more or less of a causal contribution to the occurrence of an outcome. This view implies that causal responsibility for one's inability to do something can, in principle, be apportioned among oneself, nature, and other agents.[73] Suppose that at the time of the picnicker's relevant basic action (i.e., tossing aside an apple core a century ago), the probability of its causing the entrapment of this particular speciologist was 0.001 percent. So, the picnicker's causal responsibility in the speleologist's entrapment is 0.001 percent. The rest of the causal responsibility is attributable

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[70] Alex Kaiserman, "Causal Contribution," *Proceedings of the Aristotelian Society* 116, no. 3 (2016): 387–94; Alex Kaiserman, "'More of a Cause': Recent Work on Degrees of Causation and Responsibility," *Philosophy Compass* 13, no. 7 (2018): 1-10; Huzeyfe Demirtas, "Causation Comes in Degrees," *Synthese* 200, no. 2 (2022): 1–17.

[71] Ian Carter, Ilkin Huseynli, and Hillel Steiner, "Apportioning Causal Responsibility between Self, Others and Nature" (MANCEPT Workshop on Freedom, Manchester, UK, 2023).

[72] This idea comes from Miller but his analysis fails to live up to it. See my discussion of Miller in section 4.3.

[73] For a detailed presentation of this argument, see Carter, Huseynli, and Steiner, "Apportioning Causal Responsibility between Self, Others and Nature," 2023.

to nature and the speleologist (who, after all, performed the action of entering the cave).[74] Over the century following the picnicker's basic action, nature made numerous important interventions (i.e., it germinated the seeds, grew the tree, and made its roots to precipitate a rockfall). Thus, nature also made a significant causal contribution to the entrapment of the speleologist. Recall that a person is answerable *for the share of the outcome she is causally responsible for*. That is, answerability is binary whereas the causal responsibility is a matter of degree. Thus, the picnicker is answerable for only 0.001 percent of the speleologist's entrapment. This means that, the speleologist's entrapment is only 0.001 percent a case of unfreedom. This conclusion is not counterintuitive, neither does it dissolve the distinction between unfreedoms and mere inabilities.

Recall that according to bivalent social freedom, specific freedoms are not a matter of degree: we are always either free or unfree with respect to some φ-ing.[75] This view is not incompatible with the above idea that since causation comes in degree, a person's inability can be a case of unfreedom to a certain extent. On the one hand, the claim that one either is or is not free to perform an action is made as a part of the debate between the pure and the impure causality conceptions of freedom. Against the latter conception, pure causality theorists argued that an availability of an option is a matter of possibility and impossibility. An option ceases to exist only when other makes it impossible for one to choose it. Therefore, in this context, we can say that specific freedoms and specific unfreedoms are not a matter of degree. On the other hand, the last two paragraphs focused on *the sources of unfreedom*. An inability is a case of unfreedom to the extent that others are causally responsible for that inability. We can say that a person's inability to φ is, say, 60% a case of unfreedom and 40% a case of freedom (i.e., mere inability). Other persons, compared to herself and Mother Nature, are 'more of a cause' of her inability to φ. Therefore, in this context, we can say that specific freedoms and specific unfreedoms are a matter of degree.

But what does it mean to say that 'a person is 60% unfree to φ'? Since the context is not clear in this sentence, we might be confused between two meanings. On the one hand, recall that since we do not know whether or not we will be prevented from performing our future actions, we make probability judgements about our specific freedoms and unfreedoms. For example, given that now, at t_1, you are inclined to prevent a person's φ-ing at t_5, we can say that 'she is 60% unfree to φ at t_5.' This would be equivalent to the following sentence: 'there

[74] For the sake of simplicity, I assume that other agents have not made any causal contribution to speleologist's entrapment.
[75] Carter, *A Measure of Freedom*, 228; cf. Kramer, *The Quality of Freedom*, 169-74.

is a 60% probability, judged at t_1, that you will succeed in preventing her φ-ing at t_5.' This is not to say that her specific freedom or specific unfreedom is a matter of degree: at t_5, she will either be prevented or unprevented by you. We attach a probability judgement to her freedom to φ only because, judged at t_1, we do not know whether in the future (at t_5) you will succeed in preventing her φ-ing. On the other hand, when we focus on the sources of unfreedom, to say that 'a person is 60% unfree to φ' is to say that 60% of her inability to φ is brought about by the actions of other persons. Here we do not make a probability judgement about the unavailability of φ-ing due to the actions of others. Rather, we apportion the causal responsibility for that inability among other persons, herself, and Mother Nature. To avoid confusion, I suggest to use the phrase 'a person is 60% unfree to φ' when we refer to probability judgements and the phrase 'a person's inability to φ is 60% a case of unfreedom' when we refer to the sources of unfreedom.

5.7. The Irrelevance of Free Will Debate

Most of the philosophical debate on moral responsibility concerns the relationship between responsibility and free will.[76] In the free-will debates, responsibility is standardly understood in the *basic desert* sense, according to which:

> for an agent to be morally responsible for an action is for it to belong to her in such a way that she would deserve blame if she understood that it was morally wrong, and she would deserve credit or perhaps praise if she understood that it was morally exemplary.[77]

To put it roughly, the idea is that moral responsibility involves some kind of control over one's actions, and a common way to understand this control is having the ability to do otherwise. According to so called Principle of Alternative Possibilities, a person cannot be held morally responsible for her action if she did not have the ability to do otherwise.

The core intuition behind the Principle of Alternative Possibilities is that when there is no alternative action available to us, we are forced to act in one way since it is impossible for us to act in another way. Under such conditions, a person's actions are not free, because she is compelled to act in one way. It is unfair to blame or praise a person for actions with respect to

[76] Thomas Nagel, "Moral Luck," in *Mortal Questions*, 1st ed. (Cambridge: Cambridge University Press, 1979), 24–38; Dana K. Nelkin, "Moral Luck," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2019).
[77] Derk Pereboom, "Hard Incompatibilism," in *Four Views on Free Will*, by John Martin Fischer et al. (Malden, MA: Wiley-Blackwell, 2007), 85–125, 86.

which she was not free, because she did not have the possibility to avoid being blamed or praised.[78]

Many incompatibilists about free will and determinism adopt the Principle of Alternative Possibilities. They argue that in a deterministic world, no one deserves to be blamed or praised for their actions because if all actions are predetermined, no one has the ability to do otherwise.[79] But if we understand moral responsibility as answerability, irrespective of our position on the Principle of Alternative Possibilities, we can hold that everyone is morally responsible (answerable) for their actions. And if a person is answerable for her actions, she is also answerable for the obstacles she creates to others' actions. The free will debate becomes irrelevant under moral responsibility as answerability for two reasons.

First, to say that a person is answerable is not to say that those who create obstacles to others' actions are *necessarily* blameworthy or praiseworthy. The only claim is that they are *appropriate candidates* for blame or praise in virtue of the fact that their actions reflect their evaluative judgments. Creatures without moral agency cannot be candidates for blame or praise when they are causally responsible for a person's inability, because their actions cannot be said to reflect their evaluative judgments. However, human animals – or rather, those human animals with moral agency – are susceptible to blame or praise. This means that they *can be* blamed or praised for the obstacles they created to others' actions. Obviously, they can also be excused, on the grounds that, for example, they did not have any other acceptable alternative action.

Second, and most importantly, I do not understand moral answerability as an account of moral responsibility in the basic desert sense. That is to say, I do not claim that those who create obstacles to others' actions *deserve* to be blamed or praised. For free will skeptics (undeserved) blame is troubling, because given the truth of determinism, blaming individuals for their actions is unfair. However, free will skeptics can blame others without believing that they deserved to be blamed.[80] For example, Derk Pereboom has suggested a determinism-friendly account of blame. According to him, forward-looking blame is compatible with determinism, because "the justification and goal of such determinism-friendly blame is … protection of potential victims, reconciliation to relationships both personal and with the moral

[78] Carolina Sartorio, *Causation and Free Will*, 1st edition (Oxford, United Kingdom: Oxford University Press, 2016), 9.
[79] J. J. C. Smart, "Free-Will, Praise and Blame," *Mind* 70, no. 279 (1961): 291–306.
[80] Cf. Kelly McCormick, *The Problem of Blame: Making Sense of Moral Anger* (Cambridge; New York: Cambridge University Press, 2022), 54-55.

community more generally, and moral formation."[81] The goal of such blame is to change or correct the already existing immoral dispositions of a person so that she does not repeat the same immoral actions in the future. Protection, reconciliation, and moral formation as goals of such blame are determinism-friendly, because by blaming a person for her actions in this sense, we do not believe that she *deserves* to be blamed. Rather, we blame her, because immoral actions are either harmful, or they impair relationships, or corrupt her character. We can blame a person committing immoral actions, because

> we have a right to protect ourselves and others [… or] we have a moral interest undoing such impairment through reconciliation [… or] because we value morally good character and resulting action, we have a stake in the formation of moral character when it is plagued by dispositions to misconduct.[82]

Hence a free will skeptic can also adopt the conception of moral responsibility as answerability.

If what I have said is correct, then we can adopt the conception of moral responsibility as answerability irrespective of our position on the free will debate.

[81] Pereboom, *Free Will, Agency, and Meaning in Life*, pp. 131, 134. Sofia Jeppsson convincingly argues that one of the major reasons why philosophers become pluralists about moral responsibility is the desire to avoid the debate over free will and determinism. That is, instead of insisting that moral responsibility should only be understood in the basic desert sense, pluralism allows philosophers, irrespective of their position on the free will debate, to hold that one can be morally responsible in different senses. So, pluralists continue, even if determinism is true and nobody deserves punishment, it does not mean that wrongdoers should not be imprisoned or that all of our current moral responsibility practices are unjustified. As we saw in the case of Derk Pereboom, even a hard incompatibilist (someone who believes that (a) moral responsibility and determinism are not compatible and (b) humans do not have a free will) can propose a determinism-friendly account of blame, according to which some of our current moral responsibility practices are justifiable. Jeppsson, "Accountability, Answerability, and Attributability," 74-5.
[82] Ibid., 134.

6. The Value of Bivalent Social Freedom

6.1. Introduction

What is the value of bivalent social freedom? Most discussion on the value of social freedom assumes, sometimes implicitly, that a person's abilities are *directly relevant* for her freedom in the sense that she is free to φ if and only if she has the ability to φ. Under this assumption, social freedom is valuable to the extent that it is causally or conceptually necessary to achieve some valuable phenomenon. In other words, the value of social freedom is *ability-dependent*: freedom is valuable if and only if ability is valuable, because if a person is able to φ, then she is also free to φ (see the definition of ability in the introduction of this dissertation). However, recall that according to bivalent social freedom, a person can be free albeit unable to φ. In addition to its ability-dependent value, does bivalent social freedom also have *ability-independent* value? In other words, what is the value of *not* being prevented by others from φ-ing for a person even when she is unable to φ in the absence of that prevention? In this chapter, I focus on the ability-independent value of bivalent social freedom.

Ian Carter's *A Measure of Freedom* includes the most elaborate discussion of the value of freedom (both social and non-social) one can find in the relevant literature. Carter persuasively argues that freedom is valuable as such, that is, it has a non-specific value, because "its value cannot be described wholly in terms of the valuable phenomena other than the freedom which are brought about by or partly constituted by certain specific freedoms."[1] To say that freedom is valuable as such is to say that its value cannot be reduced to the value of specific actions a person is free to perform. Matthew Kramer endorses Carter's distinction but suggests that freedom's *value as such* can itself be understood as a *content-dependent* and a *content-independent value*. He rightly suggests that we should make a tripartite distinction: the content-independent value of the freedom to φ, the content-dependent value of the freedom to φ, and the value of φ-ing.[2] The first two values pertain to freedom, they indicate that freedom is valuable as such. While content-independent value refers to the value of freedom "as a sheer

[1] Carter, *A Measure of Freedom*, 34. Note that some philosophers refer to the intrinsic value of freedom when they say that freedom is valuable *as such*. But this is merely a terminological difference.
[2] Kramer, *The Quality of Freedom*, 243-244.

freedom [or] qua instance of freedom *tout court*," content-dependent value refers to the value of freedom "as a freedom with a particular content [or] qua instance of freedom with a particular bearing."[3] These two values are the values of freedom, hence they are different from the value of specific actions. Before drawing more distinctions within the value of freedom, I want to emphasize the main notions we need to grasp in order to understand the discussion in this chapter:

> **The content-dependent value of freedom** is the value of a specific freedom with a particular content (e.g., the value of the freedom to read *On Liberty* next Sunday).
>
> **The content-independent value of freedom** is the value of freedom itself or freedom simpliciter, independently of the content of any specific freedom (e.g., a person's taking pleasure in the mere fact of being released from prison).
>
> **The ability-independent content-dependent value of (bivalent social) freedom** is the value of not being prevented by others from *φ*-ing in the absence of the ability to *φ* (e.g., the value of the freedom of a mute person to talk).
>
> **The ability-independent content-independent value of (bivalent social) freedom** is the value of freedom itself or freedom simpliciter, independently of one's abilities (in the limit case, the value of freedom for a fully paralyzed person).

Carter classifies four values of freedom: *instrumental* (it can be specific and non-specific), *constitutive* (it can be specific and non-specific), *intrinsic*, and *unconditional*.[4] To say that freedom is instrumentally or constitutively valuable is to say that freedom is causally or conceptually necessary for some other valuable phenomenon. Freedom is intrinsically valuable if and only if it is an end in itself, that is, iff its value can neither be reduced to, nor depend on, the value of any other phenomenon. Moreover, saying that freedom has an unconditional value means that (1) freedom is intrinsically valuable, (2) more freedom is always better (that is, there is no 'satiation level' of freedom) and (3) freedom is the most important value in the sense that freedom should never be traded off for any other value such as peace, equality, loyalty, or justice.

In this chapter, I focus on three values of freedom. In the following two sections, I discuss the instrumental and the constitutive values of freedom and argue that bivalent social

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[3] Ibid., 244.

[4] Carter, *A Measure of Freedom*, 31-67; See also, Matthew H. Kramer, *Liberalism with Excellence* (Oxford: Oxford University Press, 2017), 200-7.

freedom has both instrumental and constitutive value. In the subsequent section, I also argue that bivalent social freedom has *contributory value*. To say that bivalent social freedom contributes to some other valuable phenomena *y* is to say that while freedom does not feature in the definition of *y*, *y* supervenes on it.[5] However, I do not discuss the intrinsic and the unconditional values of freedom. First, I do not believe that bivalent social freedom is intrinsically or unconditionally valuable. Second, like Carter, I have not found any defense of the unconditional value of freedom (whether it is understood as bivalent social freedom or along the lines of any other conception of freedom).

Why do I need to discuss the value of *bivalent social freedom*? Although both Carter and Kramer have extensively analyzed the value of freedom, neither of them *specifically* discusses the value of bivalent social freedom. On the one hand, Kramer explicitly defends an ability-based trivalent conception of freedom, and therefore does not need to discuss the value of bivalent social freedom. On the other hand, Carter does not take any side on the question over the sources of obstacles, because, he states, "the analysis of empirical freedom" does not imply that we must "distinguish between natural and human obstacles."[6] My goal is to analyze the *pure* value of bivalent social freedom. Therefore, in this chapter, I isolate the value of ability and ask, as a test case, whether or not bivalent social freedom is valuable for fully paralyzed persons who are unable to perform any bodily movement. In other words, I ask whether bivalent social freedom has any ability-independent value.

The three values of bivalent social freedom I discuss – the instrumental, the constitutive, and the contributory – can be understood in either *telic* or *deontic* terms. On the one hand, to say that freedom has a telic value is to say that freedom is "a good-making property of people's lives."[7] Freedom can be causally or conceptually necessary for us to attain some other valuable phenomena such as progress or happiness. Or freedom can be good in itself. This means that having more freedom, "at least up to a point of satiation," is better, because freedom is a good thing for persons.[8] If freedom is valuable in virtue of the fact that it makes our lives go well, then the proper attitude towards persons should be that of *promotion of their freedom*. That is, given that freedom benefits persons, we should promote their freedom.

[5] Ian Carter and Olof Page, "The Constitutive Value of Distributive Equality," *Notizie Di Politea* 39, no. 151 (2023): 33–53, 41.
[6] Carter, *A Measure of Freedom*, 173.
[7] Carter, "Respect for Persons and the Interest in Freedom," 167. For the distinction between the value of freedom that appeals to *the good* and the value of freedom that appeals to *the right* see, Pietro Intropi, "Freedom's Values: The Good and the Right," *Theoria* 88, no. 6 (2022): 1144–62.
[8] Carter, *A Measure of Freedom*, 62.

On the other hand, to say that freedom has a deontic value is to say that freedom, or more specifically, the lack of other-imposed obstacles on a person's actions, is a sign of other persons' respect for her. This means that when other persons do not refrain from interfering with her actions in certain ways, they pro tanto fail to show their respect to her; they believe that without their intervention, she is not capable to do the morally right thing. If freedom is valuable for deontic reasons, the proper attitude towards persons should be that of *recognition of their personhood*. "To have recognition respect for someone as a person is to give appropriate weight to the fact that he is she is a person by being willing *to constrain one's behavior* in ways required by that fact."[9] Saying that we owe someone recognition respect in virtue of the fact that he or she is a person means that "the fact that he or she is a person *places moral constraints on our behavior*."[10] Therefore, given that bivalent social freedom is a sign of respect, we should recognize the value of freedom and refrain from interfering with other persons.

Hence whereas the proper response to persons based on the telic value of freedom is to promote their freedom, the proper response to persons based on the deontic value of freedom is to recognize them as persons and to act accordingly.

6.2. The Instrumental Value of Bivalent Social Freedom

To say that freedom (both social and non-social) has instrumental value is to say that freedom is *causal condition* for something else. More specifically, saying that freedom has an instrument value means that it is either a causally necessary means to, or at least a causally necessary element of a set that is sufficient for, some other valuable phenomenon.[11] Does bivalent social freedom have any ability-independent instrumental value? Does the lack of other-imposed obstacles on one's actions have any ability-independent instrumental value?

In many cases where the social freedom to perform a certain action is said to be instrumentally valuable, what is really valuable is the relevant ability to perform the action in question in the sense that social freedom does not have a content-dependent value *independently of* the value of the ability. Suppose that for any Soviet scholar in the humanities, writing a dissertation on Lenin was necessary for being *a successful scholar*.[12] Then, the social

[9] Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): 36–49, 45 emphasis added.
[10] Ibid., 46 emphasis added.
[11] Ibid., 43-5.
[12] *Being a successful scholar* itself could be valuable for some other reason: (1) it could be instrumentally valuable for prudent scholars, or (2) it could be a constitutive part of some intrinsically valuable phenomena such as being

freedom to write a dissertation on Lenin was content-dependently instrumentally valuable. This means that the kind of value in question of this specific freedom *wholly* depends on the value of being a successful scholar. If it turned out that being a successful scholar was not valuable at all, we would say that the freedom to write a dissertation on Lenin also did not have any instrumental value.

Suppose that Nikita and Rinat, two doctoral students in history at Leningrad State University, failed to write their dissertations on Lenin. While Nikita developed vision problems and became unable to study old dusty documents in archives, Rinat's research proposal was rejected by his supervisor. The sources of their inabilities to write the dissertation were nature and some other person, respectively. Unlike Rinat, Nikita still had the bivalent social freedom to write a dissertation on Lenin. Did that freedom have an instrumental, content-dependent value for Nikita? No, because with respect to his goal (i.e., being a successful scholar), whether his relevant abilities were hindered by other persons or nature was irrelevant. What was instrumentally content-dependently valuable for Nikita was *his ability* to write a dissertation on Lenin. Therefore, *independently of* the value of his relevant ability, his specific social freedom to write a dissertation on Lenin was not content-dependently instrumentally valuable for him.

The category of instrumental value of bivalent social freedom is not exhausted by its content-dependent value. Humans are ignorant and fallible about their future desires and needs. Freedoms we do not value today may turn out to be valuable later, because we may alter our desires or discover that the freedoms we did not value are necessary means for some other valuable phenomenon.[13] For example, suppose that Gökalp, a Turkish citizen, strongly disvalues the *act* of writing a book on Lenin. However, his *freedom* to perform that action is content-independently instrumentally valuable, because if the Bolsheviks seize power in Turkey, his case will be similar to that of Nikita. What is valuable in this case too is Gökalp's relevant abilities rather than his bivalent social freedom. Therefore, his relevant specific social freedom is not content-independently instrumentally valuable for him, whereas his relevant ability is. (Below I suggest that even in the absence of ability, freedom has a content-dependent and a content-independent instrumental value under some accounts of happiness).

The content-independent instrumental value of bivalent social freedom pertains not only to specific freedoms to perform this or that action. Freedom in itself is also content-

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the pride of your faimly; or (3) it could be intrinsically valuable for someone who believes that being a successful scholar is an end in itself.

[13] Carter, *A Measure of Freedom*, 46-7.

independently instrumentally valuable. Suppose that a society where persons enjoy some high degree of freedom is more likely to achieve economic, scientific, and cultural progress. In order to attain progress, individuals should enjoy more opportunities so that they can make some mistakes but also discover new things. Having more opportunities are necessary for individuals to attain progress simply because we are ignorant about the potential effects of our actions. "Human reason can neither predict nor deliberately shape its own future. Its advances consist in finding out where it has been wrong."[14] Assuming that this generalization about the positive correlation between more opportunities and progress is valid, some degree of freedom is necessary for progress, which in turn, will probably lead to well-being and happiness. If some degree of freedom is a necessary means to such valuable phenomena, freedom *tout court* is content-independently instrumentally valuable.[15]

Is bivalent social freedom content-independently instrumentally valuable? Let us imagine a world where everyone is paralyzed and unable to perform any action. Suppose that Alderaan, the only planet in the galaxy, is a highly advanced place inhabited by human agents. At some point in its history, Alderaanians managed to create a self-sustaining system where everything in the planet is run and repaired by the robots. Alderaanians believe in an obscure religion, according to which, once humans achieve the highest level of technological advancement, they should paralyze themselves. As a result of their religious beliefs, each Alderaanian takes a pill that immediately paralyzes them and live a solitary life surrounded by their servant robots. Alderaanians are unable to move any part of their body and they are unable to communicate with one another or with their robots. The robots understand and properly address the needs of their paralyzed masters in a way that their masters can complete their natural lives. Despite being paralyzed, Alderaanians preserve a certain degree of agency that would be sufficient for moral philosophers to classify them as *moral agents*. (I assume that the servant robots cannot be classified as moral agents.) In other words, Alderaanians have a normal range of mental capacities and they can perform *mental actions* – they can try to move their bodies. However, since they are paralyzed, these mental actions fail to bring about bodily exertions. At least mentally speaking, they act (here 'acting' is understood as 'trying') but they

[14] Hayek, *The Constitution of Liberty*, 94.
[15] Carter, *A Measure of Freedom*, 46-54.

cannot move.[16] So, each Alderaanian is unable to move their body but enjoys the highest degree of freedom.[17]

What is the value of bivalent social freedom for Alderaanians? Since they are unable to perform any action, their freedom cannot be a causal condition for attaining progress. Without the relevant abilities, the lack of other-imposed obstacles is not a causal condition for an individual or a group of persons to attain progress. The example of Alderaan illustrates that a person's *abilities*, rather than her *social freedoms*, are causal conditions for progress. But what about happiness? Can the paralyzed Alderaanians be happy or increase their happiness in virtue of the fact that nobody is interfering with them? The short answer is yes. Although it is not realistic to assume that a fully paralyzed person would find happiness in the mere fact that she is free (i.e., she is not interfered with by others), it is logically possible to imagine that some fully paralyzed persons would be happy in virtue of the fact that they are free. I use this unrealistic example in order to show that bivalent social freedom can have an ability-independent content-independent instrumental value even for fully paralyzed persons.

According to some philosophers, 'happiness' is a psychological term refers to a certain state of mind. There are three accounts of happiness within the psychological account: *hedonism*, *emotional state*, and *life satisfaction*.[18] What is important is that under each of these accounts, bivalent social freedom can be a causal condition for happiness.

First, according to the hedonist account, happiness is pleasure or the absence of pain: a person is happy in a certain moment if she experiences more pleasure than pain in that period of time. Hedonism evaluates certain periods of time in terms of the overall balance of pleasure and pain, rather than the whole life of an individual.[19] A paralyzed Alderaanian may simply take pleasure from the fact that nobody prevents her. In that case, her freedom is a causal

[16] Carl Ginet, *On Action*, First Edition, Cambridge Studies in Philosophy (Cambridge University Press, 1990), 20-21.

[17] It is not only the case that nobody prevents Alderaanians, but also that nobody has the ability to prevent them. Note that a person enjoys the highest level of freedom when others do not and will not prevent her actions. When others have the ability to prevent her but choose not to prevent her, she does not enjoy the highest level of freedom, because others can change their mind. The best guarantee against prevention is the disability of others. This means that under bivalent social freedom, the highest level of freedom can be achieved only for one person and to achieve this goal, everyone else has to lose all of their abilities to prevent her. In other words, it is conceptually impossible for persons to live as a member of a normal society (as opposed to a society of fully paralyzed persons) and enjoy the highest level of freedom. But can we meaningfully talk about a person's freedom when no other agent even has the ability to prevent her actions? I do not know.

[18] Haybron, Daniel M. "Happiness." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Metaphysics Research Lab, Stanford University, 2020. https://plato.stanford.edu/archives/sum2020/entries/happiness/.

[19] For a defense of a more sophisticated account of *attitudinal hedonism*, as opposed to *sensory hedonism* I described, see Feldman, Fred. *What Is This Thing Called Happiness?* Oxford University Press, USA, 2010, chapter 6.

condition for her happiness. Thus, bivalent social freedom has a content-independent instrumental value for her and for persons with similar preferences.

Second, the emotional state account holds that a person is happy when her "emotional condition … exhibit[s] a sufficiently favorable balance of positive versus negative."[20] Whereas on the hedonist account, the opposite of happiness is pain or unpleasantness, on the emotional state account, the opposite of happiness is depression or anxiety. A hedonist may say that a depressed person can be happy if she experiences a high level of pleasure for a certain period of time. However, on the emotional state account, someone who generally experiences positive affect during the day but cries every night alone is not happy. In other words, "[b]eing happy evidently precludes even a large minority of negative affect."[21] We can assume that some Alderaanians, despite being paralyzed, are not depressed and experience positive affect partially due to their having the highest level of freedom (other things that may contribute to their emotive state may be the pride they take from strictly following their religious beliefs). In this case, bivalent social freedom has a content-independent instrumental value for paralyzed Alderaanians, because it is a causal condition for their happiness.

Third, the life-satisfaction account identifies happiness with the satisfaction of one's life as a whole. A person who experiences many pleasurable moments without being satisfied with her life is not a happy person.[22] Freedom can be one of the causally necessary factors for some Alderaanians to be satisfied with their lives. Some of them may find happiness in the fact that they are pious persons. However, some may find pious life not fully satisfactory. For this latter group, the highest level of freedom may be a causally necessary factor, along with their piousness, to be satisfied with their lives.[23] Therefore, on the life-satisfaction account too, freedom can be content-independently instrumentally valuable.

I conclude that bivalent social freedom can be content-dependently as well as content-independently instrumentally valuable even for fully paralyzed persons. This means that a person's freedom can be instrumentally valuable independently of her ability, because her freedom can be causally necessary for, or can be a causally necessary element of a set that is sufficient for, other valuable phenomena such as happiness.

[20] Haybron, Daniel M. "On Being Happy or Unhappy." *Philosophy and Phenomenological Research* 71, no. 2 (2005): 287–317, 307.
[21] Ibid., 308.
[22] Nozick, Robert. *Examined Life: Philosophical Meditations*. Simon and Schuster, 1989, 112-3.
[23] The highest level of freedom Alderaanians enjoy is not a necessary side effect of their religious beliefs. Their religion does not say that the believers should paralyze themselves iff there is no agential life in other planets. The fact that Alderaanians are the only agents in the Galaxy is a matter of luck. Were other agents have existed in the Galaxy, after paralyzing themselves, Alderaanians would not have enjoyed the highest level of freedom.

6.3. The Constitutive Value of Bivalent Social Freedom

I have said that freedom (both social and non-social) is instrumentally valuable if it is a causal condition for some other valuable phenomenon. But something can be valuable in virtue of the fact that it is a constitutive part of some intrinsically valuable phenomenon. In other words, freedom can also be valuable for something without being a causal condition for it. One of the non-causal values of freedom is its constitutive value (I discuss another kind of non-causal value of freedom in the next section). To say that *x* is a constitutive part of *y* is to say that either *x* is conceptually necessary for *y*, or *x* is a necessary element of a set that is sufficient for *y*. This means that *x* is in the definition of *y*. Does bivalent social freedom have any constitutive value? Or, is being free from other-imposed obstacles a constitutive part of some intrinsically valuable phenomenon?

Bivalent social freedom's ability-independent constitutive value can be content-dependent and content-independent. To say that freedom is content-dependently constitutively valuable is to say that certain specific freedoms are constitutive part of some intrinsically valuable phenomenon in the sense that the phenomenon in question is defined in terms of freedom.[24] For example, some degree of freedom, more specifically, certain specific freedoms (i.e., *basic* or *fundamental liberties*) are conceptually necessary for the status of the free citizen. Someone who does not enjoy freedom of expression or the freedom to vote cannot be said to have this status. This means that certain specific freedoms are constitutive parts of the status of the free citizen.[25] Note that citizens are not required to exercise or have the ability to exercise their freedoms in order to enjoy this status. Indeed, fully paralyzed agents in liberal democracies enjoy this status despite that fact they are not able to exercise their freedoms *on their own*.[26] That is because, the value of this status is both telic and deontic. On the one hand, the status benefits persons by allowing them to participate in collective decision-making processes and to protect their own fundamental rights. On the other hand, the status is a sign of the state's recognition of each person as a full member of the society with fundamental rights. In that respect, taking away this status from citizens is disrespectful, because it entails that they do not have the right to have a say in the laws that affect their lives and that they depend on the

[24] For the constitutive value of freedom, see Carter, *A Measure of Freedom*, 54-60; Kramer, *The Quality of Freedom*, 431.
[25] Matteo Boccacci, "Domination and Freedom: Quality, Not Quantity," *Res Publica*, 2023.
[26] They can exercise their freedoms with the help of others. For example, a paralyzed person who cannot speak or move any part of her body can nevertheless transmit her thoughts by using special computers designed for them. Stephen Hawking communicated by twitching his cheek muscle. It seems that in a few years more advanced technology will enable persons to communicate merely by sending brain signals, thus, without performing any bodily movement.

(good) will of their rulers. This means that if the government restricts or takes away certain basic liberties, all citizens, irrespective of their abilities, will lose their status as free citizens. This, in turn, means that assuming that the status of the free citizen is intrinsically valuable, bivalent social freedom (i.e., some degree of freedom that includes certain specific freedoms) is ability-independently content-dependently constitutively valuable for all persons.

Moreover, we can see the ability-independent content-dependent value of bivalent social freedom by looking at the value of autonomy. Assuming that autonomy – understood as the opportunity "to live one's life according to reasons and motives that are taken as one's own and not the product of manipulative or distorting external forces" – is intrinsically valuable, bivalent social freedom is conceptually necessary for autonomy.[27] We can live an autonomous life if we have the freedom to live in accordance with our reasons and motives. In other words, some specific freedoms (such as the freedom to choose our religion, partner or friends) are content-dependently valuable, because they are integral constituents of an intrinsically valuable thing, namely an autonomous life. A person cannot live an autonomous life if, say, she is prevented by other persons from practicing the religion of her choice or from associating with individuals of her choice. This means that some specific freedoms are ability-independently content-dependently constitutively valuable.

Bivalent social freedom is also ability-independently *content-independently* constitutively valuable. Let us take a look at two examples. It seems to me that we can see this value of freedom under a different conception of autonomy. According to Thomas Hurka, autonomy is the ability to choose from "a wide range of options."[28] Understood as such, autonomy is intrinsically valuable, because an autonomous person exercises her agency and the "ideal of agency is one of causal efficacy, of making a causal impact on the world and determining facts about it."[29] Here is my slightly modified version of Hurka's example: consider the career options of two persons. The option sets of Angela and Dwight are [*a*, *b*, *c*, *d*, *e*, *f*, *g*, *h*, *i*, *j*] and [*a*], respectively. Although both of them want to choose the option *a*, only Angela has the opportunity to *refuse* the other nine options. Therefore, she is causally "responsible for more facts about her life, and thus is more expansively an agent. To succeed as an agent is to make a difference in what the world does and does not contain, and this is more possible with more numerous options."[30] Saying that we exercise our agency when we

[27] John Christman, "Autonomy in Moral and Political Philosophy," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2020 (Metaphysics Research Lab, Stanford University, 2020), https://plato.stanford.edu/archives/fall2020/entries/autonomy-moral/.
[28] Thomas Hurka, "Why Value Autonomy?," *Social Theory and Practice* 13, no. 3 (1987): 361–82, 362.
[29] Ibid., 366.
[30] Ibid.

make a choice means that we make a difference in the world by choosing as well as refusing available options.

This example is meant to show that having more freedom to exercise one's agency is constitutively valuable. As Carter points out, Hurka's example demonstrates "the value we place on … *our ability* to make an impact on the world, by intervening in the causal chains which bring about events and states of affairs."[31] This reading implies that bivalent social freedom cannot be constitutively valuable for, say, a fully paralyzed Angela, because she cannot exercise her agency. But it does not mean Angela's freedom to choose a profession does not have any ability-independent content-independent constitutive value. Irrespective of her ability to choose, say, the option *a*, when others do not prevent her from choosing *a*, they respect her moral agency. Preventing Angela from choosing any option would entail that she does not have the right to be the author of her life. By abstaining from preventing her, others respect her will to shape her life. Since more overall freedom allows her to have more opportunities, it also allows her to be more autonomous. Given that bivalent social freedom is conceptually necessary for autonomy, it is ability-independently content-independently constitutively valuable.

Let us look at another example in order to see the ability-independent *content-independent* constitutive value of bivalent social freedom. Recall one of the arguments in the previous section. Under the psychological accounts of happiness such as hedonism, a person's specific freedom to φ can be instrumentally valuable in the absence of her ability to φ, because the freedom in question can be a causal condition for other valuable phenomena such as happiness. That argument rested on the assumption that happiness is pleasure, and freedom gives pleasure to people. However, pleasure can also be seen as an objective good under well-being accounts of happiness. For example, according to the Objective-List Theory of well-being, "certain things are good or bad for people, whether or not these people would want to have the good things, or to avoid the bad things."[32] These objective goods can include loving relationships, knowledge, autonomy, and also pleasure. Saying that pleasure is an objective good means that "pleasant experiences benefit people on account of their essential features as pleasures (how they feel), and not because people desire them, approve them, choose them, or take second-order pleasure in them."[33] That is, an Objective-List theorist would argue that the goodness of pleasure is objective in the sense that it is good for a person irrespective of her

[31] Carter, *A Measure of Freedom*, 42 emphasis added.
[32] Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), 499
[33] Christopher M. Rice, "Defending the Objective List Theory of Well-Being," *Ratio* 26, no. 2 (2013): 196–211, 206-7.

desires or positive reactive attitude towards it. We can safely assume that well-being is partially constituted by bivalent social freedom – the fact that other persons would not prevent your actions should you try to perform them. So, bivalent social freedom is objectively good for the fully paralyzed Alderaanians whether or not they take pleasure from their freedom. Since bivalent social freedom is conceptually necessary for well-being, it is ability-independently content-independently constitutively valuable.

I conclude that bivalent social freedom can be content-dependently as well as content-independently constitutively valuable even for fully paralyzed persons. This means that a person's freedom can be constitutively valuable independently of her ability, because the freedom can be conceptually necessary for other valuable phenomena such as happiness, autonomy or the status of the free citizen.

6.4. The Contributory Value of Bivalent Social Freedom

I have argued that bivalent social freedom has ability-independent instrumental and constitutive value, because freedom can be causally or conceptually necessary for other valuable phenomena such as happiness, autonomy or the status of the free citizen. All of my examples were meant to demonstrate that freedom is ability-independently valuable in a telic or a deontic sense, because freedom benefits us (i.e., it increases our happiness) or it is a sign of respect to us (e.g., the recognition of our status as the free citizen). Some people may not find my arguments convincing. They may believe that freedom does not have any ability-independent instrumental or constitutive value. In order to convince them that bivalent social freedom is ability-independently valuable, in this section I discuss its content-dependent and content-independent *contributory value*. A person's bivalent social freedom has a contributory value if others show their trust in her ability to do the morally right thing by abstaining from interfering with her.

Before I begin to discuss contributory value, I must emphasize two things. Firstly, for the sake of simplicity, my examples in this section will assume that the preventing and the prevented agents are able-bodied persons. But this is not to say that the contributory value of bivalent social freedom is necessarily ability-dependent. As I will argue in the last section, a person can be rendered unfree to φ even if she would be unable to φ in the absence of prevention by other(s). This means that if bivalent social freedom has a contributory value, that value can also be ability-independent. Secondly, as I will clarify at the end of this section, not every specific freedom has a contributory value, because not every prevention is disrespectful.

Saying that *x* contributes to *y* means that while y is not defined in terms of *x*, *y* supervenes on *x*.[34] Ian Carter and Olof Page explain the idea of contributory value by reference to an example of Joseph Raz. Suppose that a strong attachment of a man to a dog makes his life go well. As a part of this valuable relationship between the man and the dog, we should say that the dog only *contributes* to this valuable relationship. A dog is neither causally, nor conceptually necessary for this valuable relationship. Firstly, there is not any causal relation between a dog and this valuable relationship in the sense that the dog does not *bring about* the relationship in question, rather it is a part of this relationship. Secondly, although the dog is a part of this valuable relationship, it does not constitute it, because the definition of 'a valuable relationship' does not include the dog. In other words, a dog is neither causally, nor conceptually necessary for the man to have a valuable relationship. Rather, in the contingent circumstances, this particular valuable relationship is realized in virtue of a dog. That is, the former supervenes on the latter. Thus, the dog has a contributory value in virtue of its contribution to this valuable relationship.[35]

Consider another example from Carter and Page. Suppose that as Aristotelians, we suggest that "relationships of love and companionship are [conceptually] necessary" or "are necessary elements of a set of features that is sufficient for a flourishing life."[36] This would mean that on our view, relationships of love and companionship are constitutive of a flourishing live. However, a hermit might reject this notion of flourishing. He might claim that although his life does not involve any relationships of love and companionship, he has a flourishing life, because the notion of 'flourishing' is not defined in terms of these elements. If we want to accept that this hermit may also have a flourishing life, we can say that the relationships of love and companionship are not conceptually necessary for a flourishing life. The relation between them is weaker. Whereas for most people a flourishing life is realized in virtue of love and companionship, for a few people such as hermits it can be realized in virtue of solitude. In other words, relationships of love and companionship have a *contributory* value in virtue of their being a part of a flourishing life in many circumstances, but not a *constitutive* value in virtue of their being a conceptually necessary part of a flourishing life.

Similarly, I argue that bivalent social freedom contributes to respect, albeit indirectly. To be precise, freedom has a contributory value in a deontic sense *if* by refraining from

[34] Carter and Page, "The Constitutive Value of Distributive Equality," 41.
[35] Ibid., 40-50.
[36] Ibid., 50 n19.

preventing a person from performing some acts, the person's society demonstrates its trust in her ability to do the morally right thing. My argument is as follows:

1. We owe a recognition respect to every human agent. Saying that we owe a recognition respect to a person means that we are required "to give appropriate weight to the fact that … she is a person by being willing to constrain [our] behavior in ways required by that fact."[37]
2. Recognition respect is not defined in terms of trust. Trusting a person is not conceptually necessary to respect her in the relevant sense. However, in many circumstances, respecting a person is realized in virtue of trusting her. That is, in many circumstances, trust supervenes on recognition respect. Therefore, trust has a contributory value.
3. Trust is not defined in terms of freedom. This means that abstaining from interfering with a person is not conceptually necessary to trust her. However, in many circumstances, trusting a person is realized in virtue of abstaining from interfering with her. That is, trust supervenes on freedom. Therefore, freedom has a contributory value.

In other words, the definition of recognition respect does not include trust and the definition of trust does not include freedom. However, in many circumstances, trusting a person is one of the ways of respecting her and abstaining from interfering with a person is one of the ways of trusting her. This means that, under such circumstances, freedom contributes to trust, which, in turn, contributes to recognition respect. Thus, freedom, albeit indirectly, contributes to recognition respect.

In order to see the content-dependent contributory value of freedom, let us take a look at the freedom to perform morally impermissible acts. For example, consider the freedom to torture babies for fun. Is this freedom valuable? Recall the tripartite distinction we made at the beginning of this chapter: the content-independent value of the freedom to φ, the content-dependent value of the freedom to φ, and the value of φ-ing.[38] This tripartite distinction shows that, the value of freedom is distinct from the value of action. The fact that specific actions can have a disvalue does not entail the claim that *the freedom* to perform such action is not valuable. Obviously, *the act* of torturing babies for fun is immoral and disvaluable. However, *the freedom*

[37] Darwall, "Two Kinds of Respect," 45.
[38] Kramer, *The Quality of Freedom*, 243-244.

to perform this act can be valuable. I argue that such freedom has a contributory value if by refraining from preventing a person from performing it, others demonstrate their trust in her ability to do the morally right thing.

The freedom to torture babies for fun is content-dependently contributorily valuable, because its value cannot be completely described in terms of the disvalue of the action of torturing babies for fun. Suppose there are two possible worlds – W_1 and W_2 – which differ from one another only with respect to one issue: the freedom to torture babies for fun is enjoyed only in the former world. Except for this freedom, both worlds are the same in terms of the freedoms and unfreedoms their inhabitants have as well as in terms of whether people torture babies for fun.[39] If you try to torture babies for fun in W_1, nobody will prevent you. But people in W_1 voluntarily follow certain moral principles which prohibit such morally horrendous acts. In practice, everyone is free to torture babies for fun but nobody exercises this freedom, because they believe that such acts are immoral and they have the will power to act on such beliefs. Meanwhile, in W_2, not everyone shares the same moral principles prohibiting such morally horrendous acts and a few individuals are inclined to torture babies for fun. Thus, the society of W_2 makes sure that there is always some highly advanced human-made robot around babies to protect them. Assuming that robots carry out their jobs perfectly, in W_2 nobody is free to torture babies for fun. Hence although in neither of the worlds, babies are tortured for fun, in W_1 everyone has the freedom to perform that morally horrendous action whereas in W_2 nobody enjoys that freedom.

Why is the freedom to torture babies for fun content-dependently contributorily valuable? On the one hand, some may argue that this freedom has disvalue, because it would be better to live in a society where acts of torturing babies are prevented. On the other hand, some may argue that this freedom is valuable, because it would be better to live in a society where everyone relies on one another's goodwill to follow certain moral norms that include a prohibition against torture. However, these considerations are irrelevant when we ask whether the freedom of each person to torture babies for fun is content-dependently valuable. Inquiring whether this particular freedom is content-dependently valuable *for you* is to ask whether it would be better *for you* that your freedom in question has been removed.[40] The answer to this

[39] My hypothesis in this sentence is unrealistic (albeit logically coherent), because it is hardly possible in practice to remove one deontic freedom in isolation. The removal of the deontic freedom to torture babies for fun in W_1 usually involves sophisticated surveillance and the readiness of other people to immediately intervene with the potential torturers. Thus, the removal of the freedom to torture babies for fun almost certainly involves the removal of many other deontic freedoms (see Kramer, *The Quality of Freedom*, 63). However, for the sake of argument, I ignore all these complications and assume that it is possible to remove this freedom in isolation.
[40] Kramer, "Looking Back and Looking Ahead," 476.

question is negative, because the removal of such freedoms demonstrates that others do not trust in your ability to reach the right moral conclusion (i.e., not to torture babies for fun) on your own. That is, I assume that the removal of your freedom in question *is motivated* by the lack of willingness of others to trust on your ability to reach the right moral conclusion. This means that your freedom to torture babies for fun has a contributory value, because in the contingent circumstances, trusting a person could have been realized in virtue of others' abstaining from interfering with you. Moreover, others also fail to respect you as a moral agent when they remove your freedom in question. Their having a recognition respect for you, in the contingent circumstances, could have been realized in virtue of their trusting you.

Consider this analogy. To disembowel oneself is disvaluable (at least, in most cases because depending on circumstances, some cultures might treat self-disembowelment as a sign of honor). But having *the freedom* of self-disembowelment is valuable, because when other agents refrain from preventing you from disemboweling yourself, they demonstrate their respect for your "deliberative maturity … [and] to remove that option in order to prevent [you] from availing [yourself] of it would be to evince *a lack of trust* in [your] inclination to arrive at suitable decisions on the matter."[41] Were they to remove your freedom in question as a result of their belief that you are unable to reach the right decision about your life on your own, they would be distrusting your moral agency. (In this specific case, their intervention would be paternalistic, but a non-paternalistic intervention can also be distrustful). Similarly, suppose that you live in W_1 where nobody prevents those who are inclined to torture babies for fun but everybody voluntarily refrains from performing this act-type, because their personal moral beliefs prohibit it and they have the will power to act on such beliefs. In W_1, the fact that others do not impose an obstacle on your torturing babies for fun is a sign of *their respect for you*. They trust you not to exercise this freedom. That is, they believe that you are a mature person and you would abstain from performing such an act on your own.[42] Moreover, in this specific case, their trust in your moral agency also shows their having a recognition respect to you. They recognize that you are a moral agent and you can make the morally right decision with respect to exercising the freedom in question without their intervention. However, in W_2, the fact that you will be prevented if you attempt to torture babies for fun implies others' lack of trust in you and, in turn, their failure to have a recognition respect to you.

To sum up, the freedom to perform morally horrendous acts is a sign of other people's respect for you and their reliance on you. Your freedom to perform morally horrendous acts

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[41] Kramer, *Liberalism with Excellence*, 201 emphasis added.
[42] See, Intropi, "Freedom's Values," 1150.

has a content-dependent contributory value, because the lack of prevention of your performing such acts contributes to an intrinsically valuable thing, namely, people's respect for you and their reliance on you.

Furthermore, irrespective of the content-dependent contributory value of the freedom to perform morally horrendous acts, as discussed above, freedom also has a content-independent contributory value. Having more freedom, "at least up to a point of satiation," is better, because freedom is *content-independently valuable*.[43] The inhabitants of W_1 are individually freer than those of W_2. That is, the inhabitants of the former world have greater overall freedom than their counterparts in the latter world. The content-independent value of freedom suggests that W_1 is preferable to W_2. That is, having more freedom is content-independently contributorily valuable, because freedom can contribute to some other valuable phenomena.

I have argued that when others prevent a person from performing *morally impermissible acts* on the grounds that she is unable or will not do the morally right thing, they distrust her moral agency and fail to show her recognition respect. This means that not every prevention is a failure of trust in a person's moral agency. In order to see this, we need to understand what trust is.

Most philosophers perceive trust as a trivalent relationship between two agents and some φ-ing: *A* trusts *B* to φ.[44] Trust can be understood as *A*'s preparedness to act on the supposition that *B* will φ. There is a distinction between *trust* and *mere reliance*, because not every case of reliance is a case of trust.[45] We can rely on inanimate objects without trusting them. I rely on my suitcase to carry my heavy luggage in the airport, but I do not trust it. If its wheels were to break, I would be upset without blaming the suitcase or feeling of betrayal by it. We can also rely on agents without trusting them. Immanuel Kant is said to have been so punctual about his daily walk that others relied on him to set their watches. Had Kant decided not to take a walk on Tuesday, others might be upset but they would not distrust him or feel betrayed by him.[46] These cases of mere reliance without trust demonstrate that "distrust is not mere absence of trust."[47] We may or may not rely on Kant to set our watches without trusting

[43] Carter, *A Measure of Freedom*, 62.
[44] Richard Holton, "Deciding to Trust, Coming to Believe," *Australasian Journal of Philosophy* 72, no. 1 (1994): 63–76, 65; See also Sanford C. Goldberg, "Trust and Reliance," in *The Routledge Handbook of Trust and Philosophy*, ed. Judith Simon (London: Routledge, 2020), 97–108, 97; Arnon Keren, "Trust and Belief," in *The Routledge Handbook of Trust and Philosophy*, ed. Judith Simon (London: Routledge, 2020), 109–20, 110.
[45] Katherine Hawley, "Trust, Distrust and Commitment," *Noûs* 48, no. 1 (2014): 1–20, 2.
[46] Annette Baier, "Trust and Antitrust," *Ethics* 96, no. 2 (1986): 231–60, 235.
[47] Hawley, "Trust, Distrust and Commitment," 3.

or distrusting him. This implies that trust has a moral dimension: trust is a morally loaded species of reliance.

Let us take a look at an example in which a person is prevented without being disrespected. Pietro Intropi asks us to imagine that Mildred encloses her legitimately owned garden not because she suspects that Noah may try to enter her garden and steal some fruits, but because she likes building walls. She is not allowed to build walls anywhere she wants because of many government regulations. But it is legally easier for her to build a wall on her property and she exercise her right for her self-satisfaction. Since her encircling the garden is not motivated in her lack of trust in Noah's capacity to refrain from entering her garden, Mildred does not distrust or disrespect Noah.[48] This is not to say that Noah did not lose anything of value. His freedom in question could have been instrumentally or constitutively valuable for some other phenomena. But with respect to his being trusted by Mildred, his freedom to enter her garden did not have any contributory value.

We can reach the same conclusion – namely that a person can be prevented without being distrusted – under different accounts of trust. Indeed, under different accounts of trust, we will reach different conclusions *about the relationship between freedom and trust*. Nevertheless, these differences are innocuous to my argument: not every prevention is a failure of trust in a person's moral agency. That is because, under any respectable account of trust one can find in the relevant literature, there are cases in which a person can be prevented without being distrusted. For example, let us take a look at two prominent accounts of trust. Firstly, according to a version of affective account of trust, to say that I trust someone is to say that "I depend on her good will toward me."[49] Secondly, according to the participant stance account of trust, to say that you trust someone to do something is to say that "you rely on them to do it, and you regard that reliance in a certain way: you have a readiness to feel betrayal should it be disappointed, and gratitude should it be upheld."[50] Mildred can enclose her property and *depend on Noah's good will* that he will not enter her property. Since she does not expect any ill will from Noah, her preventing Noah from entering her garden does not mean that she distrusts him. Therefore, under the first account of trust, Mildred can prevent Noah *and* trust him to do the morally right thing. Similarly, Mildred can enclose her property and *rely on Noah not to enter her garden*. Had the garden not been enclosed and had Noah entered it, Mildred

[48] Intropi, Pietro. "The Values of Freedom and the Moral Foundations of Freedom-Centred Justice." Ph.D. Dissertation, University of Oxford, 2019, 182-3; See also, Intropi, "Freedom's Values," 1151-3.
[49] Baier, "Trust and Antitrust," 235. For the criticism of Baier's account of trust, see Onora O'Neill, *Autonomy and Trust in Bioethics* (Cambridge: Cambridge University Press, 2002), 14.
[50] Holton, "Deciding to Trust, Coming to Believe," 66.

would have felt a sense of betrayal. However, Mildred's encircling her garden is not motivated by her lack of reliance on Noah. So, under the second of account of trust, she can prevent Noah *and* trust him to do the morally right thing.

Let us take a look at another famous account of trust. According to Katherine Hawley, "[t]o trust someone to do something is to believe that she has a commitment to doing it, and to rely upon her to meet that commitment. To distrust someone to do something is to believe that she has a commitment to doing it, and yet not rely upon her to meet that commitment."[51] Hawley adopts a broad, albeit underdeveloped, conception of commitment.[52] However, for the sake of simplicity, let us consider the act of *promising*, which is "one clear way of acquiring the relevant sort of commitment."[53] Suppose that Noah promises Mildred that he will respect her property rights. Mildred trusts Noah: that is, she knows that he has a commitment not to enter her garden, and she relies upon him to meet that commitment. In our example, Mildred encloses her property, because she likes building walls. This means that since she relies on Noah to meet his commitment, her preventing him does not mean that she distrusts him. Therefore, under Hawley's account of trust, a person can be prevented without being distrusted.

So, I have only argued that bivalent social freedom (whether it is overall freedom or specific freedoms to perform a morally permissible or impermissible acts) has a contributory value, because it contributes to being trusted and respected by others. But probably freedom also supervenes on some other valuable phenomenon too. It is probably the case that some phenomenon other than trust and respect can be realized in virtue of freedom.

Before I end my discussion of the contributory value of freedom, I must emphasize that the claim that the freedom to perform morally horrendous acts is valuable does not say anything about how much that freedom is valuable. Indeed, in W_1, you enjoy the freedom to torture babies for fun and that freedom is valuable *for you*. But is the value of that freedom high enough to justify the elimination of all obstacles on your relevant abilities? We can remain agnostic on this question, because we are not required to answer it. Mabbott, for example, argues that

> if liberty itself is what I value it must have this high merit equally in the bad action and the good, and I cannot feel sure that, in a case where I knew I was doing wrong, it was at least one good element in the situation that no one tried to stop me, and an element whose value is *so high that for it alone innumerable people may be allowed to suffer and innumerable reforms be resisted*.[54]

[51] Hawley, "Trust, Distrust and Commitment," 10.
[52] Ibid., 11.
[53] Ibid., 10.
[54] J. D. Mabbott, *The State and the Citizen: An Introduction to Political Philosophy* (London: Hutchinson & Co., 1963), 62 emphasis added.

The italicized part of Mabbott's claim confuses *a conceptual point* about the value of freedom to do bad things with *a normative point* about justifiable regulations or obstacles. My argument only makes a conceptual point about a *pro tanto* value, not a judgment of overall (on balance) value in contingent circumstances. In the contingent circumstances, as a result of their immorality or weak will power, some people may torture babies for fun if they know that they will not be prevented or punished later. Therefore, in the contingent circumstances of a certain level of occurrence of such horrendous crimes, preventing them can be justified, because it might still be better to remove everyone's modal freedom to commit morally horrendous crimes (or, to impose penalties on certain acts, thus to lower everyone's overall freedom). However, these contingent matters are irrelevant for my argument.

6.5. The Presumption of Freedom

I have argued that the freedom to perform morally impermissible acts can be valuable in the sense that it may contribute to one's being trusted and respected. Against this view, Ralph Bader argues that the freedom to perform morally impermissible acts cannot be valuable in any sense. According to him, we should reject any conception of physical freedom such as bivalent social freedom in favor of a deontic conception of freedom. Recall that to say that a person is physically free (unfree) to φ is to say that she is unprevented (prevented) from φ-ing, whereas to say that a person is deontically free (unfree) to φ is to say that she is morally or legally allowed (forbidden) to φ.[55]

One of the reasons Bader suggests, which is relevant for our purposes here, is that there is no *presumption against prevention* in favor of allowing people to engage in morally impermissible acts such as torture, rape or murder. On his view, constraints on the specific freedoms to perform such acts *do not need any justification*, because those constraints are "good qua being a constraint on the freedom in question, i.e., the [physical] freedom to φ is itself bad, thereby making it good and praiseworthy to constrain it."[56] Suppose the physical freedom in question is *the freedom to torture babies for fun*. Bader believes that there can be no "pro tanto reason not to constrain" this freedom, and the lack of such pro tanto reason

> implies that the presumption [against prevention] is lost [since] there is no presumption in favor of letting people engage in such behavior. Quite the opposite is true, in that

[55] Kramer, *The Quality of Freedom*, 60-65.
[56] Bader, "Moralized Conceptions of Liberty," 71-72.

> there are plenty of reasons to prevent people from performing [such] actions. Interferences with such actions thus cannot constitute constraints on freedom.[57]

Two things should be clarified. Firstly, the phrase “letting people engage in such behavior” might imply that Bader is referring to deontic freedom to perform such acts. However, as is clear from the phrase “to prevent people from performing [such] actions” and, generally, from his defense of a moralized conception of freedom, Bader is referring to physical freedoms. When he says that there is no presumption in favor of the freedom to torture babies for fun, what he means is that when a person is prevented from performing such acts, that prevention does not constitute a constraint on her freedom. (Throughout this chapter, I only refer to physical freedoms to perform particular actions.) Secondly, Bader does not claim that the person who prevents a potential torturer is not morally responsible (or answerable) for her prevention. In fact, Bader seems to believe that she is so obviously praiseworthy that there is no need to ask her to justify, or answer for, her prevention.

We should reject Bader’s argument at least for three reasons. Firstly, Bader fails to make a distinction between *freedom’s value of as such* and *the value of φ-ing*. He does not show us that the freedom to perform morally impermissible acts *cannot* be valuable under any circumstances. Secondly, as discussed in the previous section, the freedom to perform morally impermissible acts can have contributory value. Thirdly, as my broader conception of answerability implies, there is a presumption against prevention.

My first argument against Bader is short and negative. Bader does not make any distinction between *freedom’s value as such* and *the value of φ-ing*. But as discussed above, the value of freedom is distinct from the value of action. The fact that specific actions can have a disvalue does not entail the claim that *the freedom* to perform them is not valuable.[58] Indeed, the action of torturing babies for fun has a disvalue. That is why Bader believes that we do not have a *pro tanto* reason for allowing people to engage in this action. But, as the above-mentioned distinction shows, although *performing* morally horrendous actions has a disvalue, having *the freedom* to perform them *can* be valuable. So, Bader’s claim that the freedom to perform morally impermissible acts *cannot* be valuable is erroneous.

My second argument against Bader is that the freedom to perform morally impermissible acts can be valuable, because such freedom can contribute to one’s being trusted and respected by other persons. As discussed above, when others remove your freedom to torture babies for fun because they do not trust your ability to reach the right moral conclusion,

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[57] Ibid., 72.
[58] Kramer, *The Quality of Freedom*, 243-244.

they fail to respect you. This means that your removed freedom had a contributory value, because the trusting and respectful interpersonal relation is realized, at least in part, by the abstention from prevention. If what I have said about the contributory value of freedom is correct, then we should reject Bader's claim that the freedom to perform morally impermissible acts cannot be valuable.

My third argument against Bader is that there is a presumption against prevention. In chapter 5, I have argued that agents are answerable for their actions, which consist of their basic actions and the bringing about of the causal chains of events which those basic actions initiate. Therefore, we may always ask the preventing agents to justify, or answer for, their preventing actions. I believe that this conception of answerability implies the following presumption:

> **The presumption against prevention**: there is a *pro tanto* reason not to prevent agents from performing any action.

According to this presumption, without overriding reasons agents should not be prevented from performing any action they may want to perform. The burden of responsibility lies on the preventing agents. It is important to note that the presumption against prevention does not tell us whether the prevention in question is justified.[59]

The responsibility theorists also seem to believe that the presumption against prevention (in their words, *the presumption against intervention* or *the principle of noninterference*) follows from the view that the preventing agents should justify their prevention. For example, David Miller claims that "[o]ur language embodies a presumption that humans should not obstruct one another's activity."[60] Similarly, Stanley Benn argues that "[t]he burden of justification falls on the interferer, not on the person interfered with."[61] This is a "formal principle that no one may legitimately frustrate a person's acting without some

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[59] This can also be called *the presumption of freedom*, because I defined freedom as *the absence of prevention by others* where prevention is defined as an act of some other agent that makes one's φ-ing physically impossible to perform. But there are many formulations of the presumption of freedom and in each case, freedom is defined in a different way. For example, the presumption of freedom suggested by Joel Feinberg perceives freedom as *the absence of coercion*: "Liberty should be the norm; coercion always requires some special justification." Joel Feinberg, *Harm to Others: 1* (Oxford: Oxford University Press, 1984), 9. In an earlier article, Gerald Gaus defines freedom as *the absence of interference* and suggests the following presumption of freedom: "Interference with another's activity requires justification; unjustified interference is unjust." Gerald F. Gaus, "Does Compensation Restore Equality?," *Nomos* 33 (1991): 45–81, 50. Later, in his book, his presumption of freedom refers to *imposition*: "imposition on others requires justification; unjustified impositions are unjust." Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996), 165. To avoid any confusion, I do not use the label *the presumption of freedom*.

[60] Miller, "Constraints," 69.

[61] Benn, *A Theory of Freedom*, 87.

reason" and the principle is formal because "it determines neither what a person ought to be free to do, nor what is to count as a reason for interfering."[62] So, the only thing the presumption asks for is a justification for preventing someone else's actions in the sense that preventing agents should provide reasons for their interventions.[63] On the contrary, the prevented agent is not required to provide any reason at all for performing any action, however immoral or unreasonable that action might be. As Benn points out:

> when an agent Alf announces his intention to do X and Ian announces his intention to interfere to prevent him, it is for Ian, not Alf, to make out a case, and if he cannot, to desist. Of course, in many instances reasons for interfering will not be hard to find. Alf's wanting to torture his cat is not a reason for letting him do it; but in that case the specification of the act supplies the reason for preventing it. Nor does Alf's wanting to do it constitute a counter-reason. But *we do not ask Alf to begin the justificatory exchange*: unless Ian can supply some reason why Alf should be stopped, Alf is free to go ahead. *He doesn't have to have a reason*.[64]

Even in cases where the prevention is obviously praiseworthy, the preventing agent should justify the prevention by providing an overriding reason, whereas the agent who attempts to perform some morally impermissible action does not need to provide any reason in favor of her action. In other words, agents should not be prevented in the absence of overriding reasons that justify their being prevented. If what I have said is right, then we should reject Bader's argument against the presumption of prevention.

I conclude that we should reject Bader's view on three independent grounds. He fails to make a distinction between *freedom's value as such* and *the value of φ-ing*; he fails to see the contributory value of freedom to one's being trusted and respected; and he fails to see that there is a presumption against prevention, because agents are answerable for their actions.

6.6. Subjunctive Preventions

I have argued that the distinction between unfreedoms and mere inabilities is not arbitrary, because persons are answerable for the obstacles they impose on others in virtue of their actions. But there seems to be a tension between advocacy of the answerability criterion for unfreedom and advocacy of the concept of bivalent social freedom. On the one hand, subjunctive prevention by others makes one unfree.[65] Suppose that at t_1 you want me to stay in

[62] Benn. "Freedom, Autonomy and the Concept of a Person," 109; see also, Kristjánsson, *Social Freedom*, 24-8.
[63] Stanley Isaac Benn and Richard Stanley Peters, *Social Principles and the Democratic State* (London: Allen & Unwin, 1959). 222.
[64] Benn, "Freedom, Autonomy and the Concept of a Person," 109 emphasis added.
[65] Subjunctive prevention by others makes one unfree under Kramer's ability-based trivalent conception, too.

the room for an hour (say, by t_5) and it is true that you will prevent me by locking the door if I try to leave the room. Since you are inclined to prevent me from leaving the room by t_5, I am already *unfree at t_1 to leave the room by t_5*. In other words, the truth of the counterfactual that 'if I try to leave the room, you will prevent me' is sufficient for the ascription of unfreedom to me. On the other hand, answerability seems to presume that unless an obstacle to one's *φ*-ing has *actually* been created by others, we cannot hold them answerable for the obstacle. That is because the obstacle in question has not been imposed yet: the others have not performed any relevant action. At best, we can say that the others are answerable for their intentions or desires to create an obstacle.

Here is the problem. Suppose that for some reason I never try to leave the room. Thus, you never locked the door. Since you never locked the door, you never prevented me. In that case, how can we say that you made me unfree? In order to answer this question, we should clarify what it means to say that subjunctive prevention by others is a source of unfreedom or that one's disposition to prevent someone already makes her unfree. In light of this clarification, we will see that there is no tension between the advocacy of the answerability criterion for unfreedom and advocacy of the concept of bivalent social freedom.

Kramer defines a disposition as "a preparedness-to-act-in-a certain-fashion that emerges from the various possibly conflicting desires harboured by a person."[66] As he explicitly points out:

> If certain people are firmly disposed to perform certain actions in the event that P attempts to φ, and if the occurrence of those actions would prevent P from φ-ing, and if the specified people are able to perform the specified actions, and if P does not ever attempt to φ, then P has been made unfree-to-φ *not by any preventative actions (which never occur) but instead by the dispositions* of certain people to engage in such actions if P does ever attempt to φ. Those dispositions, rather than the non-occurrent actions, are the source of P's unfreedom to φ.[67]

According to Carter, when we say that *A* has the disposition to prevent *B*'s *φ*-ing (or *A* is inclined to prevent *B*'s *φ*-ing) what we mean is that if *B* tries to *φ*, *A* will indeed prevent *B*. When *A* threatens to impose a penalty on *B*'s doing x,

> at the moment at which the threat is issued (and indeed, even at the earlier moment at which A forms a resolute conditional disposition to impose the sanction (should B fail to comply)), A is *actually* (and with a certain probability) physically preventing B from performing at least one set of actions. A is actually precluding this *set* of actions to the extent that the counterfactual 'if B did x, A would do y' is true (where 'y' is an action that prevents B from doing something). For an agent is actually unfree to do something

[66] Kramer, The Quality of Freedom, 186.
[67] Ibid., 457 emphasis added.

if it is true that, were that agent to attempt to do that thing, some other agent would intervene so as to render it impossible.[68]

In other words, *A*'s disposition to act (or to prevent *B*) is *sufficient* for *B*'s unfreedom.[69] If *A* will close the door once *B* tries to leave the room, *B* is unfree to leave the room. Our ascription of unfreedom to *B* is correct if the counterfactual 'were *B* to try to *φ*, *A* would prevent *B*'s *φ*-ing' is correct. Given the truth of this counterfactual, *B*'s actually trying to leave the room and the actual occurrence of *A*'s prevention are not necessary for the ascription of unfreedom to *A*. That is to say, *A* might make *B* unfree to leave the room without performing any action, because *A*'s disposition to act is sufficient for *B*'s unfreedom.

The quoted passages from Kramer and Carter seem to suggest that there is no conceptual distinction between the dispositional and the counterfactual accounts of the sources of unfreedom. However, I think that there is a conceptual distinction between these two accounts. Let us start with Kramer. On the one hand, he is concerned about the sources of unfreedom and he claims that the source of P's freedom to *φ* is the disposition of other people to prevent his *φ*-ing. Recall that a disposition is "a preparedness-to-act-in-a certain-fashion that emerges from the various possibly conflicting desires harboured by a person."[70]According to this definition, to say that others have a disposition to prevent P is to say that (1) others have strong desires to prevent P's *φ*-ing and (2) others are prepared or willing to act on those desires. Note that this definition *does not say anything about whether or not others will succeed in their attempt*. On the other hand, Kramer does not really say that P is unfree to *φ* iff others are disposed to prevent P's *φ*-ing. As the quoted passage from Kramer makes clear, on his view P is unfree to *φ* iff (1) others are disposed to prevent P's *φ*-ing, (2) the specified actions others are prepared to perform are sufficient to prevent P's *φ*-ing, and (3) other people have the ability to perform those specified actions.

This means that according to Kramer, the disposition of others to prevent P's *φ*-ing *is not sufficient* for P's unfreedom to *φ*. Their disposition in question is, at best, necessary for P's unfreedom to *φ*. There are additional two necessary conditions. Firstly, others should have a successful plan – they should know which actions should be performed in order to prevent P's *φ*-ing. Secondly, others should also have the ability to carry out that plan. These three conditions together are sufficient for P's unfreedom to *φ*, because they are sufficient for the successful prevention should P try to *φ*. In other words, what is sufficient for P's unfreedom to

[68] Carter, "Social Power and Negative Freedom," 39.
[69] Ibid., 45.
[70] Kramer, The Quality of Freedom, 186.

φ is the truth of the following counterfactual: were P to try to φ, others would prevent P's φ-ing. So, there is a conceptual distinction between the dispositional and the counterfactual accounts, and Kramer fails to make that distinction. Strictly speaking, in order to be consistent with his own trivalent social conception of freedom, Kramer should say that dispositions can be sources of unfreedom but those dispositions are not sufficient to make a person unfree.

In addition, I argue that under both bivalent and trivalent social conceptions of freedom, in Kramer's sense of dispositions, *dispositions to prevent others are not even necessary* for the ascription of unfreedom. What is necessary and sufficient for our ascription of unfreedom to P is the truth of the above-mentioned counterfactual. Let us look at a version of Kramer's cave example which I discussed in 3.6.[71] Suppose that P enters a cave and you are not disposed to prevent P's leaving the cave. You are standing next to a boulder at the top of the hill. A strong gust of wind makes you fall on the boulder, as a result of which the boulder rolls down and closes the mouth of the cave. So, you make P unfree to leave the cave despite the fact that you were not disposed to push the boulder or make P unfree.[72] This means that dispositions to prevent others are not even necessary for the ascription of unfreedom. The truth of the counterfactual that 'were P to try to leave the cave, you would prevent P's leaving' is both necessary and sufficient for P's unfreedom in question.

It seems to me that Carter's reasoning in the above-mentioned quoted passage makes a similar slippage from the dispositional account to counterfactual account, and that he therefore fails to see the conceptual distinction between the two accounts. On the one hand, Carter writes that A prevents B at the time when "A forms a resolute conditional disposition" to prevent B.[73] On the other hand, Carter adds that A prevents B given that "the counterfactual 'if B did x, A would do y' is true."[74] As we have seen above, however, A's disposition to prevent B is neither necessary, nor sufficient for B's unfreedom. What is necessary and sufficient for B's unfreedom is truth of the above-mentioned counterfactual.

It seems that a counterfactual account is endorsed by Carter and Steiner as they do not use the term 'disposition' in their explanation of what makes a person unfree:

> a person is unfree to do x if x is prevented, actually or hypothetically, by the behavior of others. More precisely, we should say the following: a person is socially unfree to

[71] Ibid., 305.
[72] Recall that according to bivalent social freedom, this is a case of unfreedom, because you caused the inability in question. Firstly, you are causally responsible and morally answerable for your prior choice to stand where the wind was going to blow. Secondly, you are causally responsible and morally answerable for the consequences of your basic action of standing, one of which is P's inability to leave the cave. That is, you 'unintentionally' made P unfree to leave the cave.
[73] Carter, "Social Power and Negative Freedom," 39.
[74] Ibid.

> do x if, and only if, there is some other action or set of actions, y, of another person or set of persons, where the occurrence of y implies the impossibility of the occurrence of x, and y either (i) does occur or (ii) would occur if x were attempted."[75]

According to Kramer, the reference by Carter and Steiner to hypothetical prevention implies that "the prevention occurs in a counterfactual world where the triggering circumstances for the performance of a preventative action are present."[76] Based on this rather strange reading, Kramer concludes that for Carter and Steiner, one can be rendered unfree to do something in the actual world without being prevented in the actual world. I believe that Kramer's interpretation is misleading. As is clear from the above-mentioned quote, in the second sentence, Carter and Steiner explain what they mean in the first sentence. What is meant by the phrase that "x [which refers to one's action) is prevented … hypothetically" is the truth of the counterfactual that "y [which refers to someone else's action that makes x impossible to be performed] … would occur if x were attempted."[77]

Carter and Steiner as well as Kramer would ascribe unfreedom to *B in the actual world* given the truth of the following counterfactual: 'were *B* to try to *φ*, *A* would prevent *B*'s *φ*-ing.' While Carter and Steiner refer to this counterfactual as '*B*'s being hypothetically prevented by *A*,' Kramer refers to it as '*A*'s disposition to prevent *B*.' So, it seems that their disagreement is merely verbal, because both formulations "mean radically the same thing, although they may say it in such different words."[78] A disagreement between two views is verbal "[i]f, by supposing the truth of the one, you can foresee no conceivable practical consequence to anybody at any time or place, which is different from what you would foresee if you supposed the truth of the other, why then the difference between the two propositions is no difference."[79] Carter and Steiner as well as Kramer seem to use the following phrases interchangeably:

1. *B*'s being hypothetically prevented by *A*
2. *A*'s having the disposition to prevent *B*,
3. *A*'s having the inclination to prevent *B*.

What they mean by all three phrases is the following: *A* makes *B* unfree given the truth of the counterfactual that 'were *B* to try to *φ*, *A* would prevent *B*'s *φ*-ing.'

[75] Carter and Steiner, "Freedom Without Trimmings," 241.
[76] Kramer, The Quality of Freedom, 456-7.
[77] Carter and Steiner, "Freedom Without Trimmings," 241.
[78] William James, "Philosophical Conceptions and Practical Results," in *The Pragmatism Reader: From Peirce through the Present*, ed. Robert B. Talisse and Scott F. Aikin (Princeton, N.J: Princeton University Press, 2011 [1898]), 66–78, 67.
[79] Ibid.

Now let us go back to the question raised above. Consider three versions of the Emily and Elmer example discussed before (section 3.5.):

> **Case 1**: Emily is able to climb the mountain and Elmer issues a threat that if she tries to climb, he will prevent her. She tries to climb and he prevents her.
>
> **Case 2**: Emily is able to climb the mountain and Elmer issues a threat that if she tries to climb, he will prevent her. He has the ability to prevent her. Emily does not like climbing and she never tries to climb, hence Elmer never carries out his threat.
>
> **Case 3**: Emily is unable to climb the mountain and Elmer issues a threat that were she to try to climb, he would prevent her. He has the ability to prevent her. Due to her inability, Emily could not even try to climb, hence Elmer never carries out his threat.

According to bivalent social freedom, Emily is unfree in all three cases. That is because, freedom is the absence of unfreedom, while unfreedom is prevention by others. This means that a person's desires and abilities are not directly relevant for her freedom. In the absence of her relevant desires or abilities to φ, she is still free to φ when she is not prevented by others from φ-ing. Case 1 is the case of an actual prevention: we hold Elmer answerable for his action and we say that Emily becomes unfree. Case 2 is the case of onefold subjunctive prevention: Emily is unfree to climb the mountain although she does want to climb. Irrespective of her desires, she would be prevented were she to try to climb the mountain. Case 3 is the case of twofold subjunctive prevention: Emily is unfree to climb the mountain although she is unable to climb. Irrespective of her abilities, she would be prevented were she to try to climb the mountain.

Elmer never prevents Emily in Case 2 and Case 3, because Emily does not even try to climb the mountain due to her lack of relevant desires and abilities, respectively. Therefore, he is not responsible for the prevention – an action he never performs. What is Elmer answerable for in the last two cases? Recall that we are answerable for x if and only if x reflects our evaluative judgements. This means that we are answerable for the actions we perform as well as for the attitudes, beliefs and desires that reflect our evaluative judgements. Given that our inclinations to perform some actions reflect our evaluative judgements, we are also answerable for our inclinations or desires to prevent others.[80] So, Elmer is answerable *for his inclination or desire* to prevent Emily. Moreover, we are not answerable for things that do not reflect our evaluative judgments. We cannot be asked to answer, say, for our height, natural eye color, and

[80] See, Smith, "Attributability, Answerability, and Accountability," 577-8.

involuntary movements such as tics, myoclonic jerks, athetosis or hemiballism to the extent that these normally natural occurrences have not been brought about by previous actions of ours.[81] In other words, we cannot be answerable for things that are not or were not under our control. So, Elmer is not answerable for Emily's desires or abilities, because they are not or were not under his control.

There is no tension between the advocacy of the answerability criterion for unfreedom and advocacy of the concept of bivalent social freedom. Recall that in all three cases, Elmer has the ability to carry out his threat. That is, given that we are interested in the ascription of freedom, the question of Elmer's answerability merely for his inclination or desire to do something he is unable to do, is irrelevant for our purposes. We are interested in his inclination or desire to impose obstacles on others if and only if he has the relevant abilities. Therefore, in this context, to say that 'Elmer is answerable for his inclination or desire to prevent Emily' is to say that 'Elmer is answerable for the truth of the following counterfactual: were Emily to try to φ, Elmer would prevent her φ-ing.'

[81] See, ibid., 578; Smith, "Responsibility as Answerability," 103.

7. The All-Inclusive View Again: Measuring Freedom

7.1. Introduction

Bivalent social freedom holds that while self-imposed and natural obstacles leave one's freedom intact, all other-imposed obstacles make one unfree. The tripartite distinction of obstacles in terms of their sources, I argued, is not arbitrary. The distinction between agential obstacles (other-imposed and self-imposed) and natural obstacles is morally relevant because only agents can be said to be morally answerable for their actions in virtue of the fact that their actions reflect their evaluative judgements. More specifically, I argued, agents are answerable for their actions, which consist of their basic actions and the bringing about of the causal chains of events which those basic actions initiate. Hence while agents can be asked to justify, or answer for, the obstacles they impose on others, nature cannot be held responsible for anything in any morally relevant sense. This means that there is a morally relevant difference between other-inflicted and natural inabilities.

Note that agents are also answerable for the obstacles they impose on themselves. But I argued that according to bivalent social freedom, self-inflicted inabilities are not unfreedoms, which means that for the purposes of defining this conception of freedom, a person's answerability for self-imposed obstacles is irrelevant. The reason for this classification is that bivalent social freedom is a conception of *interpersonal*, rather than *intrapersonal* freedom. Under this conception, freedom is a relation among persons, thus, one's overall freedom can be increased or decreased depending on the absence of presence of obstacles imposed by other agents. Accepting self-inflicted inabilities as unfreedoms, by contrast, entails that an agent can singlehandedly increase or decrease her overall freedom. Recall that I joined the majority of negative freedom theorists in rejecting desire-based accounts of freedom precisely on the grounds that accepting one's desires as directly relevant for one's freedom entails that an agent can singlehandedly increase or decrease her overall freedom (section 3.5). Since this conclusion is unacceptable for any conception of social or interpersonal freedom, I also submit that for my purposes here, a person's answerability for self-imposed obstacles is irrelevant. The morally relevant difference I am interested in is the difference between other-imposed and natural obstacles, or, in other words, the difference between other-inflicted and natural inabilities.

I argue that the distinction between other-inflicted and natural inabilities is relevant for any social conception of freedom, whereas the all-inclusive theorists argue that one is made unfree do φ by any obstacle of the right kind that, irrespective of its source, prevents one's φ-ing. In this chapter, I am interested in the debate between theorists of freedom with respect to the relevance of the distinction between other-inflicted and natural inabilities for a conception of freedom. For the sake of simplicity, I assume that only physical obstacles that prevent a person's φ-ing count as the right kind of obstacles. Thus, in the present context, the inclusiveness in the all-inclusive view only pertains to *the sources of obstacles* (chapter 2).

I have argued in chapter 5 that bivalent social freedom is superior to the all-inclusive conception of freedom inasmuch as the former makes a morally relevant distinction between other-inflicted and natural inabilities. Instead of arguing that freedom is ability and unfreedom is inability, the bivalent social theorists argue that freedom is the absence of other-inflicted obstacles and unfreedom is the absence of freedom. Bivalent social freedom, therefore, is more appealing than its rival all-inclusive conception of freedom, because it highlights a morally relevant distinction and it uses terms in a parsimonious way. If what we are interested in is the ability of agents to perform certain actions, we can use the term ability, instead of freedom, for our purposes and that will leave open the interesting possibility of a morally relevant conception of freedom that distinguishes between sources of constraint. Advocates of the moral relevance of social freedom do not deny the usefulness and moral relevance of the concept of ability. But the converse appears not to be the case: the all-inclusive theorists appear to want to challenge the specific moral relevance of interpersonal freedom.

Why do the all-inclusive theorists reject the relevance of this distinction when explicating the conception of freedom? As I argued in chapter 2, the main reason why the all-inclusive theorists reject the relevance of the distinction between other-inflicted and natural inabilities for the conception of freedom is their ideological conviction that this distinction implies that the mere inabilities (especially many inabilities of poor and disadvantaged persons) are politically irrelevant. However, I rejected this claim by pointing out that the distinction between unfreedoms and mere inabilities is purely conceptual, and therefore does not entail the ideologically driven view that mere inabilities are politically irrelevant in the sense that the state or other persons are not obliged to remove the natural or self-inflicted inabilities of the poor and the disadvantaged. For example, Rawls famously argued that "It is a natural fact that generations are spread out in time and actual economic benefits flow only in one direction.

This situation is unalterable, and so the question of justice does not arise. *What is just or unjust is how institutions deal with natural limitations*"[1] Drawing a conceptual distinction between unfreedoms and mere inabilities neither rejects nor endorses the truth of Rawls' position.

I discuss one potential thesis the all-inclusive theorists may defend in order to reject the relevance of the above-mentioned distinction for the conception of freedom: *the measurement thesis*. This thesis, explicitly defended by Michael Garnett, holds that a suitable conception of freedom for political philosophy should enable us to measure a person's overall freedom.[2] According to this thesis, whereas the all-inclusive conception of freedom manages to resolve all measurement problems, bivalent social freedom fails to resolve them all. Therefore, if we have to be able to measure a person's overall freedom, Garnett concludes, we should reject the relevance of the distinction between other-inflicted and natural inabilities for freedom. In other words, we should abandon the conception of bivalent social freedom and instead make use only of the all-inclusive conception of freedom. I argue that the all-inclusive view does not resolve some of the problems it claims to resolve.

7.2. The Measurement Thesis

When we talk about equalizing or increasing people's freedom, we assume the possibility of measuring a person's overall freedom. Michael Garnett elegantly explores this idea using the example of *freedom of association*, taken from John Rawls' famous list of basic liberties. In order to remain agnostic on the issue of the possibility of measuring freedom, Garnett observes, Rawls replaced his original phrase "the most extensive total system of equal basic liberties" with "a fully adequate scheme of equal basic liberties" in *the greatest equal liberty principle*.[3] Each liberty in this list is a freedom type, not a freedom token. Saying that one group has freedom of association does not mean that this group only has one specific freedom to assemble "for five minutes on one day of the year atop of a mountain peak."[4] Similarly, this group might be prevented from assembling in a certain place and time – owning to security measures or to the fact that another group has already assembled in *that* place at *that* time – while enjoying freedom of association. It seems that we require a certain threshold: if this group enjoys certain number of various specific freedoms with respect to their choice of place and time, we say that

[1] Rawls, *A Theory of Justice*, 254 emphasis added.
[2] Garnett, "Ignorance."
[3] Rawls, *A Theory of Justice*, 220; Rawls, *Political Liberalism*, 291.
[4] Garnett, "Ignorance," 430.

the group has freedom of association. Thus, in order to say whether a group enjoys freedom of association – hence, to protect basic liberties – we must measure freedom.

With respect to measuring freedom, social bivalent freedom is the most ambitious conception in the current literature.[5] One of the major arguments of its proponents is that it allows us to measure overall freedom. Recall that according to the causality theorists (Hillel Steiner, Ian Carter, and Matthew Kramer), one's overall freedom should be represented as a ratio of the set of one's freedoms to the set of one's freedoms and unfreedoms combined. In other words, we should not simply count the number of freedoms one has; the number of unfreedoms should also be incorporated into the measurement.[6] The freedom metric suggested by the casualty theorists also includes probability judgements with respect to the availability of any compossible action. Moreover, there is a disagreement among the causality theorists over whether or not the value of compossible freedoms should be incorporated into the freedom metric. However, all of these complications are irrelevant for my purposes here. Therefore, I will use the original, and simple, freedom metric suggested by Steiner: F/(F+U).[7]

What is important is that for the possibility of measuring overall freedom, the number of freedoms and unfreedoms should be finite. If the number of freedoms or unfreedoms are infinite, measuring freedom will be impossible. Let us call this *the infinity problem*. There seem to be four types of the infinity problem: *the problem of indefinite subdivision*, *the problem of indefinite descriptions*; *the problem of indefinite causal chains*; and *the problem of indefinite mere inabilities*. The first three problems were originally introduced by Carter, while the fourth problem was raised by Kramer and later addressed by Carter and Steiner.[8] Garnett only discusses the first three problems introduced by Carter and argues that Carter's bivalent social freedom fails to resolve them. Later, Garnett introduces his all-inclusive conception of freedom, according to which, freedom is ability and unfreedom is inability. That is, the sources of one's inabilities are irrelevant for his conception freedom. Unlike bivalent social freedom, the all-inclusive conception of freedom, Garnett argues, resolves all three infinity problems. Therefore, he concludes, we should endorse the all-inclusive conception of freedom. In other

[5] Garnett's arguments against bivalent social freedom also largely applies to Kramer's ability-based trivalent conception of freedom. However, since Garnett explicitly target's Carter (see, Garnett, "Ignorance," 434-5) and I defend bivalent social freedom, I will construe the current debate as a debate between Garnett's all-inclusive conception of freedom (which he calls "an agential account of liberty") and bivalent social freedom defended by Carter, Steiner, and myself.

[6] For Kramer, along with actions, we should also consider becomings, remainings, and undergoings.

[7] Hillel Steiner, "How Free: Computing Personal Liberty," *Royal Institute of Philosophy Supplements* 15 (1983): 73–89.

[8] Carter, *A Measure of Freedom*, 175-89; Kramer, The Quality of Freedom, 51-2; Carter and Steiner, "Freedom Without Trimmings," 254-5.

words, Garnett defends the all-inclusive view on the grounds that it allows us to measure freedom better than its major rival conception. Hence *the measurement thesis*.

According to Garnett, only an account of freedom provides a negative answer to the question "must constraints always be attributable to other agents?" can solve the first three types of infinity problem.[9] Thus, he rejects the distinction between unfreedoms and mere inabilities, because he believes that only an all-inclusive conception of freedom is able to resolve the three types of infinity problem.

In fact, Garnett does not discuss the morally relevant differences between other-inflicted and natural inabilities. In private correspondence, however, he has said he believes that while all inabilities are harms to the persons who suffer from them, other-inflicted inabilities are also *potential pro tanto wrongs*. His view is different from mine because it does not hold that *all other-inflicted inabilities* are in need of justification. On his view, there is a set of other-inflicted inabilities which are not even *pro tanto* wrongs, hence the agents who inflict those inabilities are not responsible for them in any morally relevant sense. In this respect, Garnett's view is similar to that of Ronen Shnayderman who argues that an obstacle to one's action makes one unfree only when someone else "is appropriately considered susceptible to either blame or praise for creating it."[10] (Of course, even if my observation is accurate, the views of Garnett and Shnayderman *on freedom* are different, because unlike Garnett, Shnayderman defends a responsibility view of freedom). Shnayderman would not endorse my broader conception of answerability because his view implies that there are *some obstacles* for which the preventing agents are not even susceptible to blame or praise, hence they may not be asked to justify those obstacles. But since I already discussed and rejected this position (section 4.4.), here I only focus on the measurement thesis and the infinity problem.

I argue that the all-inclusive view of freedom also faces some of the measurement problems it tries to avoid. Because it does not resolve the measurement problems, *Garnett does not have any reason to defend the all-inclusive view or reject the distinction between unfreedoms and mere inabilities*. Moreover, bivalent social freedom resolves all infinity problems. Therefore, we should reject Garnett's justification of the all-inclusive view of freedom.

[9] Garnett, "Ignorance," 432.
[10] Shnayderman, "Social Freedom," 74-5.

7.3. The Problem of Indefinite Subdivisions

The first type of infinity problem is the problem of indefinite subdivision. We face this problem when we ask what it means to speak of *the number of options open to an agent*. Since time and space can be divided infinitely, I have an indefinite number of freedoms and, therefore, measuring my overall freedom is impossible because overall freedom is always the same for everybody, that is, indefinite. For example, when I open the door, how many actions do I perform? Should we divide the *time* into ten or a hundred-time units? Also, what should be the size of our *space units*: a millimeter, a centimeter, a meter?

Ian Carter suggests, and Matthew Kramer agrees, that we need to divide *space*, *time*, and *matter* (the human body and its concomitant objects) into equally sized fixed number of finite units.[11] Space and time should be seen "as an immobile *grid*, made up of a finite series of spatio-temporal *regions*."[12] In our measurement of overall freedom, we are looking at the equally sized, fixed number of spatio-temporal regions that a physical object occupies. For example, when we measure my freedom to unlock the door, we count the number of spatio-temporal regions and see how many regions can be occupied by the matter, that is, my body and a key. The range of regions the matter can occupy is the number of my freedoms, while the range of regions the matter cannot occupy due to prevention of another agent is the number of my unfreedoms. Others can prevent my unlocking the door by interfering with my body (by tying my hands) or with the concomitant object (by stealing the key). This suggestion shows that we can resolve the first type of infinity problem by dividing spatio-temporal regions and matter into equally-sized fixed units.

But this solution opens up another problem. The equally-sized spatio-temporal regions themselves can be endlessly divided and the size of those regions affects the measurement of overall freedom. It seems that Carter's suggestion that the spatio-temporal regions should be divided into *fixed* number of equally-sized units resolves the problem of indefinite subdivisions. But Carter's suggestion, Garnett points out, raises two further related but independent questions:

1. What should be the size of these fixed equal units?
2. Is there any independent rationale to prefer one unit of measurement to another?

[11] Carter, *A Measure of Freedom*, 184; Kramer, *The Quality of Freedom*, 380.
[12] Carter, *A Measure of Freedom*, 184.

Carter's response to the first question is that "the units will be smaller than any of the distances of the movements (…) that we are interested in measuring."[13] Similarly, Kramer points out that "the optimal size for each uniform region or span will vary in accordance with the purposes of our analysis."[14] For instance, if we aim to measure the freedom of Alex to visit the Natural History Museum and we are interested in the number of days in which he is free to visit the museum, then our spatio-temporal region will be *any part of the museum during a day* while the physical object will be Alex himself (that is, his body).[15] Providing that the Museum is only open on weekdays, Alex's overall freedom is 0.71 (F/(F+U), that is, 5/(5+2)). However, if some rooms of the museum are closed or if the museum is closed during lunch time, and we want these preventions to be reflected in our measurement, then we will work with smaller units of measurement: *rooms* (instead of *any part of the museum*) and *hours* (instead of *days*). In other words, Carter does not propose any fixed unit of measurement which should be applied in every case; instead, his suggestion is that the unit of measurement should be adjusted every time depending on what we want from the measurement. Therefore, his answer to the second question is negative: there is not any independent rationale to choose one unit of measurement to another.

Garnett is not satisfied with these answers. He claims that Carter's response to the first question is *ad hoc* because the only rationale behind that response is that without treating spatio-temporal regions as finite units, we cannot measure overall freedom. That is, if we want to measure overall freedom, we should act *as if* spatio-temporal regions are finite. As Carter writes "the smaller the units we are working with, the more accurate our measurement will be in reflecting what is commonly meant by 'the extent of movement available to us.'"[16] The problem is that, Garnett argues, "*what is commonly meant* is incoherent" hence it is not clear to what we are approximating or what the property that we want to measure is.[17]

> Carter's shift to talk of 'approximation' is simply a change of subject. Once we have a clear conception of a property we are interested in measuring, then we can discuss better and worse ways of measuring it. But the problem is that we do not yet have a clear conception of what we are measuring. What we need is an independent *rationale* for treating the units as finitely small.[18]

[13] Ibid., 186.
[14] Kramer, *The Quality of Freedom,* 381.
[15] I assume that the person is the human body. That is, *I am my body*. Saying that I *have* a body is nothing but a *façon de parler*. See Ian Carter, "Self-Ownership and the Importance of the Human Body," *Social Philosophy and Policy* 36, no. 2 (2019): 94–115.
[16] Carter, *A Measure of Freedom,* 186.
[17] Garnett, "Ignorance," 436.
[18] Ibid., 436.

Garnett's claim assumes that we do not know exactly what we measure. He believes that an intuition behind *what is commonly meant* is incoherent, hence we do not know what we are approximating to. Garnett seems to interpret Carter as saying that *the closer we get to what is commonly meant, the smaller the units are*. This means that one can carry on infinitely and can get an indefinite number of smaller units. Then, of course, it is unclear what is this thing we are approximating to.

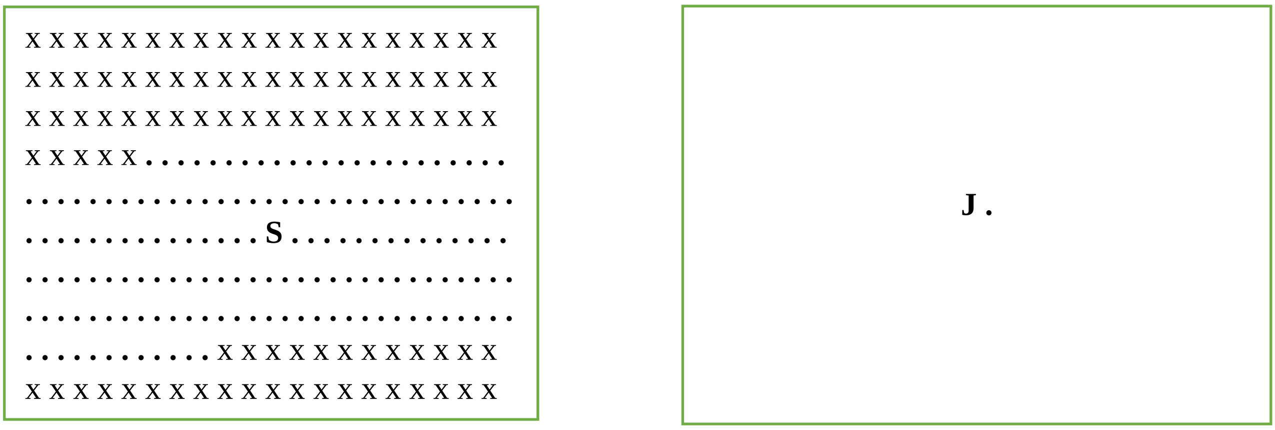
I think this is not the correct interpretation of Carter because the intuition Carter refers to *is* coherent. Although it is theoretically possible to divide time and space into an indefinite number of units, and hence conclude that infinities cannot be compared, when we refer to this intuition of *what is commonly meant by the extent of movement available to us*, our intuition *does* treat space and time as finite. According to Carter, 'the smaller unit' means 'the smallest unit of interest,' whereas according to Garnett's interpretation of Carter, 'the smaller unit' means 'infinitely small.' Suppose that Jones, a prisoner, is in a straitjacket and can only move his thumb, while Smith, a free man, can do anything a normal person can do, except moving his broken thumb.[19] Although the actions available to Smith and Jones can be divided indefinitely, the above intuition holds that Smith has more available actions (is freer) than Jones. Now, Carter's worry is that if we simply count the number of actions available to these agents, we cannot capture this intuition; therefore, we need to treat the units of measurement as finite; and, for practical purposes, we need to treat them as being as small as the smallest movements we are interested in taking account of (in measuring the freedom of Smith and Jones in the above example, the unit size would be small enough to take account of thumb-movements). What is commonly meant seems to be captured by finite units as long as those finite units are not too big. This common-sense notion can always be more fine-grained but if one works with units that are not fine-grained enough, one will not capture the common-sense notion. For instance, the intuition that Smith is freer than Jones can only be fully captured by units that are small enough to capture the most fine-grained version of this common-sense notion. Hence approximation comes only when the units are too big.[20]

As a response, Garnett might say that the fact that approximation comes at some point is still a problem because it shows that what is commonly meant is, after all, incoherent. If he insists on this point, I must confess that I simply do not share his intuition. My, and I think most people's, intuition is that Smith is freer than Jones. This conclusion implies that we treat space and time as finite. More importantly, even if we have different intuitions with respect to

[19] Richard J. Arneson, "'Freedom and Desire,'" *Canadian Journal of Philosophy* 15, no. 3 (1985): 425–48, 426.
[20] I am grateful to Ian Carter for the discussion of this particular issue.

this issue, for practical purposes, our different intuitions seem to be innocuous, because it is almost impossible to manipulate the size of units in order to reach a distorted comparison of persons' overall freedom. Let me clarify my point. It seems that Garnett's worry is the following: the lack of independent rationale to prefer one unit of measurement to another is problematic, because any theorist can manipulate the size of units in order to distort or misrepresent a person's overall freedom. But I believe that this worry should be put aside because it is hardly possible to manipulate the size of units. For example, it is common sense that Smith is freer than Jones. How can we manipulate the size of units and reach a different conclusion, namely that they are equally free or Jones is freer than Smith?

Figure 3: The Galaxy as the unit of measurement.



Consider the following attempt of manipulation represented in Figure 3: we take the Galaxy as our unit of measurement. S and J represent the bodies of Smith and Jones, respectively. Dots and Xs represent their unprevented and prevented actions, respectively. In other words, dots represent their freedoms whereas Xs represent their unfreedoms. Indeed, if we take the Galaxy as our unit of measurement, we must conclude that Smith and Jones are equally free. However, there cannot be any non-arbitrary (manipulative) reason to prefer this unit of measurement to a smaller unit of measurement of, say, 1^3 centimeter or 1^3 millimeters. Given that 'the smaller unit' means 'the smallest unit of interest,' what can be our interest in preferring the Galaxy over 1^3 centimeter as our unit of measurement in order to compare the overall freedoms of two individuals? No answer comes to my mind. Therefore, I believe that Garnett's abovementioned worry, however well intentional it might be, is unsubstantiated.

Whether or not Garnett is convinced by my argument, I believe that his solution to the problem fails because his all-inclusive conception of freedom does not avoid the problem of indefinite subdivisions, as this problem was characterized by Garnett in his critique of Carter.

Recall that on the all-inclusive view, the sources of obstacles to one's actions are irrelevant to the ascription of (un)freedom to a person: *A is at liberty to x iff A would x were A to try to x*."[21] Purely agential constraints such as ignorance and incompetence also produce unfreedom because if one is psychologically unable to φ, then one is unfree to φ. In short, freedom is ability and unfreedom is inability.

What is the freedom metric of Garnett? He suggests that we need to measure only those act-tokens, or in his words, "complete specific actions," that the agent is capable of performing: "we aggregate the most specific liberties actually open to the agent in question."[22] His all-inclusive conception of freedom, he argues, provides an independent rationale for the unit of measurement because the unit of measurement (the size of spatio-temporal regions) is *directly determined* by the abilities of the agent. The formula for overall freedom is simply F. We only count the number of freedoms (act-tokens) open to the agent and we ignore the number of unfreedoms. Suppose that I am trying to unlock the door, which is 50 centimeters in front of me, by using my whole hand (all of my five fingers). Obviously, space and time can be divided indefinitely, which means that there are an indefinite number of act-tokens involving unlocking the door. But I am an ordinary human being and only 10 complete specific actions are open to me. According to Garnett, we should ignore all compete specific actions that I am unable to perform and we should hold that I have only 10 freedoms with respect to unlocking the door. Thus, Garnett concludes that the all-inclusive conception of freedom has "a satisfying answer to the problem of indefinite subdivision."[23]

But the all-inclusive conception of freedom does not manage to avoid the problem of indefinite subdivision. Let us consider an example Garnett himself discusses in a footnote. Suppose that we are enquiring whether I have the liberty to be in Hyde Park at exactly 9:07.32.004 today. As an ordinary human, I do not have the competence to be in Hype Park only at 9:07.32.004 but I do have the competence (hence the liberty) to be in Hype Part from 9:00 to 10:00 today, which means that I have the liberty to be at the park at exactly 9:07.32.004 today. However, as the time period between 9:00 and 10:00 today includes 9:07.32.004, it also includes

> an indefinitely large number of more precise times. From this it follows that I have an indefinitely large number of liberties, and so an indefinitely large amount of aggregative liberty … The solution is to treat liberties as conjunctive sets of compossible actions. While I have the liberty to be in Hyde Park at 9:07.32.004, I do not have the liberty to be in Hyde Park only at 9:07.32.004. The closest I have to this,

[21] Garnett, "Ignorance," 432.
[22] Ibid., 437.
[23] Ibid.

> if I leap through the gate and out again, is (say) the liberty to be in the park from 9:07.31 until 9:07.34. Hence my liberty to be in Hyde Park at exactly 9:07.32.004 is a liberty available to me only *as part of a plan that involves being in the park for at least a three second period*. So when we aggregate, we must aggregate plans. This will ensure that even in these cases there will be a finite number of most specific liberties available to an agent.[24]

There are two problems with this solution. First, the three seconds time period between 9:07.31 until 9:07.34 also includes an indefinite number of more precise time periods. Reducing the time period, as a part of a plan, from an hour (from 9:00 to 10:00) to three seconds (from 9:07.31 to 9:07.34) does not resolve the problem of indefinite subdivisions. *This is because time itself is infinitely divisible*. Therefore, even if we aggregate plans rather than the number of compete specific actions when we measure one's overall freedom, the plans themselves include infinite number of complete specific actions. If the unit of measurement itself includes an infinite number of freedoms (complete specific actions), how can we hold that I myself do not have infinite number of freedoms? So, Garnett's solution to the problem at question fails because the plans also include an infinite number of complete specific actions or infinite number of freedoms.

Second, recall that the second question of the problem of indefinite subdivisions, according to Garnett, is whether there is any independent rationale to choose one unit of measurement to another. But Garnett does not give us a reason to choose *plans* as a unit of measurement. His solution is *ad hoc* because he adopts plans as unit of measurement simply to make the measurement of overall freedom possible (albeit he even fails to do that as my first argument demonstrates). So, Garnett does not propose any independent rationale to choose one unit of measurement to another.

Nevertheless, I may have mischaracterized Garnett's view. I suggested that the time period of three seconds itself is infinitely divisible. But Garnett may object that the three seconds in question should not be divided because under the all-inclusive conception of freedom, one cannot be free to do something one is unable to do. This means that I, an average human, cannot be in Hyde Park for only one second. It is impossible for me *to enter the park, remain there a second, and leave the park*. The plan, in terms of which we should measure my overall freedom, must cover a three-seconds time period, because I do not have the ability, hence the liberty, to occupy *any space* in Hyde Park only for a millisecond, say, at 9:07:32.004. In other words, since the plan in question cannot include actions that are impossible for me to perform, my liberty to be in Hype Park should be considered as a part of a plan that covers

[24] Ibid., n19 my emphasis.

three seconds. Therefore, Garnett may conclude, within the all-inclusive conception of freedom, we must aggregate plans and this is not an *ad hoc* solution to the problem of indefinite subdivisions.

Assuming that this is Garnett's motivation behind his suggestion that one's overall freedom should be measured in terms of plans, I agree that this is not an *ad hoc* solution within the all-inclusive conception of freedom. But note that the plans themselves depend on the ability of a person whose freedom is under question. For example, my plan should cover a three-second period but probably Usain Bolt's plan should cover, say, a two-second period. Hence the size of the unit of measurement is not fixed. We should select a three-second period plan in order to measure my overall freedom but a two-second period plan in order to measure Bolt's overall freedom, given that we are interested in the freedom of these persons to be in Hyde Park. However, assuming that we want to compare the degrees of my and Bolt's overall freedom, we should select a fixed and smaller unit of measurement which allows us to reach the following intuitive conclusion: at least with respect to the freedom to occupy any place in Hype Park, Bolt is freer than me. This means that both Carter and Garnett ask us to use *the smallest unit of interest* and the interest in question is the interest of the freedom measurer, that is, Carter and Garnett, respectively. Let me explain my point.

On the one hand, in order to measure my overall freedom, Garnett will take (a) my abilities and (b) Bolt's abilities into consideration. That is because to compare our degrees of overall freedom Garnett is interested in the number of my abilities (hence the number of my freedoms) and the number of Bolt's abilities (hence the number of Bolt's freedoms). Given that Bolt is faster, and therefore freer than me, Garnett will take Bolt (i.e., a two-second period plan) as his point of reference (assuming that Bolt is the fastest person on Earth). Based on this unit of measurement, Garnett will conclude that Bolt is freer than me.

On the other hand, to measure my overall freedom, Carter will take into consideration (a) my abilities and (b) the domain with respect to which he wants to measure my overall freedom. Recall the example of the Natural History Museum described above. If we are interested in *the number of days* in which Alex is free to visit the museum and *the number of rooms* he is free to occupy, our spatio-temporal region will be *any room of the museum in a week* whereas if we are interested in *the number of hours* in which Alex is free to visit the museum and *the number of locations* he is free to occupy, our spatio-temporal region will be *any place of the museum during a day*. So, when we measure Alex's overall freedom, we consider his abilities as well as the domain we – the freedom measurers – are interested in. Similarly, when measuring my and Bolt's degrees of overall freedom, Carter would, say, use the following spatial and temporal unit of measurement: *any place of the Hyde Park a person can occupy for two seconds*. This unit of measurement would allow him to reach the conclusion that Bolt is freer than me. Were it to turn out that there is some other athlete who can occupy a space in the Hyde Park for a second, Carter would use *one second,* instead of *two seconds,* as a temporal unit of measurement and so on.

My point is that both Carter and Garnett would avoid the problem of indefinite subdivisions by using the same unit of measurement, namely *the smallest unit of interest*. Therefore, I submit that Carter's original solution to the problem of indefinite subdivisions is at least as good as that of Garnett. It is true that neither of them proposes an independent rationale to prefer one unit of measurement to another. However, the suggestion that spatio-temporal regions should be divided into a *fixed* number of equally-sized units resolves the problem of indefinite subdivisions.

7.4. The Problem of Indefinite Descriptions

The second type of the infinity problem is the problem of indefinite descriptions. Actions can have endless descriptions. For example, *writing on a piece of paper* can also be described as *doing homework* or *studying*. When I write on a piece of paper, how many actions do I perform? Most importantly, given that I have the freedom to write on a piece of paper, do I also have the freedoms to do homework or to study? The problem is that if we treat each description of the same physical movement as a separate action, we should also treat each description of the freedom to perform that physical movement as a separate freedom. Because each action (hence the freedom to perform that action) has an indefinite number of descriptions, we should conclude that everybody has an indefinite number of freedoms.

Recall that Carter's solution to the problem of indefinite subdivisions was that we should perceive space and time as an immobile grid consisting of the equally sized, fixed number of spatio-temporal regions. The number of spatio-temporal regions I can occupy is the number of my particular freedoms whereas the number of spatio-temporal regions I am prevented from occupying is the number of my particular unfreedoms. My occupation of one spatio-temporal region can have an indefinite number of descriptions: if each act-description is a separate action, then by occupying one spatio-temporal region, I am exercising an indefinite number of freedoms. Therefore, the denominator of the fraction in the freedom metric will be infinite and measuring my overall freedom will be impossible.

To avoid this problem of indefinite descriptions, we should be able to know whether and when two or more act-descriptions are descriptions of the same action. Carter relies on Donald Davidson's strategy for act-individuation and suggests that actions should be perceived as "spatio-temporally located particulars."[25] When I occupy one spatio-temporal region by moving from one point to another, I perform only one action, which may have more than one description. On this view, the freedom to φ is the freedom to occupy one spatio-temporal region. That freedom may have an endless number of descriptions but each description is not a different freedom because each description only *redescribes* the same freedom to φ.

Garnett argues that this solution to the problem of indefinite descriptions is unappealing because it leads to "an implausible reading of ignorance cases."[26] In order to demonstrate what he means, let us look at his own example. Suppose that I am locked in a room by some other person and the room's door has a combination lock. Unbeknown to me, the correct combination is 7-3-5-1-9-2-8. If I punch in these numbers, the door will be unlocked whereas if I punch in any other combination, the door will remain locked.[27] Note that the freedom to punch in the correct combination *is* the freedom to unlock it. Am I free to unlock the door? Garnett claims that "Carter is therefore committed to saying either that, since I am at liberty to punch in 7-3-5-1-9-2-8, I am therefore at liberty to open the lock, (…) or that, since I am not at liberty to open the lock, I am therefore not at liberty to punch in the numbers 7-3-5-1-9-2-8."[28] However, Garnett concludes, Carter's solution to the problem of indefinite descriptions should be rejected because both options are unappealing.

But does Carter have only one of the two answers at his disposal? Since I am unprevented from punching in the correct combination, Carter cannot say that I am unfree to leave the room. Hence, he cannot choose the second potential answer described by Garnett. It is obvious that I am unprevented from punching in 7-3-5-1-9-2-8. Therefore, Carter must choose the first answer which says that I am free to unlock the door. Garnett claims that this freedom verdict is unappealing because it is counterintuitive to say that I am free to unlock the door. However, the verdict is counterintuitive only because Garnett presents the example in a very simplified way *without introducing probabilities*. Once we properly describe my freedom to leave the room by calculating the probability of my punching in the correct combination, the freedom verdict ceases to be counterintuitive.

[25] Carter, *A Measure of Freedom*, 176.
[26] Garnett, "Ignorance," 438.
[27] Garnett's example does not say how many times I have the freedom to punch in new combinations but for the sake of simplicity, I will assume that I only have one chance to punch in any seven-digit combination. After one attempt, if the combination is wrong, the lock blocks itself and any further punching in of numbers is pointless.
[28] Garnett, "Ignorance," 438.

Let us introduce the probabilities in our calculation. Given that the lock has ten numbers [0-9], the probability of punching in 7-3-5-1-9-2-8 is $0.1^7 = 0.0000001$. The probability of my having the freedom to punch in the correct combination is 0.0000001. Thus, I am free with 0.0000001 probability to leave the room. This verdict is not counterintuitive at all since it implies that, in plain terms, I am almost certainly unfree to leave the room because the chances of my punching in the correct combination is virtually zero. So, Garnett does not really have any good reason to reject Carter's solution on the grounds that the it is unappealing.

So far, I have argued that Carter's solution to the problem of indefinite descriptions is adequate. But I have not yet said anything about Garnett's own solution to this problem. According to Garnett's account of freedom, "ignorance is a constraint on liberty: if I have no idea how to x then I will not succeed in an attempt to x."[29] He suggests his solution to the problem in question by reference to the following example. Suppose that we are wondering whether I have *the freedom to score a goal exactly at the time when some asteroid collides with Alpha Centauri*. Clearly, as an average person, I lack the necessary knowledge needed to calculate the moment of this collision and score a goal at that exact moment. In other words, I do not know how to exercise the italicized freedom. Since ignorance about performing actions counts as a constraint on freedom, Garnett concludes that I do not have the freedom to score a goal exactly at the time when some asteroid collides with Alpha Centauri.

Nevertheless, there is a low probability that by chance I can perform the relevant action. This means that despite my ignorance, if I score a goal at the time of the collision, Garnett would still hold that I do not have the freedom to score a goal at the time of the collision. This conclusion is counterintuitive, especially for an all-inclusive conception of freedom, because it implies that in some cases, I lack the freedom to do x even though I performed x. Let us look at a more realistic example of ignorance. I do not speak Italian and since my ignorance, on Garnett's account, counts as a constraint on my freedom, on his view, I do not have the freedom to speak Italian. This means that, for example, I do not have the freedom to utter the following sentence: "In Azerbaigian, quindi, non cavalchiamo cammelli." However, there is a very low probability that, by chance, I utter sounds that I do not understand but those sounds turn out to be exactly these of this sentence – these words in this exact order. But even if I do utter this sentence, Garnett would still hold that I do not have the freedom to utter it. Hence, I can perform certain actions even when I do not have the freedom to perform them. This counterintuitive

[29] Garnett, "Ignorance," 433.

conclusion gives us a strong reason not only to reject Garnett's solution to the problem of indefinite descriptions, but also his conception of freedom.

7.5. The Problem of Indefinite Causal Chains

The third type of infinity problem is the problem of indefinite causal chains. Causal chains initiated by our basic actions might continue indefinitely into the future without any interruption by other agents. If the causal consequences of our basic actions are endless, then the numbers of freedoms and unfreedoms is infinite, which means that the measurement of overall freedom is impossible. This problem can be resolved if after some point, we ignore the causal consequences of basic actions but that point should not be arbitrary. Carter suggests that only *foreseeable consequences* of basic actions from the perspective of the best-informed person should be considered, with probabilistic qualifications, in the freedom measurement.[30] Despite the problem of indefinite causal chains, we make a commonsense comparison of the degrees of overall freedom "in terms of *foreseeable* consequences of given possible (or actual) actions, rather than in terms of what would *actually happen* (or does actually happen) as a consequence of the performance of such actions."[31] In other words, the fact that our basic actions might even continue to bring about a chain of events after our death is not a good reason for us to abandon our common-sense comparisons. The idea is that in the measurement of overall freedom, we should only count actions "that could in principle be foreseen *at the time at which the agent has the degree of freedom under investigation*."[32] For example, when we measure my freedom at t_1 to do x at t_2, we should also consider (with probabilistic qualifications) the actions that would be causally generated by my basic action (x-ing) and can be foreseen by the best-informed person at the time of my basic action (at t_1).

Garnett agrees that this solution is intuitive, but he claims that it is *ad hoc* because while ignorance is not an unfreedom-producing constraint under pure causality conception of freedom, this solution considers epistemic limitations in the measurement of overall freedom. He asks:

[30] Carter, *A Measure of Freedom*, 188-9. Moreover, according to Kramer, "we are almost always warranted in characterizing an overwhelming improbability as an impossibility" (*The Quality of Freedom*, 83; see also, ibid., 416). I do not endorse Kramer's last view but I endorse the view that only foreseeable consequences of basic actions should be taken into account when we measure one's overall freedom. So, with respect to these three types of infinity problem, Carter and Kramer are generally in agreement.
[31] Carter, *A Measure of Freedom*, 188.
[32] Ibid., 189.

> Why should ignorance about the consequences of one's actions render one unfree to bring about those consequences, when ignorance in general does not contribute to unfreedom? By not counting lack of knowledge as necessarily constraining, Carter is unable to explain why liberty should be assessed only in terms of foreseeable consequences.[33]

Garnett's claim is that, indeed, we should ignore unforeseeable consequences of our basic actions in the measurement of overall freedom. But unlike that of Carter, his solution is not *ad hoc* because, on Garnett's account of freedom, ignorance itself counts as a constraint on freedom. This view, however, as discussed above, leads to the counterintuitive conclusion that one can perform actions one is unfree to perform. Irrespective of the merits of Garnett's solution to this problem, should we reject Carter's solution simply because it is *ad hoc*?

For the sake of argument, let us assume that indeed Carter's solution is *ad hoc* in the sense that Carter does not provide us any *conceptual reason* to focus on the foreseeable consequences of our basic actions. He ignores the unforeseeable consequences of our basic actions in the measurement of overall freedom for practical purposes, that is, in order to resolve the problem of indefinite causal chains. However, this does not mean that the problem of indefinite causal chains poses any conceptual problem to the measurement of freedom. The fact that our basic actions may have endless consequences only creates a practical problem whereas conceptually it is perfectly possible to exactly calculate the number of consequences (non-basic actions) of our basic actions.

Causal chains of our basic actions, *for our purposes*, are not indefinite. According to scientific calculations, in about 7.59 billion years, the Earth will be destroyed due to the gradual increase in the brightness of Sun.[34] But there is some small probability that humans will inhabit other solar systems and survive after the death of our Sun. If we consider this probability, we must conclude that our basic actions may have endless consequences and, other than our ignorance about the effects of our actions in the distant future, we do not have any independent (conceptual) reason to have a stopping point. In this case, the best option is to adopt Carter's solution and hold that we may reasonably ignore the unforeseeable consequences of our basic actions in the measurement of overall freedom. It is true that Carter's solution is practical rather than conceptual but it is perfectly reasonable, because when we measure a person's overall freedom, we do not have any good reason to be upset about our inability to consider the effects of their basic actions in the distant future. As Hillel Steiner points out, "a doctor does not reserve judgment on whether a patient is healthy merely on the grounds that the latter may be

[33] Garnett, "Ignorance," 440.

[34] Klaus-Peter Schröder and Robert Connon Smith, "Distant Future of the Sun and Earth Revisited," *Monthly Notices of the Royal Astronomical Society* 386, no. 1 (May 1, 2008): 155–63.

afflicted with a disease as yet unknown to medical science."[35] Similarly, we cannot be expected to consider unforeseeably distant possible effects of our actions in the measurement of freedom.

To sum up, in the last three sections, I have argued that bivalent social conception of freedom resolves the three types of infinity problem mentioned by Garnett. But his all-inclusive conception of freedom leads to counterintuitive results in its solutions to the problems of indefinite descriptions and indefinite causal chains, and fails to provide a solution to the problem of indefinite subdivisions. Garnett recognizes that rejecting the distinction between unfreedoms and mere inabilities is very counterintuitive. In fact, he argues that if we want to measure overall freedom, our conception of freedom "must concern itself—*on pain of conceptual incoherence*—with the positive preconditions (in addition to the negative preconditions) of that liberty's effective exercise."[36] In other words, Garnett only adopts an all-inclusive conception in order to be able to measure overall freedom. But I have demonstrated that he fails to resolve the three types of infinity problem he discusses. Therefore, we do not have a reason to adopt his conception of freedom. On the contrary, bivalent social freedom draws a morally relevant distinction between unfreedoms and mere inabilities, and resolves the three types of problem mentioned by Garnett. Hence bivalent social freedom is superior to the all-inclusive conception.

7.6. The Problem of Indefinite Mere Inabilities

There is another, fourth type of infinity problem, namely *the problem of indefinite mere inabilities*, which is not discussed by Garnett. This problem pertains to the distinction between bivalent social freedom and Kramer's trivalent conceptions of freedom. On both conceptions, *mere inabilities* are either self-inflicted or natural inabilities. The number of mere inabilities is infinite. Also, according to both conceptions of freedom, in its simple form, the freedom metric is F/(F+U). This metric implies that if we count mere inabilities as freedoms or unfreedoms, we have to include them in the measurement of overall freedom. Given that there is an infinite number of mere inabilities, including them in the metric would make the measurement impossible. If mere inabilities are unfreedoms, the denominator of the fraction will be infinite and measuring overall freedom will be impossible. Luckily, neither bivalent social freedom, nor ability-based trivalent freedom hold that mere inabilities are unfreedoms.

[35] Steiner, "How Free," 74.
[36] Garnett, "Ignorance," 428,

But our inabilities and abilities can be infinite, or at least, indefinitely large. On the one hand, an infinite number of inabilities creates a problem for bivalent social freedom. Recall that according to bivalent social freedom, unfreedom is prevention by other agents, whereas freedom is the absence of unfreedom. Therefore, if our inabilities are infinite, then measuring overall freedom is impossible. Hence *the problem of infinite inabilities*. On the other hand, an infinite number of abilities creates a problem for Kramer's trivalent conception of freedom. Recall that according to his conception, one is free to φ if and only if one is able to φ. This means that mere inabilities are neither freedoms, nor unfreedoms. Since mere inabilities are not included in the measurement of overall freedom, the problem of an infinite number of inabilities is avoided. However, if our abilities are infinite, then our freedoms are infinite too. Therefore, under ability-based trivalent conception, measuring overall freedom is also impossible. Hence *the problem of infinite abilities*.

Kramer believes that our abilities are finite, therefore, his trivalent conception avoids the problem of infinite abilities. But is this assumption correct? Carter and Steiner challenge this assumption by pointing out that we have *the ability to develop our abilities*. For example, now I do not have the ability to go to Alpha Centauri and but I have the ability to acquire further abilities so that in a distant future I can go to Alpha Centauri. One might argue that most probably I will not live long enough to acquire the necessary abilities to fly to Alpha Centauri. Nevertheless, during my lifetime there might be a technological advancement that indefinitely extends my life-span. Although the possibility of such revolutionary technological advancement is miniscule, it is still a possibility. And what is meant by possibility here is a nomic possibility. That is to say, given the laws of nature, such a radical technological advancement is possible.[37] Since one's sets of abilities are infinite, the number of one's freedoms is also infinite, which means that Kramer's trivalent conception fails to resolve the problem of infinite abilities.[38]

The problem of infinite mere abilities, in general, "derives entirely from the fact that the universe affords us unlimited space in which to move our bodies."[39] Due to this unlimited space, we have an infinite number of available actions – all of which, irrespective of our abilities to perform them in the absence of prevention by others, are considered freedoms under the bivalent conception. In order to resolve this problem for bivalent social freedom, Carter and Steiner argue, we should focus on a limited space. We should measure a person's overall

[37] Carter and Steiner, "Freedom Without Trimmings," 252.
[38] Ibid., 252-8.
[39] Ibid., 254.

freedom relative to a spatio-temporal domain. The relevant spatial domain can be taken as the set of "all jurisdictions existing at the time of the freedom being assessed" where *jurisdiction* is defined as

> a spatial area delimited by the set of physical components (space and matter) of actions by means of which *an agency enforces conformity with a set of rules and directives*, where such enforcement is carried out *by that single agency* either directly or by authorizing other agents to do so, and consists either in physical preventions of violations of the rules and directives or in the imposition of further preventions conditional upon such violations.[40]

The idea is that the relevant spatial domain's boundaries are limited by the abilities or power of a certain agency. Assuming that the agency we have in mind is some nation state, the relevant domain covers the space within which this state has the power to enforce its rules or directives. For example, as far as we know, no state today has the power to enforce its rules in Jupiter. Therefore, whether or not some state considers Jupiter under its jurisdiction, our spatial domain does not include Jupiter. Moreover, the relevant domain does not include only one jurisdiction; rather, it includes the set of all jurisdictions, thus avoiding "any complications arising from the undoubted existence of shared and physically overlapping jurisdictions."[41] Again, assuming that the agency in the definition refers to nation states, our domain, at least, includes the Earth and whether more than one state claims to have an authority over the same region becomes irrelevant as long as *some agency* has the ability to enforce its rules and directives in that region.

The italicized phrases in the definition of spatial domain as well as the discussion of Carter and Steiner may imply that when we measure a person's overall freedom, we are only interested in the number of inabilities brought about by the actions of states of governments. However, I must emphasize that when we define the preventive domain in terms of which we measure a person's overall freedom, what we are interested in is whether *some person or set of persons* (whether or not they are authorized by any agency) has the power to prevent one's actions within the relevant domain. As of today, nobody has the power to prevent someone else's actions on the planet Jupiter. Therefore, including Jupiter in our preventive domain is pointless. But suppose that Elon Musk's company developed some technology that allows Musk to interfere with certain objects (including human bodies) on Jupiter. In that case, we should extend our preventive domain to cover Jupiter too.[42] This means that the boundaries of

[40] Ibid., 256 my emphasis.
[41] Ibid., 256.
[42] Jupiter should be included within the preventive domain even if there is nobody that can travel to Jupiter. That is, even if there is no human in Jupiter, the fact that it is possible for someone such as Elon Musk to prevent others if they had the ability to visit Jupiter warrants our inclusion of this planet in the preventive domain.

the relevant domain are limited to a space within which at least one person has the ability to prevent some other person. In other words, my overall freedom should be measured relative to a spatial domain within which some other person(s) can intentionally or unintentionally prevent my action(s). Hence, I propose the following definition of *the preventive domain*, inspired by Carter and Steiner:

> **The preventive domain** is a spatial area delimited by the set of physical components (space and matter) of actions by means of which at least one person has the ability to prevent some action(s) of some other person(s).

Suppose that I somehow managed to visit Jupiter and no state claims any jurisdiction over this planet. Unbeknown to anyone, Nikita the astronomer visited Jupiter before me. Assuming that Nikita has the ability to prevent some of my actions, the preventive domain relative to which my overall freedom is to be measured should also include (some parts of) Jupiter.

The claim that our abilities are infinite presumes that scientists may develop a technology that results in human immortality. Without providing any evidence from the scientific literature, however, Kramer rejects this presumption by saying that "no researchers who are serious scientists— rather than absurd fantasists— are under the delusion that their efforts might ultimately result in immortality for human beings."[43] In other words, Kramer takes it for granted that human immortality is (nomically or technologically) impossible. For the sake of argument let us grant his assumption. Should we hold that under bivalent social freedom measuring overall freedom is impossible or that ability-based trivalent freedom is superior to bivalent social freedom? The short answer is no. That is because, even if one assumes that our abilities are finite, one can still argue that overall freedom should be measured relative to the preventive domain.

It is important to note that this view is in line with the solution to the problem of indefinite causal chains. Recall that in the third type of infinity problem, against the claim that some of the causal chains initiated by our basic actions might continue indefinitely, Carter and Steiner as well as Kramer all agree that we should only include foreseeable consequences of our basic actions in our calculation of overall freedom. Call this *the foreseeability clause*. Given that all three theorists adopt this clause to avoid the problem of indefinite causal chains, can we not adopt the same clause to the problem of indefinite mere inabilities? Suppose that it is not against the laws of nature to fly to Alpha Centauri. Even though now I am unable to fly, since I am not prevented, my mere inability is considered a freedom under bivalent social

[43] Kramer, "Looking Back and Looking Ahead," 474.

freedom. But accepting that I am free to fly to Alpha Centauri does not entail that *measuring my overall freedom is impossible in virtue of the fact that freedoms are infinite*. It only means that we have *way more* freedoms than we imagined. Indeed, space is infinite and there are probably billions of planets like Alpha Centauri that we have not discovered. Although in the future, we might discover new planets and conclude that it is not against the laws of nature to visit them, as of now, if we adopt the foreseeability clause, we can say that we should ignore undiscovered parts of the space in our calculation of overall freedom. Space is unlimited but we should only consider the discovered parts of the space in the freedom measurement. Hence, bivalent social freedom can avoid the problem of infinite mere inabilities *without taking any position on whether abilities are infinite*.

When overall freedom is measured relative to the preventive domain, we do not consider potential freedoms and unfreedoms outside of that domain. This opens up two potential problems. First, does it mean that freedom is necessarily a trivalent concept? No, it does not. Note that the concept of freedom does not have to be *defined* as a trivalent concept. For example, by following Carter and Steiner, I defined freedom in a bivalent fashion as the absence of prevention by other agents. Later, as a solution to the problem of infinite mere inabilities, I endorsed the suggestion that overall freedom should be measured relative to the preventive domain. Indeed, since any potential action or other-inflicted inability outside of this domain is not included in the overall freedom (i.e. they are considered neither freedom, nor unfreedom), one can be tempted to say that even bivalent conception of freedom is necessarily trivalent. However, this temptation should be resisted because *measuring freedom relative to the preventive domain* is nothing other than a solution to the problem of infinite mere inabilities; this solution is *not* a part of the definition of freedom. We need this solution only because the universe happens to be infinite, which is a contingent rather than a conceptual fact. If scientists find out that the universe is finite because it is not constantly expanding, we will not need to change the definition of (bivalent) freedom; we will only need to say that overall freedom does not have to be measured relative to the preventive domain because there is no such thing as the problem of infinite mere inabilities.

Second, since a person's overall freedom can, conceptually speaking, be affected by the freedom measurer's choice of domain, should we conclude that all domains are arbitrary or open to manipulation? Although it is true that a person's overall freedom can be affected by the size of a preventive domain, this does not mean that the boundaries of a preventive domain are necessarily arbitrary or can easily be manipulated. The boundaries of a preventive domain (under my definition) or, a broader domain that includes *all discovered parts of the universe* cannot be said to be arbitrary. That is because the size of these two domains cannot be directly affected by the persons whose freedoms are under consideration and any one of these domains is broad enough to allow us to capture any other-inflicted inability. Moreover, the fact that a person's overall freedom can be measured relative to different domains is an advantage of my solution to the problem of infinite mere inabilities. Measuring a person's overall freedom relative to different domains will allow us to compare the results and decide which domain is preferrable given our interests. In other words, our choice of the unit of measurement and a preventive domain depends on our interests in the measurement in the first place. Adopting *the foreseeability clause* implies that a person's overall freedom can most accurately be measured if we chose *the smallest practicable units* and *the largest practicable domains*.

7.7. Three Formulas for Overall Freedom

Theorists of causality freedom hold that overall freedom should be represented in terms of a fraction because for the purposes of social and political philosophy, the number of freedoms as well as the number of unfreedoms should be considered in one's overall freedom. Suppose that Blue and Red each has 5000 freedoms but while Blue does not have any unfreedom, Red has 1000 unfreedoms. If we were to count the number of freedoms in the measurement of their overall degrees of freedom, we would conclude that Blue and Red each has the same overall freedom. But such a result would be counterintuitive especially from the perspective of social and political philosophy because we intuitively want to say that Blue is freer than Red. But does representing overall freedom in terms of a fraction equally make sense for trivalent and bivalent causality conceptions of freedom? Should we not just count the number of freedoms one enjoys?

For Kramer's trivalent conception of freedom, the fraction might be necessary, because one's mere inabilities are considered neither one's freedoms nor unfreedoms, and, are therefore excluded from the measurement of overall freedom. Suppose Kramer holds that one's overall freedom is the sum of one's freedoms. What would be his verdict on the abovementioned example? If Blue and Red each is able to perform 5000 actions, Kramer would conclude that they are equal in terms of their overall freedoms. This means that the fact that there are 1000 actions Red is prevented from performing would not be considered in the measurement. This conclusion is counterintuitive because it only counts, under ability-based trivalent conception, one's abilities and ignores the effects of other agents on one's freedom. Therefore, it makes sense to measure trivalent freedom in terms of a fraction.

According to bivalent social freedom, all unprevented actions, whether one can or cannot perform them, are freedoms. The distinction between, in Kramer's sense, freedoms (abilities) and mere inabilities (unprevented actions one is unable to perform) is not relevant for the measurement of overall freedom under bivalent social freedom. Since all unprevented actions are considered freedoms, what is the point of representing bivalent social freedom in terms of a fraction? Carter and Steiner, in their recent work, point out that the difference between measuring overall freedom in a fraction and "merely counting the number of freedoms [is] merely one of presentation" for bivalent social freedom.[44] Consider the following example. Recall that in its simple form, the freedom metric is F/(F+U). Suppose that White has 5000 freedoms and 5000 unfreedoms whereas Black has 20 freedoms and 9980 unfreedoms. Their overall freedoms are 0.2 and 0.002, respectively. Alternatively, we can only count their numbers of freedoms and conclude that their overall freedoms are 5000 and 20, respectively. Note that the same conclusion follows under both formulas: White is freer than Black.

Carter and Steiner suggest that although measuring bivalent social freedom in terms of a fraction or in terms of counting the number of freedoms is a matter of presentation, we should nevertheless favor the former formula. That is because we measure overall freedom relative to a domain and it is better to see, in the measurement, the number of prevented and unprevented possible actions each spatial domain provides. For example, suppose that in the abovementioned example we measure Black's and White's overall freedoms relative to a small spatial domain (i.e., Pavia) which only provides 10,000 possible actions. Later, we select a bigger domain (i.e., Lombardy) that provides 100,000 actions but, for the sake of simplicity, assume that the number of prevented actions for both persons remain the same – 5000 for Black and 9980 for White. So, their overall freedoms measured relative to the bigger spatial domain is 0.95 and 0.9002. Again, Black is freer than White.

In addition to these two formulas, there is one more alternative which, I believe, is more attractive. I suggest that, given that the preventive domain is fixed, we should simply count the number of one's unfreedoms in the measurement of bivalent social freedom. In other words, the freedom metric should be the following: Overall Freedom = -U. This formula is more attractive because larger spatial domains (i.e., the Earth, discovered parts of the universe) provide us more freedoms (many of which are mere inabilities) and counting all freedoms is time consuming. This formula is also a matter of presentation but it is simpler because we only count the number of one's unfreedoms. For example, since White has 5000 and Black has 9980

[44] Carter and Steiner, "Freedom Without Trimmings," 244.

unfreedoms, their overall freedoms are -5000 and -9980, respectively. Given that -5000 > -9800, the same conclusion follows: White is freer than Black. The idea is that we are free to do anything (given the laws of nature) but we are made unfree by other people's actions. We ignore one's freedoms and count one's unfreedoms in order to measure one's overall freedom. Under this formula, one might say, somewhat poetically, we are born free and made unfree by others.

Conclusion

I started this dissertation by arguing against the all-inclusive view of freedom – the view that the sources of obstacles are irrelevant in the ascription of social freedom, and therefore, all freedoms are abilities and all inabilities are unfreedoms. I have defended bivalent social freedom against the all-inclusive view of freedom mainly based on two reasons.

Firstly, contrary to what the all-inclusive theorists seem to believe, the distinction between unfreedoms and mere inabilities is based on a morally relevant distinction between other-inflicted inabilities on the one hand, and self-inflicted and natural inabilities on the other. It is the latter distinction that motivates us to focus on the ways in which constraints are generated. Describing other-inflicted inabilities as unfreedoms implies that we place those inabilities within a morally special category. The reason why we are moved to make a distinction between unfreedoms and mere inabilities, I have argued, is the following: other-inflicted inabilities are morally different from self-inflicted and natural inabilities, because agents are answerable for their actions, which consist of their basic actions and the bringing about of the causal chains of events which those basic actions initiate. Hence, agents are answerable for the obstacles they impose on others' actions. This means that when a person's inabilities are caused by others, she can ask them to justify, or answer for, their preventive actions. Given that the distinction between unfreedoms and mere inabilities is based on a morally relevant classification of inabilities based on their causes, the distinction is not morally arbitrary. Instead of arguing that the concepts of (un)freedom and (in)ability refer to the same set of phenomena, we should use terms economically. After all, what is the point of insisting that all freedoms are abilities, and all inabilities are unfreedoms?

Secondly, and most importantly, the point of this insistence is ideological. The all-inclusive theorists are motivated by their unsubstantiated ideological concerns that any distinction between unfreedoms and mere inabilities implies that the only politically relevant inabilities are unfreedoms, which, in turn, implies that a state or a society is not morally obliged to address the needs of those who are disadvantaged due to their mere inabilities. These ideological concerns, I have argued, are unsubstantiated, because the distinction between unfreedoms and mere inabilities is conceptual. A conceptual analysis of social freedom is meant to describe the situation – who is free and who is unfree with respect to certain actions; its goal is not to prescribe any policy to be implemented by the state. Bivalent social freedom, in other words, cannot tell us which inabilities are politically relevant or irrelevant. However, this is not to say that the conceptual analysis of social freedom is merely a descriptive endeavor without any normative significance. Any theory of justice is concerned about the distribution of freedoms among persons or, at least, with the extent to which each person enjoys certain fundamental freedoms (i.e., a certain set of specific freedoms). This means that the ascription of freedom and unfreedom to persons is important for any theory of justice. Whereas the answer to the question of whether a person is free to perform a certain action does not depend on any normative evaluation, the ascription of freedom or unfreedom to a person and, therefore, the presence or absence of bivalent social freedom, is itself normatively important.

Indeed, bivalent social freedom is a value-free conception of freedom in the sense that its definition does not include any essentially evaluative term. Therefore, it enables people with different moral outlooks to agree on whether a person whose freedom is under consideration is free or unfree with respect to some action. By doing so, it also enables us to compare our society with an anarchist utopia where everyone enjoys the highest degree of overall freedom. Such a comparison is normatively significant, because it shows how much freedom our behavioral regularities and institutional arrangements costs us as well as how much we gain from such arrangements in the non-ideal situations in which we find ourselves. Is the degree of freedom we lose to sustain the status-quo in our society morally acceptable? This question should be addressed by a theory of justice, whereas I have only analyzed the concept of social freedom. After all, a doctoral dissertation can hardly defend a conception of freedom and a conception of justice simultaneously. My aim has been to analyze one concept at a time.

Since bivalent social freedom is a value-free conception, it treats freedom as an independent ideal, and therefore prevents us from defining freedom in terms of the ideals we want to defend. For example, philosophers such as Robert Nozick and Philip Pettit define freedom in terms of the ideals they want to defend. They argue in favor of their favorite forms of governance (i.e., the libertarian minimal state and the republican mixed constitution, respectively) on the grounds that under these forms of governance, individuals enjoy the maximum degree of freedom. In other words, they defend certain ideals based on their non-value-free conceptions of freedom and those same ideals are constitutive parts of their conceptions of freedom. Such non-value-free conceptions of freedom are problematic. Firstly, they fail to treat freedom as an independent ideal, as a result of which their arguments become circular and “freedom falls out of the picture.”[1] Secondly, when Nozick and Pettit disagree on the best freedom-friendly form of governance, it is not clear whether they disagree on the

[1] Cohen, *History, Labour, and Freedom*, 296.

definition of freedom or the ideals themselves.[2] But since bivalent social freedom is value-free, it treats freedom as an independent ideal, and therefore, forces theorists to defend their favorite forms of governance on independent grounds, rather than using circular arguments.

Some might object that libertarians and republicans who endorse some non-value-free conceptions of freedom do not have a reason to treat freedom as an independent ideal, because they do not assume that freedom is a fundamental value. Also, the objection continues, my argument is conceptual while libertarians and republicans argue on normative grounds. Thus, even if they accept bivalent social freedom, they will not change their normative conclusions. My response to this objection is that conceptual analysis is important, because normative arguments are usually based on the combination of certain conceptual and normative principles. Some premises in normative arguments are conceptual claims and some normative conclusions would not follow when those conceptual claims are based on a shaky analysis. Moreover, the fact that libertarians and republicans defend their theories of justice by arguing that (1) within their theory there is no need to sacrifice any freedom, or that (2) freedom implies certain policies that they endorse, show that they implicitly treat freedom as, at least, one of the fundamental values. Most importantly, if after revising their conceptual claims about freedom in accordance with bivalent social freedom, libertarians and republicans still insist on their normative conclusions, it would demonstrate that they have been using the ideal of freedom as *a mere rhetorical tool* and that their concern was not freedom *per se*. This, however, is a high price that they do not seem to be willing to pay.

[2] Oppenheim, *Political Concepts*, 55-56; Steiner, *An Essay on Rights*, 15.

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