

Why Freedoms Do Not Exist by Degrees

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The overall freedom of an individual or a society is something that exists in differing degrees. By contrast, anyone's particular freedom to engage in this or that mode of conduct is something that exists (or does not exist) in an all-or-nothing manner. Many political philosophers have taken a contrary view, however, and have contended that each particular freedom exists to a greater or lesser extent in proportion to the easiness or difficulty of exercising it. This essay argues that the temptation to view particular freedoms as matters of degree can be overcome when careful attention is paid to three distinctions: overall liberty versus particular liberties, the existence of any particular liberty versus the probability of its emergence, and becoming more free to do something versus becoming free to do something in more ways. By properly marking these distinctions, one can readily apprehend that the existence or inexistence of each particular freedom is characterized by no gradations – an insight that improves one's understanding of the necessary and sufficient conditions for the existence of any such freedom.

This essay begins with a terse exposition of negative liberty that informs the subsequent analyses herein.¹ My preliminary sketch will be highly laconic indeed, with only enough breadth and depth to set the stage for the arguments that follow. Though a full elaboration of my conception of negative liberty lies well beyond the scope of this essay – in a larger project of which the arguments herein form only a small part – one significant facet of that conception will become salient in the discussions below.

Consider, then, the following thesis:

F Postulate – A person is free-to- ϕ if and only if he is able to ϕ .

In this formulation, the Greek letter ' ϕ ' (which stands for any germane verb or set of verbs plus any accompanying words) can denote one's doing of some action or one's existence in some condition or one's undergoing of some process. The F Postulate's reference to a person's ability encompasses not only his capacity to ϕ – i.e., his capacity to ϕ if left unimpeded – but also the very condition of unimpededness that leaves open one or more opportunities for the exercise of his capacity to ϕ . To be free to ϕ is both to be capable of ϕ -ing and to be unprecluded from exerting that capability, whether one actually exerts it or not. Alternative formulations of the F Postulate are 'A person is free-to- ϕ if and only if it is possible for him to ϕ ' and 'A person is free-to- ϕ if and only if he is unprevented from ϕ -ing'.

Although the preceding paragraph deals only with freedoms-to-engage-in-particular-acts-or-exist-in-particular-conditions-or-undergo-particular-processes, and although it therefore does not deal with the *overall* freedom of any individual or society, the formulation therein already gives rise to a host of difficulties that would have to be resolved in a full-blown theory of liberty. Within the bounds of

this essay, nevertheless, most of those difficulties can be put aside. We shall focus exclusively on one set of issues with a direct bearing on the distinction between particular liberties and overall liberty. My arguments on those issues are generally compatible with conceptions of negative freedom somewhat different from my own – for example, with a conception that equates ‘A person is free-to- ϕ ’ and ‘A person is not prevented from ϕ -ing by any external obstacles’. Thus, a defence of the precise conception encapsulated in the F Postulate is unnecessary within the confines of this paper.

The Topic Introduced

Overall freedom is plainly a scalar or partitive property that exists in different degrees.² Whether the overall liberty is of an individual or of a society, it will be present to a greater or a lesser extent in comparison with the overall liberty of some other individual or society. Indeed, precisely because overall freedom can exist in differing degrees, it lends itself to measurement and comparisons. If in principle as well as in practice it could not ever vary at all in its extent, the project of gauging its proportions would be utterly futile. Measurements presuppose the possibility of discovering more or less of the investigated property than is actually discovered. If that property were insusceptible to quantitative variations and if it thus existed in an all-or-nothing fashion, then it could never be measured but could only be deemed present or absent.

Are particular liberties similar to overall liberty in being scalar or partitive? In other words, can each particular freedom exist to varying extents? Can somebody be free-to- ϕ to a certain degree, and be less free-to- ϕ or more free-to- ϕ than somebody else? With only one minor qualification, the current essay will maintain that the answers to these questions are negative. The existence of any particular liberty, as opposed to the extent of anybody’s overall liberty, cannot vary cardinally or ordinally. This essay sides firmly with Ian Carter, then, who writes that ‘[t]he freedom to do x is not a matter of degree; one either is or is not free to do x ’. Carter aptly oppugns ‘the claim that specific freedoms are a matter of degree (i.e., that one can be more or less free to do x)’ (Carter, 1999, pp. 228, 233, emphasis in original). Hillel Steiner robustly espouses a similar view: ‘The notion of degrees of freedom to do an action is superfluous, misleading and descriptively imprecise’ (Steiner, 1983, p. 78).

Like Carter and Steiner, this essay contends that the freedom-to- ϕ of any person P consists in the possibility or unpreventedness of P ’s ϕ -ing. The lack of such a freedom, therefore, consists in the impossibility or preventedness of P ’s ϕ -ing. What is crucial here is that the germane categories for the analysis of particular freedoms are the stark alternatives of possibility and impossibility, or unpreventedness and preventedness. The difficulty or easiness of P ’s ϕ -ing, which of course exists in degrees, is irrelevant to the question whether P is free to ϕ . Either P ’s ϕ -ing is possible, and P is thus free to ϕ ; or P ’s ϕ -ing is impossible, and P is therefore not free to ϕ .

Although my stance on the current topic is in accordance with the positions taken by Carter and Steiner, it clashes with the views put forward by quite a few other

estimable theorists.³ Hence, we ought to ponder why a number of other theorists would be attracted to the thesis that *P*'s freedom-to- ϕ will wane or wax in proportion to the difficulty or easiness of *P*'s ϕ -ing. If we can eschew that thesis while coming up with an analysis of freedom that does not at all neglect the importance of the difficulty or easiness of *P*'s ϕ -ing, then we ought indeed to insist that the existence of any particular freedom is an all-or-nothing affair. That is, we should adopt the view that each such freedom is either present or absent, and that its presence or absence is never a matter of degree. Any contrary view tends to diminish the clarity and precision of one's analysis by blurring some important distinctions – such as the distinction between particular liberties and overall liberty, or the distinction between a liberty's scope and the probability of its existence – as is rightly suggested in the quotation from Steiner above. My discussion in this essay will seek to substantiate his allegation.

Overall Liberty versus Particular Liberties

Probably the most common source of the inclination of theorists to perceive particular liberties as scalar is a failure to distinguish sufficiently between those liberties and overall liberty.⁴ Such a failure manifests itself in the tendency of many analysts to presume that the costliness or difficulty of exercising a freedom-to- ϕ will diminish the extent of that freedom rather than simply diminishing the range of combinations of conjunctively exercisable liberties in which that freedom is a member. In fact, however, that range is exactly where the costliness or difficulty of exercising the particular freedom will have its effect. To discern as much, let us consider the sort of situation that many theorists have in mind when writing about this matter.

Suppose that a government imposes a rigorously enforced tax or penalty on the carrying out of some activity *X*. Or suppose that the government bestows access to the means for performing *X* only on people who have complied with numerous bureaucratic requirements such as the filling out of forms. In each case, the exercise of the freedom to engage in *X* at any particular place and time has been made more costly or difficult. When the well-enforced tax or penalty has been introduced, the heightened costliness of exercising the freedom-to-do-*X* for a person *P* resides in his having to bear the untoward consequences that will ensue from his availing himself of that freedom. Even more plainly is the difficulty of his exercising that particular freedom increased when he has to comply with numerous bureaucratic requirements before governmental officials will provide him with the means of performing *X*. Satisfying the demands of cavalier functionaries can be extremely irksome and time-consuming.

In either of the scenarios just broached, *P* will encounter some costs or difficulties if he attempts to engage in the activity *X* at some time *t*. Should we therefore conclude that his freedom-to-engage-in-*X*-at-*t* is less than it would be if the aforementioned costs or difficulties did not loom? The answer to this question is negative, for two reasons. First, as will be discussed in my next section, what is lower (as a result of the penalties or the bureaucratic hurdles) is not the freedom-to-perform-*X*-at-*t* but the likelihood that that freedom exists. Second is a point on which we are focused in the current section. Although the particular liberty of *P*

to perform X at t is not lowered by sanctions or bureaucratic obstacles, the overall liberty of P is indeed lowered. If P will be punished whenever he does X , then his freedom-to-do- X -at- t is not lessened; but the range of his combinations of conjunctively exercisable liberties which include that freedom is indeed reduced. He cannot now exercise that particular freedom in conjunction with liberties to engage in any activities that will be ruled out by the sanctions imposed for his doing of X at t . Much the same can be said, *mutatis mutandis*, about a situation in which P has to jump through bureaucratic hoops in order to gain access to the means of engaging in X at t . Again his range of combinations of conjunctively exercisable freedoms is diminished, as that range now does not encompass any combination that includes both the liberty to abstain from jumping through any of the requisite hoops and the liberty to engage in X at t . Those hoops do impair P 's freedom significantly, but the freedom impaired is his overall liberty rather than his particular liberty-to-perform- X -at- t .

Why, however, should we not accept that the particular freedom of P to carry out X at t has been reduced by the penalties or the bureaucratic hurdles? Let us take the scenarios in turn. If the punishments to be inflicted on P for his doing of X at t are purely *post hoc* (as I have been assuming), then they do not preclude him in any way from actually doing X at t . They merely preclude him from doing certain other things in the aftermath of his doing of X at t . Thus, since someone is free to do whatever he is unprevented from doing – unprevented by external constraints and by internal incapacities – P is straightforwardly free to perform X at t . Of course, if the sanctions for performing X are severe, he might not *feel* free to do X at t ; but his freedom-to-do- X -at- t obtains as a state of unpreventedness, whose existence as such is unaffected by P 's attitude toward that state.

Suppose now that the steps taken by the government against P 's engaging in X at t are not purely *post hoc*. Suppose that among those steps are some anticipatory preventative measures. If those measures succeed, then obviously they will have closed off the option of his performing X at t . However, their effect in that event is not to *reduce* the freedom of P to do X at t ; their effect, rather, is to *eliminate* that particular freedom altogether. If P is not able to do X at t , he is not free to do it then. Instead of being less free to perform X at t , he no longer has that particular freedom at all. By contrast, if the anticipatory preventative measures do not succeed, then P is indeed able to perform X at t , and thus he is free to perform it at that time. Instead of being wholly absent – as would have been the case if the preventative steps had not failed to achieve their aim – his freedom to carry out X at t is wholly present.

Let us turn to the other scenario, in which the government lays down bureaucratic procedures that must be followed by anyone who wishes to gain access to the means of doing X . If P has abided by the requisite procedures to the satisfaction of the officials involved (who accordingly provide him with the means of performing X), and if his compliance with those procedures has occurred ahead of t , then he is able to do X at t . That is, he enjoys the freedom to do X at t . The government's bureaucratic requirements have made it more difficult for him to secure that particular freedom for himself, but his timely fulfilment of those requirements has endowed him with precisely that freedom. Though his overall liberty has been

diminished by those requirements – as has been explained above – his particular freedom-to-perform- X -at- t has not been diminished even slightly. We should not make the mistake of thinking that the impairment of his overall freedom is paralleled by an impairment of the particular freedom. What has been reduced is not that particular freedom's existence or intensity, but the frequency of its inclusion in the combinations of conjunctively exercisable liberties that are available to P . Because the particular freedom amounts to nothing more and nothing less than the ability of P to perform X at t , and because (*ex hypothesi*) he possesses that ability, his freedom-to-perform- X -at- t is straightforwardly present.

Of course, if P has not managed to conform with the government's requirements in a timely fashion – to the satisfaction of the relevant officials – then he will be unable to do X at t . In those circumstances, in other words, his freedom-to-perform- X -at- t will not exist at t . Once again, however, we cannot correctly say that that particular freedom has been impaired or reduced. Rather, it has been altogether negated. Just as it is fully present whenever it is present, it is fully absent whenever it is absent. Because it is not contained in any of P 's combinations of conjunctively exercisable liberties that include the liberty to abstain from conforming in a timely fashion with the government's bureaucratic procedures, it will be eliminated by his exercise of the latter liberty. After all, when the latter liberty is exercised by P , his freedom-to-perform- X -at- t cannot be exercised; and a non-normative liberty that cannot be exercised is no non-normative liberty at all.⁵

In sum, when we carefully distinguish between overall freedom and particular freedoms, we shall not be prone to think that particular freedoms exist to varying degrees. Among the considerations that impel people to embrace the varying-degrees position, one of the most powerful is the fact that anybody who does encounter or would encounter difficulties in exercising the freedom-to-perform- X -at- t is *pro tanto* less free than somebody who does not or would not encounter such difficulties. As we have seen, that fact about the diminution of liberty can be readily acknowledged within a theory that rejects the varying-degrees position, because the fact in question pertains to a person's overall liberty rather than to the existence of a particular freedom. When impediments render more burdensome for P the exercise of some particular liberty, his freedom has decreased. Any tenable theory of freedom has to be alert to that decrease. While being duly alert, however, one should recognize that the decrease is not in the existence of the particular liberty but in the extent of P 's overall freedom. A full awareness of the reduction in the overall posture can keep us from mistakenly characterizing it as a reduction in the particular freedom's intensity.

Probability Revisited

What has been said in the preceding section about the overall/particular distinction might not entirely put to rest the temptation to think of particular freedoms as scalar. Another source of that temptation has been fleetingly broached in the preceding discussion, and will now be squarely addressed. Most ascriptions of freedom and unfreedom are explicitly or implicitly probabilistic. When some person P has to surmount numerous bureaucratic hurdles in order to gain access to the means of doing X at some time t , the likelihood of his being free at t to do

X at t might be slim. (Throughout the present discussion, purely for ease of exposition, I shall assume that P will do his best to enable himself to perform X at t . Accordingly, the only factor bearing on the probability of his being endowed at t with the freedom-to-perform- X -at- t is the difficulty or easiness of his acquiring that particular freedom. We need not here take into account any complexities posed by the possibility of his being uninclined to try to become free-at- t -to-perform- X -at- t .) Hence, if well ahead of t we are asked to determine whether P at t will be free to do X at t , our ascription to him of the freedom-at- t -to-do- X -at- t will expressly or tacitly carry a probabilistic qualification indicating that the chances of his enjoying that particular freedom are fairly small. The greater the number and severity of the bureaucratic hurdles, the smaller are his chances of being endowed with that particular freedom. An accurate description of his situation will explicitly or implicitly reflect that lowered probability.

Plainly, then, any nontrivial difficulties faced by P in gaining and exercising a particular freedom will reduce the likelihood of his having that freedom at all. Any diminution of that likelihood will be in proportion to the arduousness of the difficulties that confront P . What is of central importance here, however, is that the diminution pertains to the likelihood of the particular freedom's emergence rather than to that freedom itself. The particular freedom itself is not lessened in any sense by the lessening of the probability of its obtaining. If P 's freedom-to-perform- X -at- t does exist at t , then it exists in full – regardless of whether the chances of its emergence were low or high. Conversely, if that particular freedom does not exist at t , then it does not exist at all. Its existence and non-existence are starkly dichotomous, even though the probability of its existence or non-existence can vary over countless different degrees.

Suppose that 25 men are in a room and that one of them is my twin brother. I know as much, though I cannot see any of the men. Suppose further that one man in the room is mentioned with reference to some characteristic (for example, his proximity to a certain painting in the room) that does not bear at all on the likelihood that he is my twin brother. I therefore know that there is a 4 percent chance that the specified person will turn out to be my twin brother. In articulating that probabilistic judgement, I am clearly not suggesting that the person singled out is 4 percent my twin brother and 96 percent somebody else. That person is either my twin brother *tout court* or someone else *tout court*; my current uncertainty about the identity of the chosen man has not impinged on his existence or character or status as the person he is. Now suppose that I am informed that that man has blue eyes. I know that exactly ten of the men in the room have blue eyes, and that my twin brother is one of them. Ergo, I know that there is a 10 percent chance that the specified person will turn out to be my twin brother. Obviously, the increase in the information available to me has augmented the probability which I can attach to my judgement that the person singled out is indeed my twin brother. However, that increase has not in any way affected the identity or personality or existence of that person. It has manifestly not caused him to take on more of the identity of my twin brother and less of the identity of someone else. Either he is my twin brother and nobody else, or he is not my twin brother at all. My probabilistic judgements concern an all-or-nothing matter.

In that key respect, those judgements resemble our ascriptions of particular freedoms and unfreedoms. If a person P does encounter or would encounter very few difficulties in attaining the particular freedom-at- t -to-perform- X -at- t , and if we have an accurate sense of his situation, then we can ascribe to him the freedom-to-perform- X -at- t with a very high degree of probability. In other words, we can predict with a very high degree of confidence that, if P endeavours (without any blunders) to attain and exercise the freedom-at- t -to-perform- X -at- t , he will succeed in doing so. If by contrast there are some formidable difficulties confronting P in any efforts that he might make to attain the freedom-at- t -to-perform- X -at- t , we have to attach a much lower probability when we attribute to him now the freedom-to-perform- X -at- t . That is, we can predict with only a slim degree of confidence that he will attain the liberty-at- t -to-perform- X -at- t if he endeavours to do so. Between the situation of no serious obstacles and the situation of very serious obstacles, then, the probability of P 's being able to acquire the particular liberty-at- t -to-perform- X -at- t will have declined. The overall freedom of P will also have declined, in the manner expounded by my last section. Both his overall liberty and the *probability* of the existence of his particular liberty are matters of degree. What is not in any way a matter of degree, however, is the existence of the particular liberty itself. Either P at t is free to carry out X at t , or he is not. When we say that the probability of his being thus free is lower in the situation of very serious obstacles than in the situation of no serious obstacles, we are not saying that the scope or intensity or character of the freedom-to-carry-out- X -at- t will have fallen to a lower level. It is not the case that P in the situation of very serious obstacles is only somewhat free at t to perform X at t . Either he is endowed in full with that particular freedom, or he is not endowed with it at all. When we affirm that there is a lowered probability of his being endowed with that particular freedom, we are affirming that there is a lowered probability of his being endowed with it in full. We are *ipso facto* affirming that there is an increased probability of his not being endowed with that particular freedom at all. Should things come to pass in accordance with that increased probability, P 's freedom-to-perform- X -at- t will not have been *diminished* but will instead have been *ruled out* altogether.

Of course, the fact that P lacks some particular liberty L is perfectly consistent with his possession of some other particular liberty that has a content amounting to part of the content of L . Let us suppose, for example, that the particular freedom which P lacks is the freedom to walk at least two miles in an easterly direction on a certain road between 11:00 and 11:20 on a specified day. Perhaps because he is not physically fit, or perhaps because the condition of the road or of the weather is obstructive, or maybe because other people will forcibly stop him after a certain point, he cannot walk two miles within the allotted period of time. He can, however, walk any distance up to one mile in an easterly direction along the road during that period. He is therefore free to do exactly that; neither his own incapacities nor any external constraints prevent him. Now, from the fact that he is free to walk one mile, we should not infer that he is partly or somewhat free to walk two miles. Nor should we infer that he possesses a freedom-to-walk-two-miles-during-the-stipulated-period that is less intense or more limited in scope than would be true if he could actually walk two miles. Equally misconceived is the view that that ostensible freedom of his to walk two miles is existent at a reduced level. Rather,

given that he is unable (for whatever reason) to walk more than a mile during the 20-minute span, he altogether lacks the freedom to walk two miles during that span. In application to him, that particular freedom does not exist at all. The ability that is indispensable for the existence of that freedom – the ability of P to walk at least two miles during the twenty minutes – is absent. If we were to endorse the claim that his particular liberty-to-walk-two-miles exists at a reduced level when he can walk only one mile, we ought also to endorse the preposterous claim that a fully grown man who stands six feet in height is a seven-foot man existing at a reduced level.

In one important sense, to be sure, *P* is less free in the situation just posited than in a situation where he is capable of walking at least two miles. *Pro tanto*, his overall freedom is lower in the former situation than in the latter. As has been readily acknowledged and indeed emphasized herein, the overall liberty of each person – or of a society – can obtain in many different degrees at different times. Nevertheless, the scalar character of overall freedom is inconsequential here. My arguments have hardly been directed against the thesis that one person can be less free overall than some other person (or than himself at some other time). Instead, the attack herein has been directed against the thesis that one person can be less free-to-do-*X*-at-*t* than some other person (or than himself at some other time). The extent of overall liberty is scalar, but the existence of any particular liberty is not. A particular liberty is always present *tout court* or absent *tout court*. Thus, with reference to circumstances along the lines depicted in my last paragraph, we should not designate *P* as less free-to-walk-two-miles-along-the-road-between-11:00-and-11:20 than somebody else who is capable of walking the distance of two miles within the specified period. *P* is less free overall (*pro tanto*) than is the more capable walker, but no ordinal comparison between them is appropriate in respect of the particular freedom-to-walk-two-miles-along-the-road. Whereas the more capable walker enjoys that particular freedom fully, *P* enjoys it not at all. Any comparison between them in regard to that particular freedom is a matter of all or nothing rather than a matter of more or less.

Types and Tokens

In adducing the example of *P*'s journey on foot along the road, the last section specified quite precisely the content of the particular freedom under investigation (though a great deal of further precision – extremely tedious further precision – would have been possible, of course). Because the '*X*' and '*t*' variables in the formulation 'liberty-to-do-*X*-at-*t*' are fixed with quite a high degree of specificity in the scenario of *P*'s ambling, the discussion thereof has perhaps left unaddressed a further source of the temptation to perceive particular liberties as scalar. We shall here examine that source by pondering the distinction between act-types and act-tokens.⁶ This section will reaffirm what has been argued so far, while offering one very small qualification along the way.

An act-type is a distinctive feature or set of features common to all members (if any) of a class of actions. An act-token is an instance of an act-type; in other words, it is an action that partakes of the feature or set of features whose presence is sufficient to qualify an action as belonging to a certain act-type. What is of central

importance here is that act-types can be specified with differing degrees of vagueness or precision. Walking is an act-type, as is walking along a road, as is walking along a road on a Tuesday, as is walking along a road on a Tuesday morning, and so forth. Any number of levels of abstraction will be available when we choose among act-type descriptions for the actions that we or other people carry out. (In addition, of course, descriptions at roughly similar levels of abstraction are themselves multifarious. For example, an action describable as 'walking along the road' might also be correctly describable as 'going to work' or 'going to school' or 'returning home from the house of one's friend'.)

When people refer to their own actions and the actions of others, they almost invariably use act-type designations. Very rarely do they specify the spatio-temporal co-ordinates of those actions with great precision, at least in quotidian discourse and indeed in most non-scientific intellectual discourse. Every characterization of an action within this essay, even the characterization of *P*'s sauntering along the road during a carefully demarcated 20-minute period, has made use of act-type formulations. Were such formulations to be eschewed in ordinary contexts, our accounts of actions would become unbearably tedious and cumbersome. Any drawbacks associated with the imprecision of act-type designations are costs generally well worth paying for the flexibility and workability that those designations provide.

Hence, on almost every occasion when we elaborate the content of this or that particular freedom, we use the language of act-types. Obviously, then, the divide between particular liberties and overall liberty does not correlate – except in a highly imperfect fashion – with the dichotomy between act-tokens and act-types. Rather, the particular/overall divide lies between each state of unpreventedness with a distinctive content and an aggregation over all such states. What is meant by 'distinctive' here is simply that the content of each particular freedom differentiates it from all other particular freedoms (including those freedoms whose more concrete contents are subsumable within its own). Particular freedoms are what they are by dint of their contents, i.e., by dint of their pertaining to specific types or instances of human conduct. (For present purposes, we may overlook freedoms that pertain to the undergoing of processes. Taking them into account would introduce stylistic gnarls and would not change my basic substantive points at all.)

Now, because the content of any particular liberty is what distinguishes or defines it as that particular liberty, and because any such content is nearly always articulated as an act-type rather than as an act-token, we identify each particular freedom as something that potentially comprehends many other particular freedoms with more concrete contents. Here we come to the source of the temptation to think that particular liberties are scalar. Given the existence of any particular freedom whose content potentially encompasses the contents of countless other particular freedoms, some of those more concrete freedoms may well be absent even though the freedom whose content potentially encompasses theirs is robustly present. Consider, for example, the liberty to traverse on foot the full length of Grange Road in Cambridge. Let us suppose that Joe enjoys that particular liberty, in that he is able to walk from one end of Grange Road to the other on many occasions. Perhaps, however, he is not free to walk there on any of the days when repairs are

being carried out. On those days, the formidable barriers and the preparedness of workmen to exclude him if necessary are sufficient to prevent Joe from traversing the full length of the road. Thus, although his liberty to walk from one end of the road to the other could potentially be instantiated by his liberty to do so on any given day when repairs are carried out, the latter liberty does not in fact exist. A potential instance of the more abstract liberty is absent, as are some other potential instances thereof. Nonetheless, the more abstract liberty itself can perfectly well exist, so long as some of its potential instances – such as Joe’s freedom to traverse the length of Grange Road on this or that day when repairs are not being carried out – do in fact exist. We can then correctly say as a general matter that Joe is free to walk from one end of Grange Road to the other, even though he occasionally is not. The existence of a liberty with a relatively abstract content does not depend on the existence of *every* potential instance of that liberty, so long as *some* of the potential instances are actual.

Precisely because a particular freedom with a relatively abstract content can exist even if quite a few of the freedoms that would instantiate it are non-existent, the view of particular freedoms as scalar can seem quite apposite. To see this point, let us look again at the example of Joe’s strolling on Grange Road. Suppose initially that, on every single day when repairs are undertaken, Joe is unable to walk along Grange Road. Now suppose that the workmen become a bit less surly and a bit more accommodating. Carrying out repairs no more often than previously (say, 20 days each year), they now sometimes leave a path open for pedestrians. Whenever the workmen do clear such a path, Joe is able to traverse the length of Grange Road. Hence, he is now able to perform such a feat more frequently than he could heretofore. An observer may therefore be inclined to conclude that Joe is now freer than before to walk from one end of Grange Road to the other. His particular freedom to engage in such a walk has increased in its extent, or so it may seem.

Although this essay will argue against the inference broached at the end of the last paragraph, a minor qualification or concession is in order first. If people wish to say that somebody *P* is ‘freer to do *X* than before’ when they mean that *P* is now free to do more of the actions that instantiate *X* than he could do before, then such a pattern of usage – though highly misleading and inexact – is quite understandable. In ordinary discourse, as opposed to the much more careful argumentation of political philosophy, the aforementioned pattern of usage is very likely irrefutable. After all, in the circumstances just outlined concerning *P*, he has gained some particular liberties to perform certain actions that are instances of *X*. Most observers will doubtless feel tempted to claim that *P* has thereby enlarged or intensified his freedom-to-do-*X*.

Nevertheless, as has been indicated, any such temptation should be resisted. The key to mounting a stalwart resistance is a point already adumbrated in this section. If any of the potential instances of the freedom-to-do-*X* are actual, then the freedom-to-do-*X* itself is actual; the existence of any instance of a particular liberty entails the existence of the liberty that is instantiated. In illustration of this point, let us ponder a variant of the scenario involving Joe on Grange Road. Suppose that Joe is able to traverse the length of Grange Road on one of its sides but not on the other. For whatever reason, the left-hand side of the road (facing northward) is

wholly unusable for pedestrian traffic. Perhaps it is insurmountably closed off by barriers, or maybe its surface has the consistency of quicksand, or perhaps workmen are constantly labouring on that side and are undisposed to let anyone else trudge along it. By contrast, the right-hand side of the road (facing northward) can be walked upon straightforwardly by Joe and other pedestrians. Joe is thus endowed with the particular liberty to walk the full length of Grange Road on the right-hand side, even though he cannot proceed at all on the left-hand side. His possession of that particular liberty entails his possession of the liberty to walk the full length of Grange Road. One cannot be free to perform an action of a certain type in some specific manner or in some specific location, without being free to perform an action of that type. If I am free to walk briskly, then I am free to walk – irrespective of whether I am also free to walk slowly. Likewise, if I am free to walk slowly, I am free to walk – irrespective of whether I am also free to walk briskly. The existence of any particular liberty that instantiates a liberty with a more abstract content will entail the existence of that latter liberty. (Let us pause for a moment to glance at the difference between abstraction and inclusiveness, and between instances and corollaries. Consider the following three particular freedoms: [A] the liberty to traverse the full length of Grange Road; [B] the liberty to traverse the full length of Grange Road every day of every week; and [C] the liberty to traverse the full length of Grange Road every Tuesday. In comparison with the content of C, the content of A is abstract whereas the content of B is inclusive or expansive. Let us henceforth designate those contents as ‘A_c’, ‘B_c’ and ‘C_c’. A_c is abstract because it leaves undetermined a myriad of details, one of which is settled by the relatively concrete content of C. B_c, on the other hand, is at least as concrete as C_c, for it leaves nothing undetermined that is settled by C_c. Nonetheless, while no more abstract than C_c, B_c is manifestly more expansive or inclusive. It includes C_c but it extends more broadly in its settling of details that are left undetermined by A_c. In sum, A_c is more abstract than C_c, whereas B_c is more inclusive or expansive than C_c. Now, because of the non-equivalence between the abstraction/concreteness relationship and the inclusiveness/narrowness relationship, the logical ties between liberties A and C are very different from the logical ties between liberties B and C. As C is one of the instances of A, the existence of C entails the existence of A but not vice versa. By contrast, as C is one of the corollaries of B, the existence of B entails the existence of C but not vice versa. Throughout this discussion I am focusing chiefly on the abstraction/concreteness relationship and thus on instances, rather than on the inclusiveness/narrowness relationship and on corollaries.)

Thus, because the existence of any particular liberty that instantiates a liberty with a more abstract content will entail the existence of the latter liberty, the liberty with the more abstract content will exist whenever some of its instances do. Its existence is an all-or-nothing matter. If none of its potential instances is actual, then it itself altogether lacks actuality; contrariwise, if at least one of its potential instances is actual, then it itself actually obtains. We would consequently be misguided if we yielded to the temptation to describe somebody as ‘more free to do X’ when she becomes free to do X in some additional way(s). So long as she has already been free to do X in some way(s), she has been free to do X. Newly engendered instances of her particular freedom-to-do-X will not augment the scope of

that freedom, since it has all along been broad enough to encompass the new instances even before they arise.

What, then, are the general effects of any additional instances of a person's freedom-to-do-*X*? An exploration of those effects may help to explain why the advent of such instances can tempt us to say that the person in question has become freer to do *X* (or that the person's freedom-to-do-*X* has increased). An exploration of those effects should also help to allay that temptation.

First, and most evident, the new instances of a particular liberty are themselves particular liberties which a person has gained. Exactly because the instances of a particular liberty are not entailed by that which they instantiate, they are genuinely new or restored freedoms when they emerge. Second, the emergence of those particular freedoms will have expanded the overall liberty of the person *P* who has come to be endowed with them. Because they are genuinely new or restored freedoms, they expand the range of *P*'s combinations of conjunctively exercisable freedoms, and thus they enlarge his overall liberty. There is no doubt that *P* is freer than before; but, as has already been stressed, he is freer in respect of his overall standing rather than in respect of one of his already existent liberties. Third, and most important for our present purposes, the advent of additional instances of *P*'s freedom-to-do-*X* will indeed have an impact on that particular freedom itself. However, the impact will consist not in the augmentation of the scope of that freedom, but in the shoring up of its secureness. What is enlarged, in other words, is the probability that *P*'s freedom-to-do-*X* will persist. That is, the key issues raised by the engendering of the further instances of *P*'s freedom-to-do-*X* – more precisely, the key issues as far as the present essay is concerned – are basically similar to the issues that have been probed in my last section.

In two main respects, new instances of *P*'s freedom-to-do-*X* will generally increase the probability of *P*'s enjoying that particular freedom: (1) First, and less important, is a purely epistemic point relating to our ascriptions of freedom and unfreedom when our knowledge of *P*'s more concrete liberties is quite limited. If we have good grounds for believing that *P* can exercise his freedom-to-do-*X* in a host of significantly different ways – that is, if we have good grounds for believing that *P* is endowed with sundry instances of the freedom-to-do-*X* – we can attach high probabilities to our statements of *P*'s freedom-to-do-*X* in various sets of circumstances, notwithstanding that we do not know in exactly which sets of circumstances he does normally enjoy that particular freedom. Accordingly, if we have good grounds for believing that the ways in which *P* can exercise his freedom-to-do-*X* have increased (without our knowing exactly where the increases have occurred), we can attach even higher probabilities to our statements of his freedom-to-do-*X* in various sets of circumstances. (2) More important is another respect in which the new instances of *P*'s freedom-to-do-*X* will typically have raised the probability of his possessing that particular freedom. The emergence of the further instances of that freedom will tend to reduce the likelihood that his possession of the freedom-to-do-*X* will cease in the future, since the termination of that freedom would now involve the shutting down of additional options that have become open. If *P* can do *X* in multitudinous ways that are significantly different from one another, then the chances of the continuation of his ability to do *X* are

normally higher than if he can do it in only one way or a few ways. Hence, a growth in the number of those ways will normally render that continuation more likely. Crucial here is that what will have undergone an increase is not the freedom-to-do-*X* but the security of that particular freedom, i.e., the likelihood of its being sustained.

In short, once we duly distinguish between any particular freedom and the secureness of that freedom, we can see that new instances of the freedom tend to augment its secureness rather than its reach. Not only is a description of somebody as ‘more free to perform *X*’ quite inapposite, but it also obfuscates the precise effects of additional instances of the freedom-to-perform-*X*. Similarly, once we duly distinguish between overall liberty and each particular liberty, we can see that only the former is scalar. In being non-scalar, ‘free’ and ‘not free’ in discussions of particular actions and types of actions are on a par with ‘possible’ and ‘impossible’. When *P* has been able to perform *X* and has now become able to perform *X* in some novel manner, we cannot correctly state that his performance of *X* is now more possible than before. ‘Possible’ applies in an all-or-nothing fashion, as does ‘impossible’. Instead of declaring that the performance of *X* by *P* is now more possible than previously, we ought to declare that the performance of *X* by *P* is now possible in more ways than previously. A parallel pattern of usage is necessary when we are speaking of particular freedoms. Rather than maintaining that *P* has become more free-to-perform-*X* than he was before, we ought to maintain that *P* is now free-to-perform-*X* in more ways than before. (And, we can add, *P* has therefore become more free overall.) As Steiner has suggested in the pronouncement quoted earlier, the characterization of any particular liberty as scalar is superfluous, misleading, and inexact.

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- 1 Throughout this essay I use the terms ‘liberty’ and ‘freedom’ interchangeably.
- 2 By ‘scalar’ I do not mean ‘susceptible to cardinal measurements’. Rather, I mean ‘susceptible at least to ordinal comparisons and perhaps also to cardinal measurements’.
- 3 See, e.g., Cohen (1981, pp. 230–1, 1988, pp. 246 n12, 270); Feinberg (1973, p. 8, 1980, p. 8), Oppenheim (1961, pp. 179–210), Swanton (1979, pp. 343–5), White (1969–70, p. 187). Cf. Gray (1991, pp. 133–6). For an outstanding discussion of the topics addressed in this essay, see Carter (1999, pp. 219–45). See also Carter (2000, pp. 36, 37–9). For another important treatment, see Steiner (1983, pp. 76–9).
- 4 The distinction between particular liberties and overall liberty is sustainedly and illuminatingly highlighted in Carter (1999), a book from which I have greatly benefited.
- 5 Throughout this essay, my focus lies on non-normative freedoms (as states of possibility) rather than on normative freedoms (as states of permissibility). Non-normative freedoms are specified in modal terms, whereas normative freedoms are specified in deontic terms. Freedoms of the latter sort can exist even if the person endowed with them is incapable of exercising them; by contrast, freedoms

of the former sort do not exist at all if the person who would be endowed with them is incapable of exercising them. For more on the normative/non-normative distinction in connection with liberty, see Kramer (2002).

- 6 This distinction, of fundamental importance in the philosophy of action, is highlighted for slightly different purposes in Carter (1999, pp. 169–218) and Steiner (1994, pp. 33–7).

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