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No. 6
COERCION AND LIBERTY

KEITH M. DOWDING

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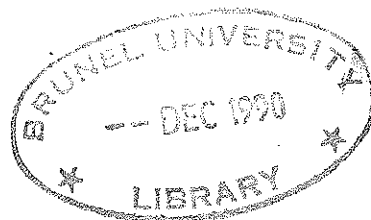
1. Introduction

Many articles over the years have been devoted to the nature of coercion (Nozick 1972, Frankfurt 1973, Pennock and Chapman eds. 1972, McCloskey 1980, Ryan 1980, Stevens 1988); many more books and papers have discussed the concept in relation to liberty and power (for example Hart and Honore 1959, Hart 1961, Bay 1970, Steiner 1974/75, Oppenheim 1981, Day 1987, Farr, 1988). These works have teased out many problems and produced a host of tricky examples with which any analysis must deal in a manner which either fits with our intuitions or is persuasive enough to change them. In this paper I shall analyse coercion in standard terms of threats, distinguishing them from offers by the way in which each affects individual preference schedules. I will then map out the complex relationship between threats, offers and liberty, showing that threats always curtail individual liberty whilst offers always increase it, despite the fact that good coercive laws increase overall liberty and that some offers are unwelcome. This analysis requires an account of negative liberty where the worth of liberty is measured, to some extent, by the individual's valuation of the options open to her. This account of liberty is introduced in section 5.

2. Preference Schedules

A preference schedule is the order in which an individual would rank a set of options under a certain state of the world. We usually give an individual's preference schedule under the

choice condition he faces, but we could specify it under any possible choice situation. I will refer to the choice situation in which a preference schedule is given as the 'specified conditions' (SC) which may be taken to be the status quo at any given point of time. Preference schedules are normally assumed to be relatively enduring though individuals may re-order the options at any moment. Early critics of revealed preference harped on the fact that individuals may change their minds for no obvious reason (von Mises 1949) but, whilst this may be true for simple desires, more complex ones cannot just be changed at will (Elster 1984). Usually a re-ordering of preferences occurs as a result of new information which changes our belief set about the options in our preference schedule. We may study the information received by individuals in order to understand why their preference schedule alters. This is what we mean when we say that individual's preference schedules are relatively enduring.

A given preference schedule does not entail an individual's choosing one option rather than another at every opportunity. If I prefer strawberries to raspberries[1] I may still sometimes choose raspberries for dessert - particularly if I had strawberries for dessert yesterday. This may be handled by specifying that I prefer strawberries to raspberries except when I have had strawberries "a lot" recently and have not had raspberries for "a while" or by putting a probability on the choices, say, "I choose strawberries approximately 4 times for every time I choose raspberries". But, ignoring the difficulties inherent in discovering individual preference

schedules, I will assume that a preference schedule may be specified thus:

$$SC: \quad P^0_i \; \{...a > b > c...\}$$

which means that individual I_i's preference schedule P^0 under SC is a is preferred to b is preferred to c. I will assume that the usual conditions of transitivity, connectedness and indifference hold. Preferences may be revealed by action (though people may deliberately hide them) and individuals' ignorance of the options (unconnectedness) is often indistinguishable from indifference (Sen 1982); actions may be explained by elucidating belief and desire as formed within the preference schedule (Davidson 1980).

Preference schedules are always incomplete, for they do not specify all possible options, only those under consideration at any given moment. Any number of possible options may be added in their correct place in the order; thus the options a, b, and c are not the complete logically possible set. Preference schedules coming under the scope of SC include only those options which I_i considers feasible at that moment. But, options d, e,...,n may be added, options a, b, or c may be removed or their nature changed. The nature of options may be said to alter as an individual's beliefs about them change. I_i may discover that having a entails having x too. In other words, we assign utility to options in accordance with the description under which we understand them (Schick 1982). That utility assignation may change as we learn more about them.

An individual I_j may change the preference schedule of I_i by some action A, say a set of statements:

$$(\forall_i)(\exists_j)\ (A_j \longrightarrow (P^0{}_i \longrightarrow P^1{}_i))$$

For all individuals, an action A by some individual I_j leads to change in I_i's preference schedule from P^0 to P^1. I will argue that the nature of the action A by I_j and the nature of the change in I_i's preference schedule together determine whether A is a form of persuasion, a warning, a threat, an offer or a throffer (which is a combination of a threat and an offer[2]).

3. Forms of Persuasion

I_j persuades I_i if he brings about a reversal of position of two options in I_i's preference schedule

$$P^1{}_i\ \{...b > a > c...\}$$

By some action A I_j persuades I_i that b is in fact preferable to a. He may do this by pointing out bad attributes in a, good attributes in b, or both:

$$P^{1'}\quad \{...b > a' > c...\}$$
$$P^{1''}\quad \{...b' > a > c...\}$$
$$P^{1'''}\quad \{...b' > a' > c...\}$$

We may be persuaded to change the order of options in our preference schedule if we can be shown that we had been unaware of other descriptions applicable to the options. This change in description of the options a and b is captured in the versions of P^1 above. Another way in which we might be persuaded that it would be better to bring about b rather than a would be to show us, not that b is preferable to a in itself, but what the expected consequences of bringing about a or b would be. This form of persuasion may be described as a

warning and it has a positive version, a negative version and one combining both negative and positive features.

$$P^2_i \{...b > a+x > c...\}$$

$$P^3_i \{...b+z > a > c...\}$$

$$P^4_i \{...b+z > a+x > c...\}$$

Here I_j points out that option a will (probably) lead to the undesired consequences x (P^2); option b will (probably) lead to the desired consequences z (P^3); or both (P^4).

There is an important difference between P^1 and P^{2-4}. Under P^1 the preference schedule was fundamentally altered as the positions of a and b were swapped over. However, in P^{2-4} the schedule has changed only to the extent that new consequences have been added. In fact these new consequences have intervened to alter the choice situation of I_i, for the original preference schedule $P^0 \{...a > b > c...\}$ is contained within a fuller specification of I_i's preference schedule under possible actions by I_j at SC:

$$SC^{Aj}: P^0_i \{...b+z > a > b > a+x > c...\}$$

Under P^{2-4} a is still preferred to b, but b is the option chosen when it is combined with z or a is combined with x or both since a is no longer feasible. If I_i is persuaded that outcome a on its own is just not possible, or that b entails z, or both, I_i's simple preference for a over b is overridden. Thus persuasion under P^1 differs from persuasion under P^{2-4}: under the first, I_i has changed his earlier belief about a or b or both, whilst under the latter three he has become aware of unrecognized consequences of bringing about a or b or both.

(Where those unrecognized consequences are strictly necessary features of a or b, P^{2-4} collapse into examples of P^1.)

4. Threats, Offers and Throffers

Threats, offers and throffers may be similarly analysed.

Threat $\quad P^2_i \{...a > b > a+x > c...\}$

Offer $\quad P^3_i \{...b+z > a > b > c...\}$

Throffer $\quad P^4_i \{...b+z > a > b > a+x > c...\}$

I will defend each of P^{2-4} as representations of threats, offers and throffers below, but first note that, whilst the change in the preference structure of I_j can distinguish threats from offers from throffers, it cannot distinguish them from persuasion. Rather the distinction here is in the nature of the act A performed by I_j. Under persuasion I_j is predicting the result of an action by I_i to bring about one of the options in the preference schedule. In effect I_j is saying 'you do realize that if you attempt to bring about a you will also get x', or 'have you realized that if you bring about b you also get z', or some combination of these statements. Under threats, offers and throffers I_j is not predicting these outcomes, rather she is promising them. That is, I_j is saying that if I_i attempts to bring about a I_j will arrange that x follows (threat). Or if I_i brings about b I_j will arrange that z follows (offer). Or both (throffer).[3] Thus I_j's act A is a kind of conditional promise rather than a prediction.

Threats as in P^2 change an option into another causing it to it fall in I_i's preference ranking. Offers as in P^3 change

an option for another so that it rises in I_i's preference

ranking. Throffers do both. And this is the case even with

unsuccessful threats and offers:

Threat $\quad p^2_i$ {...a > a+x > b > c...} or .

$\quad\quad\quad\quad\quad\quad$ {...a > b > c > b+x...}

In the first example, the threat of x is not strong enough to

dislodge a+x from higher in the preference ranking than **b**. In

the second example, the threatener has threatened I_i

needlessly, for I_i was going to do a anyway.

Offer $\quad p^3_i \quad\quad$ {...a > b+z > b > c...} or

$\quad\quad\quad\quad\quad\quad$ {...a+z > a > b > c...}

In the first, the offer of z is not enough to dislodge a from

first place in the preference schedule and so I_j's offer is

unsuccessful. In the second, I_j's offer has not changed I_i's

action, for he would have chosen a anyway. I_i is just lucky.

Threats are distinguished from offers by the fact that

options in a preference ranking are demoted by threats but

promoted by offers. Obviously the same statement may be a

threat to one person and an offer to another, or it may be a

threat to an individual at one point in time and an offer at

another, depending upon how the options are ranked. For

example, the conditional promise of leaving your wife if she

does not cook your dinner may be a threat whilst she is still

in love with you, but a welcome offer by the time she has

learned to hate you (which she undoubtedly will if you make

threats of that nature). What matters is the relative position

of the options at the time of the statement. It is important

to note therefore that it is I_i's actual preference ranking and not I_j's intentions which determines whether A is a threat or an offer. We can note that I_j intends a threat or an offer according to what he thinks I_i's preference ranking is. I_j's intentions enter into threats and offers in another way, as will be examined below.

Now note that it is the relative position of the options in the preference schedule at the time of the statement which is important and which distinguishes threats from offers. Thus Steiner's (1974/75 p. 38) worry that

> "compliance with the former [offers] results in an augmentation of well-being while compliance with the latter [threats] results in a diminution of well-being--tends to obscure the point that non-compliance with offers results in a relative diminution of well-being while compliance with threats results in a relative augmentation of well-being."

Steiner concludes (along with Nozick 1972, Bayles 1972, Gert 1972, Held 1972, and Frankfurt 1973) that the distinction between the two requires a prior notion of 'normalcy'. This is a standard or norm from which the relative diminution or augmentation is measured in order to arrive at an absolute one. 'Normalcy' is not just the expected course of events without the intervention of I_j but what I_i should be able to expect in her moral environment. I think the weaker condition SC, which is the situation of I_i prior to I_j's intervention, is enough to establish threats or offers and to see how they affect individual liberty.

Steiner argues that the _modus operandi_ and strength of both threats and offers may be specified without reference to

the norm and since it is the norm on which the distinction
between them is grounded there is no difference between the
ways in which offers and threats affect the practical
deliberations of their recipients. I suspect that
psychologically this is false. Some individuals who would not
be averse to taking up an offer will not bow down to what they
perceive as a threat precisely because they perceive it as a
threat. ("I may be able to save your life but it'll cost $100"
vs "give me $100 or I'll kill you".[4]) But leaving this
aside, Steiner concludes from the lack of difference in t he
practical deliberation that:

> "since no such difference exists, it cannot
> constitute a reason for asserting that threats, but
> not offers, diminish personal liberty. Furthermore,
> since there appears to be no other way that threats
> can be said to affect personal liberty - other than
> through their effect on the deliberations of their
> recipients - there is no reason to believe that, if
> they do affect it, these effects are different from
> those of offers." (1974/5 p. 43)

However, as we have seen, threats can be distinguished from
offers without reference to the norm and, further, Steiner's
account of liberty (like some others[5]) ignores the choice
aspect of liberty. Ordinarily we would think that, of two
people alike in every respect other than that one had two
options and the other three, the second person was free-er than
the first. Opening up choice increases liberty. Making offers
(even ones "you can't refuse") opens up new options but making
threats does not. Under our threat option a has been replaced
by a+x. But under our offer b has not been replaced by b+z but
is an added option, for I could refuse the z part.[6] But even
if the conditions of the conditional promise cannot be refused

under an offer, there are other reasons for the difference examined in section 5.

There is one further disjunction between threats and offers which should be noted. Steiner's 'physicalist' conception of liberty relies upon the distinction between actions which are threats/offers and actions which implement threats/offers. Steiner believes that only the latter affect a person's liberty and do so in precisely the same way whether or not they are preceded by an action which is a threat or an offer.[7] However, if one believes that liberty is essentially about choice, then actions which are threats/offers should affect liberty in so far as they affect the way in which the recipient makes her choice. Moreover an act which is an offer requires, in order to be an offer, the intention that it will be followed by an act which implements the offer. However, an act which is a threat does not require the intention to carry out an act which implements the threat in order for it to be a threat. I may threaten to kill you if you do not do as I wish, and that act will be a real threat which may cause you to act as I wish even though (unbeknown to you) I had no intention of ever killing you if you did not comply. But if I offer to help you if you do as I wish but then do not help you, my offer was not a real one and your liberty was not increased by the act which purported to be an offer. If the intention was there, the offer was genuine; but if subsequently help was not forthcoming for some good reason, then whether or not liberty had been increased is problematic. I think that liberty was increased because the number of options on offer went up, even

though the choice made by the recipient did not turn out as she expected. We cannot claim that liberty is restricted every time our choices do not turn out as we expect.

5. Liberty and Morality

The amount of negative liberty that an individual has may be defined as some function of the number of options available to her and the value of those options to her.[8] And we must not forget that individuals' marginal evaluations generally decrease (from some point) the more they have of anything. For example, free speech is very valuable, but one may value some diminution of free speech if that diminution opens up some other option, say security, which is as a whole valued less. Furthermore, one may not begin to value free speech until one has a minimum amount of security.[9]

[Diagram 1 about here]

The line s - s' marks the minimum possible level of speech, l - l' may be called the 'leviathan level' for it is the minimum level of security acceptable (though it is possible to go below it) and the line n - n' where the individual is prepared to trade speech for more security. Anything below the n - n' line, e.g. point x, will be traded for any point above it and to the right of l - l', e.g. (n, l). Only at n - n' will the individual trade some measure of free speech for extra security. Note that we can only draw ordinary indifference curves (I) in the box bounded by (l', 0', n').

Below n - n' we can only draw straight lines, which we may call

'R' curves from the relation of preference and indifference

combined, where I_i either prefers a to b or is indifferent

between them. Any point on an R curve is preferred to any

point to the on the same curve to the left of it, but any point

on an R curve will be swapped for any point on the R curve

above it. That is, once above the

n - n' line the individual is prepared to swap any amount of

extra security for extra speech showing herself to be

indifferent to that extra security in comparison with the other

value.

If I am threatened with the statement "give me $100 or

I'll kill you" I am not having any options opened up to me for

I could voluntarily give you $100 and I could kill myself (or

pay you $100 to kill me). However, if I am likely to die

without help and you make me the offer "I will save your life

if you pay me $100" new options are opened up to me. Without

your offer I will die (keeping my $100), with it I am offered a

new option of my life less $100. A real offer is to act to

save my life rather than act to end it. This may seem

unpalatable: asking payment to save a life might appear morally

wrong. This moral aspect is quite important and I will return

to it shortly, for it marks yet another distinction between

threats and offers.

A further dimension appears when I_j must act to bring

about I_i's more preferred option, yet I_j had previously acted

to bring about SC under which this promise is made. For

example, I_j makes the conditional promise to give I_i the

antidote to the slow-acting poison I_j had fed I_i the day before, provided I_i tells the whereabouts of the loot. Under this analysis this is an offer. But here we need to take account of domination and the moral dimension of coercion and to do this I shall examine another set of examples from the literature.

Robert Stevens (1988) suggests the following. I_j wants money and says to I_i "I am going to kill you". Some time later he says to I_i "Your money for your life". Stevens suggests that this is a offer, on the grounds that the second statement is offering an option preferred to the one that I_i was expecting. However, it is also coercive, according to Stevens, on the grounds that there is no morally relevant difference between this and where I_j merely says to I_i "your money for your life". This of course is true, but there is also no difference in I_i's preference ranking {...a > b > c R d....} where a = life and money, b = life and no money, c = money and no life, d = no money and no life. The only difference is that in the first example I_i has the expectation that c or d are going to accrue and is suddenly given b as an option, whereas in the second example I_i has the reasonable expectation that a is going to accrue yet is suddenly faced with either b or c or d with no prospect of a. However, I do not agree with Stevens that this is an example of a coercive offer, precisely because there is no morally relevant difference. In both cases, as Stevens sets them out, I_j makes the statements he does because he wants money. He has threatened I_i by making the first statement, for he has removed one option and replaced it with a

worse one, even though in this case the promise is just a promise and is not a conditional one. His later statement does not make the earlier statement any less of a threat, rather it makes another, preferred option available. But given that this option was I_j's intention all along, the second statement is not an offer. It is just a part of the threat. To change "your money for your life" into an offer would require I_i's re-ordering of a and b. Earlier I stated that I_j's intentions were not relevant in judging whether his statement is a threat or an offer, though I noted that intentions do mark off real offers from purported ones. Now I am bringing in I_j's intentions as a morally relevant feature in the demarcation of threats and offers. This does not contradict the earlier statement, for they are morally relevant to how we evaluate SC prior to the second statement and not to the second statement itself. The morally relevant feature is transformed into a liberty-relevant one when the intention is to create a different incentive structure for I_i. When I_i's choice situation has been deliberately created by I_j, then I_i has had her liberty curtailed (Day 1987).

What, however, if I_j had just intended to kill I_i and then changed his mind when he decided he wanted some money? The answer depends upon the morally relevant features which must include an examination of his intentions. Let us say that I_j is a contract killer, but between threatening I_i the first time[10] and making the second statement, I_j changes his mind about the morality of his job. His second statement to I_i may then look like an offer if, say, he needs the money in order t

run away from the mob having failed to keep his contract. But the threat remains, for I_j is still conditionally promising to bring about a situation which is lower in I_i's preference ranking. What is important is that I_j is going to <u>act</u> to bring about I_i's death and that is what makes it a threat, for under the negative conception of liberty individuals can only claim to be made unfree through the actions of others. The action of killing I_i reduces her liberty and expression of intention to kill I_i threatens her.

Robert Nozick (1972 pp. 115-116) gives a pertinent example. Imagine I_j beats his slave I_i each day. One day he says "if you do x I will not beat you tomorrow." This statement might be seen as an offer, because I_j's action in beating his slave I_i each day is not a threat since no matter what happens he does it each day and not in order to get I_i to do anything. Thus 'the beating of I_i by I_j' is not a state-of-affairs which is described in advance by I_j in order to get I_i to do something that he would not otherwise do. I_j's beating of I_i is not a promise and therefore cannot be a threatening one (a threat) because the beating does not serve any intention on the part of I_j to bring I_i to do anything. However, once I_j promises not to beat I_i if I_i does some action x, then the advance description does become a threat because it does serve this intention. Moreover it is a threat rather than an offer, because I_j's promise not to beat I_i is a promise to refrain from some action which I_i would prefer not to be carried out rather than to perform some action which I_i would wish to be carried out.

Thus we have two elements in the analysis of threats and offers. Both are conditional promises to do something, but the former bring about some option less preferred by I_i whereas the latter bring about some option more preferred. The second element is whether or not I_j is acting to bring about that relative advantage or disadvantage. This is why it seems unpalatable for the promise to save one's life for $100 to be considered an offer. Ordinarily we assume that individuals have a moral duty to save the lives of others where they (and especially only they) can do so and to ask for payment is gratuitous. However, given the negative conception of liberty the analysis suggests that when I_j is not responsible for I_i's poisoning the conditional promise is an offer and not a threat. If I_j was responsible for I_i's poisoning, though not deliberately, then I_i's conditional promise would be an offer, though here I_j's moral duty to save I_i seems even stronger. However, such offers may be ones made under conditions of dominance.

6. Offers Under Dominance

Threats necessarily decrease liberty: they do not open up new options but substitute less-valued ones. Offers necessarily increase liberty: they either increase the number of options or they substitute more highly valued ones. However, some offers are made under conditions of dominance where they increase liberty but only under the control of the promiser. One famous example is provided by Nozick (1972 p. 112). I_j is I_i's supplier of drugs. One day I_j says she will not sell I_i his

usual drugs but rather will give them to him if he beats up I_k. Thus A_j is the propositions 'if you don't beat up I_k I will not sell you the drugs' and 'if you do beat up I_k I will give you the drugs'. I_i's preference schedule may be represented as:

$$SC \; I_i \; P^0 \; \{...a > b > c > d > e...\}$$

a = get drugs free
b = pay lower price for drugs
c = pay usual price for drugs
d = pay more for drugs
e = get no drugs

Ordinarily only c and e are feasible. However, now a new option **a+x** is added: get drugs free if you beat up I_k. Is the promise a threat or an offer? Nozick believes this is a threat, Stevens says it is a throffer or an offer, depending upon whether or not I_i can get the drugs for the usual price from someone else (Stevens 1988 p. 86). According to my analysis whether it is a threat or an offer depends upon where a+x appears in I_i's preference ranking. If $\{...c > a+x > e...\}$ it is a threat, for the value of the option made infeasible, c, is greater than the one replacing it, a+x. If, however, $\{...a+x > c > e...\}$ then the proposal is an offer, for now the new option is worth more than the option it has replaced. Whether or not I_i can obtain the drugs from another supplier does not fully determine whether the statement is a threat or an offer and it is a key factor in the success of the threat, for if there is another supplier then option c has not been made infeasible by the statement. Nozick's drug example is persuasive because of peripheral features of the case.[11] Dependence upon drugs distinguishes this case from the purchase

of other sorts of goods like potatoes or meat, for we are not dependent upon them in the same way.

If this analysis does not square with your intuitions, consider the fact that if $a+x > c$ then the supplier does not need to replace option c with the option $a+x$. She can merely add the option $a+x$ to I_i's list and still get what she wants. Of course in this latter case I_i is even free-er than under the original proposal or under SC, for now he has an additional option. Adding options never detracts from liberty and usually increases it.

However, it follows from this example that if I_j replaces c with d, that is, merely increases the price of the drugs, then she is threatening I_i. Can this be right? Does the grocer threaten us each time he raises the price of potatoes? He does so only if he is removing the option of our buying potatoes at the usual price. If he is not a monopoly supplier then he is not removing that option. (That option may be removed because all the grocers are increasing their prices, but in that case none of them is threatening us since none of them alone is removing the option of buying potatoes at the usual price but rather they all are. If they act as a cartel, however, each is threatening us with their collective act.) If the example shifts from one type of food to all food then the example more analogous to Nozick's drug case.[12]

There is a further reason why increasing the price of goods for sale is not a threat. If the grocer or drugs dealer own their wares, under our system of property rights they do not have to sell them. Given this, any statement to the effect

that I_j is willing to sell to I_i something she owns is an offer and not a threat, for it opens rather than closes options for I_i. Prior to the offer I_i cannot have the good belonging to I_j; afterwards he can, for a payment. The fact that the payment goes up from one sale to another is neither here nor there, for these two situations are not the comparable ones. Rather it is the sell/non-sell which is comparable (Frankfurt 1973 pp. 69-73). But that is not to say that shopkeepers (or more generally property-owners) may be in a position of dominance over customers (more generally non-property-owners), particularly if they hold monopolistic control over scarce resources and are thereby able to exploit their customers. But the shopkeeper example is one in which property-owning is a part of SC.

The 'norm', then is not buying potatoes at 10p a 1kg and then facing buying them at 60p a 1kg, but rather having to buy them in the first place at whatever price they are on offer. It is not the price that the shopkeeper demands for his goods that is coercive — if he owns them and offers to sell them to you, then he is increasing your options and thereby increasing your liberty — but rather the structure of property laws which is coercive. It is the property laws which restrict the value of your options, because it is the state, not the shopkeeper, which is promising to punish you if you steal. Thus your options are restricted from

$\{...a > b...\}$ to $\{...b > a+x...\}$ where:

a = taking the goods and not paying for them,
b = taking the goods and paying for them
a+x = taking the goods and not paying for them, and paying a hefty fine.

Whether these coercive property laws increase total negative liberty or decrease it overall has long been one of the major issues of political philosophy, and I shall not deal with it here.

7. Welcome Threats and Unwelcome Offers

The question 'do threats and offers curtail liberty?' is the wrong way round. For an act by I_j may be categorized as a threat or an offer according to whether or not it promises to curtail or increase liberty. Threats always curtail and offers always increase liberty, despite the fact that some threats are welcome and some offers unwelcome. A threat as an inducement to do something one wants to do may be welcome: the threat of an editor not to include an article in a journal unless it is received by a certain deadline[13] may be welcome to many authors; whilst the offers for discounts on soap powders, canned food, etc., which pour through the letterbox each day may be unwelcome (Held 1972 pp. 54-55). But the threat is still a threat which reduces liberty, for now the author cannot write his article later and still have it included in the journal; whilst the discounts are still offers, for they open up options enabling us to buy the products cheaper as well as at their normal price.

Indeed many of our laws are coercive, for they threaten sanctions if we do not obey them and yet most are welcomed by us. But they are not welcomed by any individual because they threaten sanctions against that individual, but because they threaten sanctions against each individual. Threats against my

person decrease my individual liberty: I would be free-est where I was a dictator, but the structure of law increases overall liberty by threatening sanctions against all. Overall liberty is increased, firstly, because the loss of liberty by the dictator is less than the gains by everyone else (by the law of diminishing marginal utility) and, secondly, because individuals may do more in a society governed by some laws than one governed by none. Of course, liberty does not go on increasing the more and more laws there are, but nor does it go on increasing the fewer and fewer there are.

Both threats and offers may be desirable and both may be undesirable. We are indifferent to offers in which we have no interest and may find them annoying even though they increase our liberty. And offers are pernicious where they are manipulative: where the reason that I_j offers I_i the extra option is to entice her to bring about some end that I_j wants for himself. This is to treat I_i as a means to an end and, as Kant asserted, to treat individuals as means to an end rather than as ends in themselves is always morally wrong, though not necessarily unjustifiably so.

Coercion, then, necessarily reduces individual freedom in the sense that the threats underlying it do not themselves offer any other options for an individual to choose from, but rather they replace ones more valued. Many laws are coercive in this sense, for they do threaten us with worse consequences if we break them than if we had acted thus without those laws. A law which prescribes gaol for murder does replace my option for killing with the option of 'killing and going to gaol', an

option which (if I do desire to kill someone) is worth less to
me. The law is individually coercive. But it may still
increase overall liberty. If we are able to put an individual
valuation upon each possible act, then every law must either
decrease or increase overall liberty - unless every act of any
individual enters into some set of other individuals' utility
functions, and enters them to exactly the same degree but with
the opposed value as it enters into the actor's own utility
function. That is absurd. Whilst any particular act may not
either increase or decrease overall liberty, it does not
necessarily not do so.

Coercive laws may increase my liberty overall even though the
remove some options from my choice set, for *they* force others as
w ell as myself to change their behaviour. Thus I lose some
liberty by a coercive law to gain some other liberties, and
that is not at all paradoxical.[14] Good laws are thus
individually coercive but collectively increase liberty. Thus
Steiner's zero-sum account of liberty is found to be lacking,
because each action I am restrained from doing is not
necessarily counterbalanced, in number and value, by those
actions which others are thereby enabled to do.

1. This may be taken to mean that, if asked, I say "I prefer strawberries to raspberries" or, forced to choose which of these fruits never to have again, I would choose never to have raspberries.

2. I believe the term was created by Steiner 1974/75 but I use it in the less restricted sense of Day 1987.

3. The consequences which 'follow' may be simultaneous with I_i's action but caused by it.

4. Under certain conditions not complying with a threat may be in one's long-term interests even though it causes consequences less preferred to complying with the threat. This may occur where one has a reputation for being 'stubborn' and not complying with the threatener's wishes. Under certain conditions it is easy to show that it is rational to be stubborn in this way. Firstly, threateners must have a choice of threatenees; secondly, threateners must bear some costs in carrying out threats. See Wilson 1985 for the importance of reputation in game theory.

5. For example, Cohen 1979.

6. We do so when giving some-one a lift and refusing payment.

7. This distinction was made clear to me in a personal comunication from Hillel Steiner.

8. Steiner (1983) denies this on the grounds that valuing options in an account of the worth of liberty produces paradoxical results. However, his paradox depends upon the particular formula and scale of valuation he uses and does not apply to my preferred functional. The proof of this is available from the author.

9. If conditions of life are so poor or uncertain then security may be valued more highly than liberty as a whole (Rawls 1971). Of course the assertion that liberty is valued more highly than security is part and parcel of liberal ideology and in some societies may be empirically false. I will not justify it here but rather assume its acceptance by my overwhelmingly liberal readers.

10. Though why he should threaten rather than just kill I_i may itself be a morally relevant feature.

11. As is often the case with problematic examples.

12. Nozick wants to use the non-standard examples to analyse the position of trades unions and employers in relation to liberty and coercion. But again there is an important disanalogy. Continuance or non-continuance of employment is not a simple transaction like buying and selling and requires a rather different analysis (Blau 1964).

13. This is a threat rather than a warning when the editor could include it in the volume after that deadline if she chose to. If the deadline is the deadline for the printers, then the editor could not thereafter include the article even if she wanted to: the statement is then a warning.

14 I have presented this argument within a deterrence
    account of laws, but it may be presented in a moralized
    form where good laws decrease the moral realm of my
    liberty by stating actions I may not do whilst at the
    same time increasing that realm by reducing the scope of
    others' encroachment upon it.

Diagram 1

Speech/Security Trade-Off

Number of
topics on
which one
may speak

'I' curves

'R' curves

Degree of Security
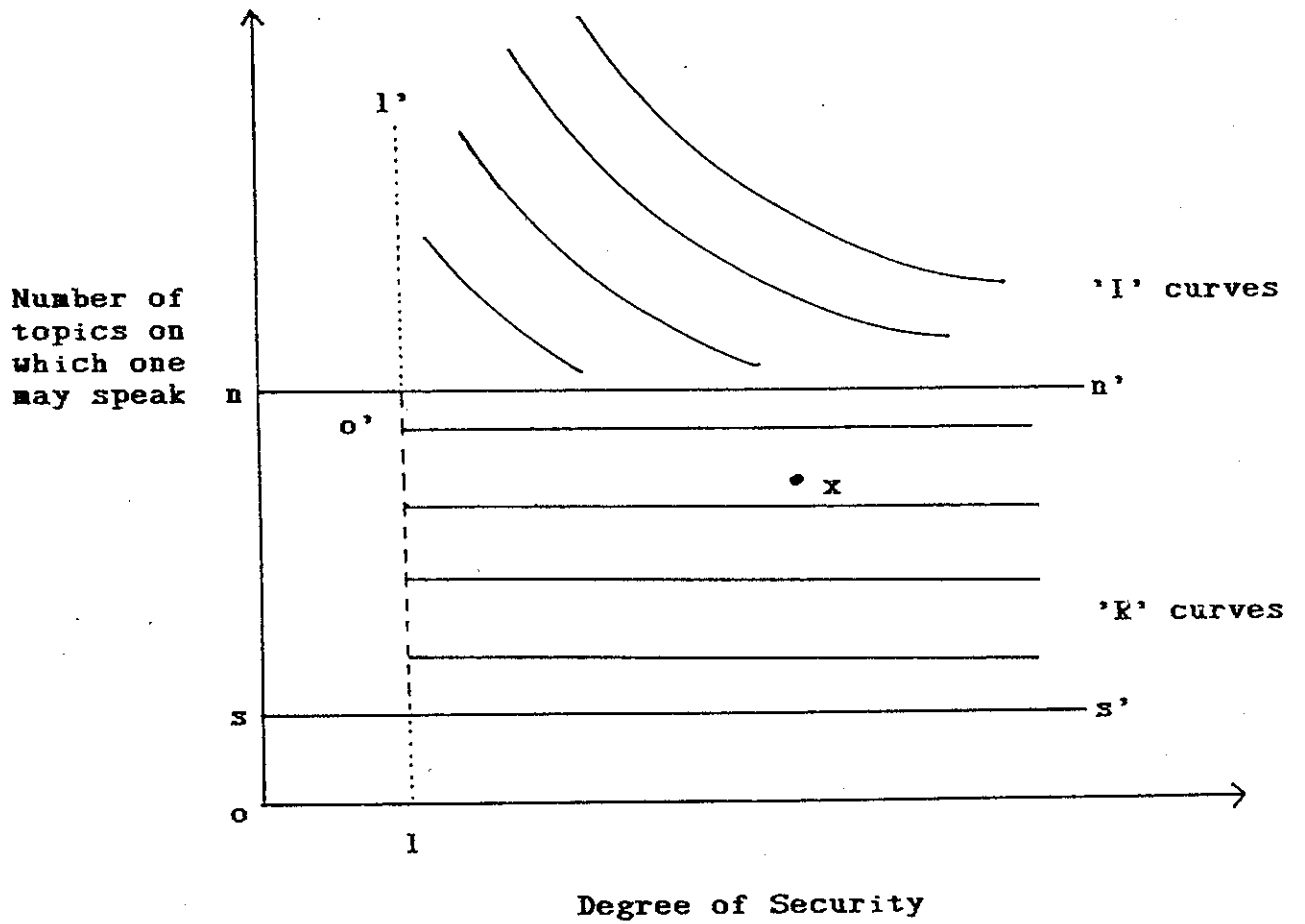
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