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Elements of Constraint

Abstract: This paper analyses the various effects of threats and offers on freedom. Both threats and offers are related to social power. Threats are part of coercion and they are constraints. We try to say why this is so. Offers are more problematic. We identify soft and hard offers, or offers that can be refused and those that cannot. Hard offers have several interesting features, especially in relation to individual preference orders and sets of action alternatives. This paper studies problems which are implicit in Thomas Wartenberg's study of the various forms of social power in this issue of Analyse & Kritik.

I.

Social power can be defined, as Professor Thomas Wartenberg does in his article in this issue, in terms of one agent modifying a subordinate agent's action environment. By 'action environment' he means the structure within which the agent exists as a social actor. Roughly, an action environment consist in alternatives, or courses of action which are available to him. This idea can be specified by saying that some real action alternatives exist such that the agent has a reason to choose them. The agent also evaluates his alternatives. Wartenberg's definition of power utilizes such a background ontology. Power and its exercise can now be understood, in an intuitive way, as the power wielder's potential or actual influence over what the subordinate agent is able to do. Power changes his action environment and specifies the new options for his action, as Wartenberg points out.

Our purpose in this paper is to specify some further consequences of social power and its exercise to the subordinate agent's freedom. It is quite clear that changes in an agent's action environment also influence his freedom, understood as the agent's capability of determining his own courses of action. Under someone else's power his freedom is limited. Especially the case of offers is interesting. Offers actually enlarge the offeree's set of action alternatives, as it seems intuitive to argue. The recipient of an offer will encounter some new and desirable courses of

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action which are open to him. If the agent is facing a threat, his environment is very different. Threats often create coercive situations which curtail one's liberty. Accordingly, this paper deals with some special aspects of social power, namely, the effects of the exercise of power on agents' freedom.

Threats are straightforward constraints on freedom. We shall also suggest that some offers, which we call 'hard' or paternalist offers, work like constraints. Wartenberg does not pay explicit attention to the role of offers in his theory of social power, although offers change an agent's action environment and also action. Perhaps Wartenberg feels that offers do not constitute social power because they do not restrict the agent's choices. We shall show that offers are not quite that easy to understand when we discuss the phenomena of social power.

Our basic presupposition is that social power is closely related to constraints of action. The plan of our paper is to begin with a simple, non-moral, basic characterization of constraint, and to study its implications as far as such elements of social power as threats, offers, and physical hindrances (a third constituent of constraint) are concerned. After a few general remarks on constraint in sections II and III, a detailed analysis of threats and offers will follow in sections IV and V. Section VI draws conclusions concerning whether threats and offers restrict freedom, and section VII concludes the study by further considering the relation between offers and constraint within the theory of social power.

It seems to us that some recent papers, unlike Wartenberg's, on threats, offers and constraint may presuppose an unnecessarily complex conception of constraint. It seems obvious, for instance, that freedom and constraint on the one hand and threats and offers on the other are somehow connected with morality, but if one introduces moral concepts too early one will probably lose some important insights on social power. Second, many contributions suffer from the lack of analysis of threats and offers and how they work. And finally, at least some writers do not seem to possess a clear view of the relationship between desires, or preferences, on the one hand, and threats, offers and constraint on the other. As we see it, any one of these three problems ruins a study on the elements of constraint.

II.

The paradigm cases of constraint are, quite obviously, people in chains or behind bars. In these and similar situations the constraints consist of physical obstacles which prevent the victim's physical movement outside a given area.[1] Even in the paradigm cases, however, one may pose the question of whether a person in chains is really unfree in case she wants

to remain chained. It is nowadays a commonplace to answer this question by referring to at least one of two interrelated distinctions. On the one hand, being free and feeling free are two different things. One may subjectively feel free although objectively one's freedom is, in fact, restricted.[2] A person may feel free even in a prison cell - especially when she does not know that it is a prison cell or does not know that the door is locked - or does not care. On the other hand - and this may be seen as an explanation of the first distinction - a person may occurrently want to remain locked in or chained but she always, at the same time, could want to be released at once. And what counts in the context of being free or unfree, the argument goes, is what people conceivably could want, not what they actually happen to want (see Feinberg 1973, 5-7). We accept these distinctions. Although it is clear that this claim is potentially problematic, it seems that if desires, or preferences, are to be taken into account, they should be of this, sometimes counter-factual, dispositional kind.[3] And so, a prisoner in her cell can be considered unfree irrespective of what she occurrently wants.

Physical hindrances sometimes work by completely preventing physical movement. But this is not always the case: complete prevention is not a necessary condition of constraint. Most restrictions of freedom are relative, not absolute: one can, for instance, be unfree to leave the room and yet to be free to walk around in the room.[4] This is the situation of an ordinary prisoner in an escape proof prison cell. Or one can be unfree to leave the room now, at this very minute, although an hour's work with proper tools would be enough to get free. This is the situation of an escaping prisoner. And again, if she is free to leave the room immediately, but only at the cost of harming herself physically, we can say that she is unfree to leave the room unhurt. This is the situation, for instance, of a prisoner who escapes by jumping through a third-floor window. Restrictions on freedom do not always work by completely preventing one's movements. The conception of constraint, and the related idea of social power, extends beyond mere chains and bars.

Absolute physical hindrances, then, are not necessary conditions of constraint. And what is more, they are not sufficient either. There are, for instance, physical hindrances that absolutely prevent us from travelling to another solar system, but it would not make much sense to claim that we are unfree to make the space trip. To be sure, we cannot do it, but the proper conceptual explanation is rather that we are unable to realize this plan. It has become usual to distinguish between natural inability and social constraint, and to note that nature does not restrict human freedom in its social sense (see, e.g., Benn/Weinstein 1971, 197-200, and Miller 1983, 68-75). Our ability to cope with nature sets certain 'external' limits to our social freedom. Nevertheless, it is only through human agency that freedom can properly be restricted.

III.

Granting that human agency and power are always involved in constraint (we use the term "constraint" to replace the more complex "social constraint"), the next question is, should it be a specific kind of human agency? There are at least four answers to this question. Some philosophers demand morally responsible agency; others just require deliberate action; some include acts but exclude omissions; while others are ready to accept any kind of human interference.[5] Precisely these distinctions, treated in an unreflective manner, create the excessive complexity of the concept of constraint in recent discussion. We feel that at least part of this complexity can be removed by employing the most neutral, that is, the 'any human interference' solution. But let us first take a closer look at the most challenging of the alternatives.[6]

David Miller defends the 'moral responsibility' view in his recent article Constraints on Freedom. According to Miller,

"the appropriate condition for regarding an obstacle as a constraint on freedom is that some other person or persons can be held morally responsible for its existence." (1983, 72)

This definition, of course, remains empty unless an independent theory of moral responsibility is added. Miller goes on to reject the utilitarian view of obligation, or the 'strong doctrine of responsibility', and invokes an 'everyday understanding of obligations' instead. His point seems to be to the effect that, for instance, if a person is unable to get out of a room which can only be opened from the outside, an incidental passer-by does not restrict the person's freedom by not opening the door. However, a person whose official job it is to open the doors at a particular time does restrict her freedom since it is his duty, or obligation, to let people out of the room (Miller 1983, 70-72, 75).

However, it is conceptually hazardous to talk about duty and responsibility in the context of constraint. Freedom and morality are two distinct issues which should not be confused. The problem with every morally loaded definition of constraint is as follows. If "morally responsible" means, as Miller and many others would have it (Miller 1983, 72), prima facie morally blameworthy, we lose the possibility of making sense of certain normative statements concerning freedom and constraint. It would be tautological to say, for instance, that it is prima facie morally blameworthy to constrain another. Yet what we mean by saying such a thing is not that a certain blameworthy course of action indeed is blameworthy. We presume that something substantive is said about constraint. It may well be the case that restricting freedom always requires justification - this we do not deny - but knowing that it does should be the result of an analysis, and not the starting point.

What about the 'any human interference' view? According to this view, social constraint can be caused by any kind of human action or inaction. No reference to morality or deliberation or activity is needed: the primary difference between natural inability and constraint proper is that the latter requires the occurrence or the possibility of human interference. The apparent vagueness of this distinction, however, provides Miller with a reason to attack the view (Miller 1983, 74). Is it not the case, he asks, that this theory in fact allows no distinction between inability and constraint? Perhaps everybody who wants to fly to the moon could be taken there, provided that the resources of all mankind were concentrated towards this effort. If so, does it follow that these hopeful moon lovers are at the moment unfree to fly to the moon? And if so, is not the theory plainly erroneous because of such excessive permissiveness?

Miller's critical argument may seem quite plausible, but two reasons can be found for disregarding it. The first is that, irrespective of the example he presents, inability and constraint still remain distinct within the 'any human interference' view. Although we may indeed be unfree to fly to the moon, nobody is - at the moment - free or unfree to travel to another solar system.[7] Natural inability still exists. The other reason to disregard Miller's remark is the following consideration. Miller is probably right in suggesting that it is senseless to call people like the moon lovers unfree merely because of the omissions of the whole mankind. It is senseless because nobody is interested in that particular state of affairs. But this does not mean that it is of no theoretical interest: people may be unfree even though there is absolutely no point of <u>saying</u> that they are. The fact that we are not actually interested in just any kind of activity or inactivity does not prove that those neglected modes of influence are, in principle, incapable of causing constraint.

IV.

We now turn from characterizing constraint to classifying some of its basic constituents, or missing 'action alternatives'. Physical obstacles, as the paradigmatic elements of constraint, work by rendering it physically impossible to do or to omit something. For instance, a prisoner cannot leave her escape-proof prison cell. With threats and offers the picture will look quite different. The prisoner can, provided that certain other conditions are fulfilled, escape from a non-escape-proof cell despite the fact that she will be under a severe threat of punishment if and when she is recaptured. Similarly, an offer to reduce the sentence because of good behavior may fail to prevent the prisoner from escaping - or otherwise transgressing the rules. Threats and offers do not work in the same way as physical hindrances, and some philosophers have argued, mistakenly,

for this reason to the conclusion that they have no influence on freedom at all.

At this point it is important to distinguish between three separate - though interconnected - questions concerning threats and offers, namely:

(1) What are threats and offers?
(2) How do threats and offers work?
(3) Do threats and offers restrict freedom?

These questions will be answered, respectively, in the present and the two following sections. It is evident that attempts to answer (3) without prior answers to (1) and (2) are a source of confusion.[8]

What, then, is a threat? According to Webster's, it is

"an expression of intention to inflict evil, injury, or damage ..." (Webster's 1983)

It is probably this kind of definition that Michael D. Bayles has in mind when he writes:

"X says to Y in an alley, 'I'm going to beat the hell out of you!' In this case X intends (in the proper sense) harm to Y, but he does not intend that Y act in a specific way. There is no conduct which he wants Y to perform. He is simply threatening. Not all threats involve coercion; nor does all coercion involve threats, that is, occurrent coercion." (Bayles 1972, 21)

Bayles makes two points in this passage. The first is that any threat necessarily involves a serious intention to back it up. If X merely utters the sentence and then, without waiting for Y's reaction, turns around and walks away, no real threat has occurred. The second point, peculiar to Bayles's example, is that X, while presenting his 'threat', did not intend that Y act in a specific way. What are we to make out of such a threat simpliciter? Bayles may be right concerning the ordinary language usage of the words "threat" and "threaten" here. But if we wish to develop a plausible account of threats as elements of constraint, there are good reasons to exclude the kind of 'threatening' Bayles describes. If X really has no intentions concerning Y's behaviour in the near future, and the threat is, nevertheless, serious, then the course of events will be easily predictable: X goes straight on to beat Y. The threat reduces to an announcement of future events - Y's freedom to walk away unharmed is restricted as if he had suddenly fallen into a large hole in the dark alley. In such a case it does not seem to matter whether X expresses his intentions before taking action or not: where the course of events is inevitable, the threat has no genuine instrumental function.

Threats as elements of constraint are complex, or conditional.[9] The threatener - or somebody else - must try to make the victim do or omit something by uttering the "expression of intention to inflict evil, injury or damage" (see Webster's 1983). A 'proper' threat looks like this one:

(i) If you don't give me your money, I'll beat the hell out of you!

We shall return to the question of whether this kind of a threat restricts the victim's freedom or not, after considering briefly what offers are.

Offers can be either simple or complex.[10] An offer is sometimes unconditionally intended to present something for acceptance or rejection. This seems to be the case, for instance, with the simple offer:

(ii) I'm going to escort you home!

On the other hand, conditions can be added, for example:

(iii) If you give me your money, I'll escort you home!

It is not required, of course, that offers be realized independently of the victim's wishes, as it is in the case of threats (if the victim does not comply). On the contrary, offers leave it up to the offeree whether they are accepted or not. The relevant examples are as follows:

(iv) I'll escort you home - if you like!
(v) If you give me your money, I'll escort you home - if you like!

These two are the paradigmatic cases of offers.

Now, certain offers are realized without the offeree's consent: that may look rather surprising but is also possible. We can call offers like (iv) and (v) 'soft' ones, and those that are realized regardless of the offeree's consent 'hard' ones. Consider, for instance:

(vi) I'll escort you home - whether you like it or not!
(vii) If you give me your money, I'll escort you home - whether you like it or not!

Both (vi) and (vii) may sound more like threats than offers. But there are, from a systematic point of view, good grounds for calling at least (vii) an offer rather than a threat (see below). In (vii) the idea is that the recipient cannot change her mind, after she has paid, although she may turn the initial offer down (by not paying). Neither (vi) nor (vii) seem to express an "intention to inflict evil, injury, or damage".

Let us study the properties of simple 'hard' offers first. Suppose for instance that you are participating in a safari in Africa and suddenly find yourself alone, lost in the jungle. You desperately seek your way back to the rest of the group. Tarzan, king of the apes, comes to you and says, "I'll escort you to your safari group - whether you like it or not!" Would you consider this a threat? Hardly: threats are presumed to be intrinsically undesirable or to predict and bring about harm to you or to somebody else. The problem is, however, that the seeming offer cannot be refused.

It is therefore doubtful whether such simple 'hard' offers should be called offers at all. They seem to exemplify prima facie paternalist behavior. For instance, protection which must be accepted is the feature of a typical paternalist policy. Good offers are like gifts. The offeree is free to reject them. The following figure systematizes the rather deceptive case of simple threats and offers, when the essential property of an offer is taken to be that it can be rejected.

Figure One: Classification of simple threats and offers

Consequences are	rejectable:	non-rejectable:
beneficial:	Good offer	Paternalism, or 'hard' offer
harmful:	Bad offer	Threat

The main reason for using "hard offer", instead of something like "paternalistic action", is that some complex cases of offers may include (i) a feature of unavoidability and constraint, and yet such offers can be (ii) turned down. For example, the woman who does not want to be escorted home may simply refuse to pay. But once she has paid, she will be escorted. Such cases may include some paternalist examples, but also examples which have nothing to do with paternalism. In real life, sometimes it is too late to change one's mind after the initial commitment is firm. You buy a super-saver air ticket, and once you have given the travel agent your credit card number and signed the relevant forms, you'll get the ticket in the mail whatever you do. You cannot get the money back. Of course you can throw the ticket away, but that is all you can do.

The coercive aspect of such a deal should be understood as an additional cost related factor. The ticket is not as cheap as it may look at a glance. Accordingly, if a simple offer is like a gift, a 'hard' complex offer is more like a (good) bargain. Once you accept a bargain you also mobilize various commitments which determine your future course of action. You enter into the realm of the exercise of power.

There may be not a trace of paternalism involved in such complex offers. The point is rather that you may initially accept a 'hard' offer, if you like, but whatever happens later, it is useless to change your mind. Your own acceptance has a crucial role. We shall be mainly interested in these complex and conditional offers in this paper. Some offers contain threatening elements. No ordinary language term seems to capture exactly this aspect of the offer-like speech-acts. We must use a technical term.

We do not attempt to present a definition of an 'offer' at this point. The nature of offers as well as that of threats will be further elucidated in the following two sections.

V.

We shall now turn to the second question stated in the preceding section: How do threats and offers work as elements of social power and restrictions on freedom? For our example (i) above, "If you don't give me your money, I'll beat the hell out of you!", there are four logically possible options to be considered from the point of view of the victim:[11]

(a) to keep the money and remain unhurt,
(b) to give the money and remain unhurt,
(c) to keep the money and get hurt, and
(d) to give the money and get hurt.

If we assume that the speech act mentioned above is a serious and successful threat, the victim prefers (c) to (d), (b) to (c) as well as to (d), and (a) to the rest of the alternatives. In this and only in this case will the threat work as obviously intended by eliminating the victim's first preference (a) and making her occurrently prefer the second best alternative (b) among all the options logically open to her. It should be noted that the best option over-all, that is, keeping the money and remaining unhurt, would have been, ceteris paribus, open to the victim had the threat not been presented. Thus the threat deprives her of an actually existing and highly preferred possibility. As a matter of fact, the threat would have this same effect even if the victim preferred (c) to (b). In such a case, the threat will be unsuccessful since the threatenee will simply take the beating and keep the money.[12] It should also be noticed

that the threatening speech act creates new logical possibilities, namely, both (c) and (d) which did not exist in the pre-threat situation. Of course it is commonly assumed, though not in any way certain, that the threatener is sincere in a sense that does not allow the realization of (d).

The simple offer (ii) above, "I'm going to escort you home!" evokes in its turn only two options:

(e) to be escorted, and
(f) not to be escorted.

In order to make (ii) a real offer, the offeree should prefer (e) to (f). If the offer is 'soft', no previously existing alternative will be eliminated. On the contrary, the 'soft' offer works by creating a new option - by making available (e), or the first preference of the offeree. This is also what the 'hard' offer does; but the 'hard' one also eliminates (f), or the worse alternative: the offeree will be escorted home regardless of what she happens to do. If the offeree actually prefers (e) to (f), she will not necessarily even notice that the presented offer is, in this sense, a 'hard' one. Nevertheless, the elimination of (f) makes it inevitable that if the offeree preferred (f) to (e), example (ii), or rather (vi), would not express an offer at all. It would resemble Bayles's threat, "I'm going to beat the hell out of you!" (In the same way, of course, Bayles's example would turn into an offer if the victim happened to be a masochist and likes to be beaten.) 'Hard' simple offers deprive the offeree of an actually existing, though undesired alternative. (Notice that this is exactly the reason why they resemble paternalism rather than real offers.)

The complex offer (iii), "If you give me your money, I'll escort you home!" evokes, again, four options:

(g) to keep the money and be escorted,
(h) to give the money and be escorted,
(j) to keep the money and not be escorted, and
(k) to give the money and not be escorted.

The order of these options is again supposed to reflect the offeree's preferential order from (g) to (k). To prefer (j) to (h) would certainly frustrate the success of the offer - this is the same phenomenon that we noticed in the case of threats. A complex offer does not provide any access to (g). But if it is 'soft' it makes alternative (h) available while not eliminating (j) and (k). A 'hard' complex offer similarly makes (h) and keeps (j) available but it also eliminates (k), or the worst alternative. Notice that only if (k) is open to the offeree is she also able to refuse the offer and, nevertheless, still give the money to the offerer. It will also be relevant to our discussion of offers and constraint in the following sections

that the best option (g) remains out of reach in the case of both 'soft' and 'hard' complex offers.

As we have seen, intentions and verbal expressions do not in themselves constitute either threats or offers. We have already considered briefly 'hard' simple offers and their threatening counterparts. Genuine threats and 'hard' complex offers are likewise comparable. If the victim of a seeming threat, say (i), actually likes being physically hurt and giving away money, then (i) turns out to be a 'hard' complex offer (notice that the comparison to paternalism looks rather strained here). And if the victim wants both to give away her money and to avoid being escorted, then the alleged offer (iii), or rather (vii), turns into a threat. In both cases we simply turn upside down the preference orders between (a), (b), (c) and (d) on the one hand, and between (g), (h), (j) and (k) on the other. In spite of their obvious differences, (i) and (vii) prove to be closely symmetric. It seems to us, therefore, that whether a certain expression qualifies as a threat or as a 'hard' complex offer will depend on the victim's occurrent preferences. Both threats and 'hard' offers work by eliminating one of the available options; but while threats eliminate the victim's first preference, 'hard' offers merely remove her presently least desired alternative. In addition, all offers - 'soft' as well as 'hard' - create new actual opportunities that are preferable to some previously existing ones.

VI.

Constraint can be seen as the victim's humanly caused inability to do or omit something. (See sections II and III above.) There is the further question, however, as to whether constraint is to be seen as the victim's inability to do or to omit a simple action or a combined action. The 'simple action' view entails that only physical hindrances restrict freedom, whereas the 'combined action' view sometimes allows also threats and offers to bring about constraint. The former view has been defended, for instance, by Hillel Steiner (1975) and the latter one by J.P. Day (1977). David Miller, in turn, has attacked both (Miller 1983).

Steiner's defence of the 'simple action' view is based on the idea that since any other mode of intervention save physical prevention is bound to work by altering the victim's preferences, and since occurrent preferences are irrelevant to freedom, it follows that those other modes of intervention must also be irrelevant to freedom. Steiner's mistake is, as Day remarks (1977, 258), his very first premise. Although it is true that threats and offers do, indirectly, alter occurrent preferences, this is not their primary effect. They work by creating and eliminating alternative courses of action. Thus Steiner's argument fails to justify the 'simple action' view.

What about the 'combined action' view? Day argues that threats restrict freedom while offers do not, on the following grounds (Day 1977, 259). Before the threat "If you don't give me your money, I'll beat the hell out of you!" the victim can unconditionally both have the money and remain unhurt, whereas this is no longer the case after the threat. The victim's freedom is thereby restricted. On the other hand, before the offer "If you give me your money, I'll escort you home!" the offeree cannot unconditionally both keep the money and be escorted home. Therefore, her freedom cannot be restricted in respect to this combined action by making the offer. (Cf. section VII below.) As Day puts it,

"H's threat deprives T by making him (about to be) unable to do something which he can unconditionally now do; whereas H's offer does not do this. This is the vital difference between threats and conditional offers, on which hinges the fact that threats curtail liberty whereas conditional offers do not ..." (1977, 259)[13]

We agree with Day as far as threats and 'soft' offers are concerned. But since 'hard' offers make the offeree unable to act according to her least preferred alternative - an option which was unconditionally available before the offer - one is logically committed to saying that these rather strange 'threats in disguise' indeed restrict the offeree's freedom as well. The point is simple: if there are action alternatives that the offeree cannot control because of another agent's influence, her freedom is actually restricted. Thus, 'hard' offers cannot be excluded from the elements of constraint.

Miller attacks the 'combined action' view by arguing that it is too permissive. He presents the following counter-example to show that there are eliminations of combined actions that cannot be regarded as constraints on freedom:

"Thus suppose I have been giving my neighbour some homegrown tomatoes free ... Finding myself short of cash one week, I offer to sell him some at a reasonable price. No one, I imagine, would argue that this limits his freedom, yet there is now a conjunctive action (having a pound of tomatoes and not parting with twenty pence) which it is impossible for him to perform ..." (Miller 1983, 77)

Miller totally misses Day's point: The offer to sell tomatoes instead of giving them free does not - provided that we are talking about a 'soft' offer - restrict the neighbour's freedom. It does not deprive him of anything, since before the offer he was not in a position to keep the money and have the tomatoes (see, e.g., Nozick 1972, 112 ff.)[14] On the contrary, the offer makes tomatoes available to him for a given price, and thereby increases the number of his action alternatives.

VII.

If the 'combined action' view is correct, 'soft' offers do not restrict freedom. But since some people may believe that they do, let us further clarify this point. There are three sources from which such a false belief can emerge: first, the observed motivational influence of offers over human action; second, the possibility that refusing to make an offer restricts freedom; and third, the circumstances under which some offers are presented. Let us examine these factors briefly.

First, if an offer is successful, it always modifies the offeree's behavior. The offer creates an alternative which is actually preferable to the previous ones, and since rational persons act according to their preferences, a rational offeree chooses to take the offer. But this is not to say that she would be unfree to act otherwise. If she decided to do the irrational thing and refuse the offer, nothing would stop her. She is free to make up her own mind and this is what counts - human influence does not always entail constraint.

Second, in a rather speculative sense, omissions of offers can be said to restrict freedom. Refusing to make an offer always leaves the victim unable to accept the offer and hence unfree to act in one specific way. But this, again, is not to say that offers really restrict freedom - on the contrary, by increasing the offeree's possibilities they remove restrictions.

Third, offers can be presented in special circumstances that make the offeree actually unfree. Suppose you walk in the dark alley of Bayles's example and suddenly meet Killer Smith who says, "If you don't give me all your money, I'll beat the hell out of you!" Being a rational person who prefers bodily integrity to money you decide to consent. But just as you are about to hand your money over to Smith, Protector Jones appears and says, "Don't worry about that skinny Killer; give me half the money and I'll escort you home!" You consent again, part with (half) your money and walk safely home with Jones.

Now some people might think that your freedom was restricted by Protector Jones' offer. What they probably have in mind is that before you met anybody in the alley you had an unconditional opportunity both to keep all your money and remain unhurt, whereas Jones demanded a part of your money for keeping you continuously unhurt. You have lost an option and thereby your freedom is restricted. But, once again, this is not to say that the offer constrained you. It was Smith's threat and not Jones' offer that deprived you of the alternative you unconditionally had before things started to happen. It was the threat that rendered you unfree, not the offer.[15]

Our 'combined action' view, then, remains intact. Any human interference causes social constraint if it deprives its victim of an existing alternative to do or omit a simple or combined action. 'Soft' offers do not have this effect; they do not restrict the offeree's freedom. On the other hand, physical hindrances as well as threats and 'hard' offers do. They are the elements of constraint.

An implicit moral point is that moral evaluation of action can and should be kept apart from considerations of freedom. The distinction between threats and offers is primarily a moral one: threats eliminate a person's preferred alternatives and should, therefore, be considered to be at least prima facie morally wrong; offers possess no such negative feature. If all offers are morally neutral, it might be the case that although uttering a threat is always morally dubious, restricting freedom by 'hard' offers is sometimes quite acceptable.

In sum: we have tried to show in this paper how threats and 'hard' offers, and therefore social power, restrict the subordinate persons' freedom. Our point is that also some offers may involve elements which work like constraints. Perhaps this fact has not been recognized because the complex 'hard' offers have not been analyzed carefully enough. Paternalist behavior is of course a well-known problem case in social science. The same is true of threats and coercion which clearly restrict freedom. We have approached this problem area via the analysis of an agent's action environment, in the sense of a set of his action alternatives (options) and reasons for action (preference orders). A constraint is understood as a missing action alternative. This also shows that social power and freedom of action are very closely connected, even in the case of some special types of offer.

Notes

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1 We have borrowed this characterization, which is also fully compatible with Wartenberg's approach, from Parent 1974, 434. See also Benn/Weinstein 1974.

2 What John Locke wrote on the subject three hundred years ago is quite up-to-date today:
"Again, suppose a man be carried whilst fast asleep into a room where is a person he longs to see and speak with, and be there locked fast in, beyond his power to get out; he awakes and is glad to find himself in so desirable company, which he stays willingly in, i.e. prefers his stay to going away. I ask, is not this stay voluntary? I think nobody will doubt it; and yet being locked fast in, it is evident he is not at liberty not to stay, he has not freedom to be gone." (Locke 1959, II, XXI, 10)
The man carried into the room may subjectively feel free, since even if it were possible to leave the room, he would not do it. Nevertheless, he is objectively unfree to leave, since if he should like to leave he cannot.

3 In fact, what we believe to be the right theory about restricting freedom - for our present purposes, at least - will utilize even dispositional preferences only in a secondary and hypothetical way. (See below, section V.)

4 As Feinberg notes, a "full version of ... statements about freedom will normally take the form indicated in the following schema: ... is free from ... to do (or omit, or be, or have) ..." (Feinberg 1973, 11) This goes for constraint, as well.

5 See e.g. Miller 1983, 72-74. In what follows, we shall call these four approaches the 'moral responsibility' view, the 'deliberate action' view, the 'act-omission' view, and the 'any human interference' view, respectively.

6 In our opinion, Miller refutes the 'deliberate action' and 'act-omission' views quite conclusively in 1983, 73-74.

7 Perhaps even this is not the case. However, the point remains that there are things which cannot be obtained even by the joint efforts of mankind.

8 There are some remarks concerning questions (1) and (2), however, in Day's excellent article (1977, 258-260, 266).

9 Both "complex" and "conditional" are terms used by Day in this context (Day 1977, 259).

10 A fact reflected in the lexical definitions of offer, as well. See e.g. Webster's 1983. Cf. Day 1977, 259-266.

11 These options seem to be the same as Wartenberg's 'action alternatives'. At this point, cf. Day 1977, 258ff.. See also Airaksinen 1984.

12 We can presume, e.g., that the money is in a safe and "giving the money" actually means "revealing the combination of the safe". If the victim carries the money with her, the aggressor can beat her unconscious and take the money.

13 Accentuation original. H is a threatener or an offerer; T is a threatenee or an offeree. 'Conditional' offers are, in our present terms, 'complex'.

14 Perhaps Miller thinks that the repeated situation has somehow constituted an obligation to give away tomatoes. But to think along such lines is not helpful. Letting a 'morally expected course of events' (or something like that) enter the discussion at this point would be quite disastrous for our enterprise and leave us out in the cold with our everyday intuitions about the use of words like "threat" and "offer". Moreover, if every seeming offer turned into a threat as soon as it was found out to be morally objectionable, we would lose the possibility of talking about morally monstrous offers - which nevertheless sometimes occur. See Nozick 1972, and Lyons 1975, 430.

15 Compare this with what was said about alternative (g) in section IV above.

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