

Conditions for Freedom

A Few Theses on the Theory of Freedom and on Creating an Index of Freedom

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The following text presents an attempt to formulate a theoretical basis for constructing an overall index of freedom in which partial freedoms, such as individual, civil, legal, economic, politic, and national ones, might be included as its composite elements.

Introduction

Freedom is understood as of two types: positive and negative. Positive freedom is considered primarily to be the physical ability to do something, such as having physical control over ability, strength, resources, information, knowledge, technology, etc. Negative freedom is primarily a legalistic concept dealing with someone's rights, and involves the absence of subversion of a person's rights by somebody else. Isaiah Berlin gave a good philosophical definition of freedom (the words "freedom" and "liberty" are being used here mutually interchangeably):

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1. "... non-interference, which is the opposite of coercion, is good as such, although it is not only good. This is the 'negative' conception of liberty in its classical form" (Berlin, 1969). (The first definition of freedom.)

The rest of this essay is devoted primarily to developing a method for constructing an index built on negative understanding of freedom.

Human action

The very existence of human action suggests the existence of its several elements: a human actor (the subject of human action), a human act (the action itself), types of human actions, property rights over objects involved in human action, rules about how to use (or not to use) property rights while engaging in those actions.

Human actors

Actors are by definition human beings. Though the philosophy of classical liberalism insists that all people are born with legally equal rights, in real life different people in different societies, in different times, and under different circumstances do have different legal rights.

Those with different legal rights (capabilities) can be classified into a variety of different groups. People can be segregated by *age* (babies, children, teenagers, or adults). The number of rights they have tends to rise with age until it stabilizes in adulthood. People can also be divided by gender: men and women. Though modern societies recognize the legal equality of the sexes, historically in many societies men had more legal rights than women. People can also be divided by mental health: healthy or unhealthy. Mental illness has been associated with inappropriate or unacceptable behavior that has produced limitations on the affected people's legal rights; they are often considered to be partially or fully legally incapable. People can be classified by their different social groups, including race, ethnicity, tribe, kin, language, religion, class, caste, profession, conviction, experience, etc. In different societies members of those groups may have different legal rights.

Throughout the history of mankind, one of the most important differentiating factors among humans is the level of property rights they possess over themselves (self-ownership)—in other words, the amount of personal freedom they enjoy. Specifically, are they genuinely free people, or servants, or serfs, or slaves, etc.? Even in the freest of modern societies, the amount of freedom that healthy adults do have might differ notably, depending on circumstances.

Human action

Human actions differ first of all according to the free will of a subject. Actions (as well non-actions) might be free or performed under coercion.

For free actions there is an additional important criterion, namely, the existence or reward received in return for the actor’s action. The judgment about whether or not a reward received can be considered as equivalent (more than equivalent, less than equivalent, without even any reward) can be made only by a free person. Free actions can be divided into two kinds: free exchange (that is, actions taken according to free will, for which the actor receives something of equivalent value) or free charity (an action taken by one of one’s own free will, and for which one receives no reward).

For actions performed under coercion (under duress), where the actor can exercise no free will, the issue of equivalence of the reward is irrelevant, since the ability to judge the value of resources received in return is something only a free person can do. The very existence of coercion automatically excludes the notion of equivalent or non-equivalent value for any actions performed under coercion. Therefore, any human action made under coercion may be called involuntary charity, even if the resources provided to that actor are comparable to those provided in a similar situation to a free actor (see figure 1).

Types of human actions

Conscious individuals can engage in three main types of action: thought, speech, and physical acts. There is a vast difference between the physical and legal ability (of an individual, community, society, or state) to coerce human actions. Physical action is the easiest one to control (limit, regulate, or direct). It is possible, but much harder, to control human speech. To control human thought is even harder (though not completely impossible). For example, with the development of education curricula, propaganda, brainwashing, and psychological warfare one can seriously alter the ability of legally free people to think and speak independently.

Figure 1: Types of human action

Will Equivalent	Free will	No free will
Existence of equivalent	Voluntary exchange	--
Absence of equivalent	Free charity	Coercion

The decision-taking-centre-of-a-human-being (DTCOHB) is different in different circumstances. Though in the end a person's decision is probably made by their brain, many decisions can be significantly affected by signals sent by different systems in the human body: respiratory, digestive, thermoregulatory, reproductive, etc.

Human actions are performed according to a hierarchy of preferences. These actions take place in several main spheres that can be classified according to the importance of particular property rights for an actor. This importance may be measured by the "distance" of each particular sphere from the decision-taking-centre-of-a-human-being (DTCOHB).

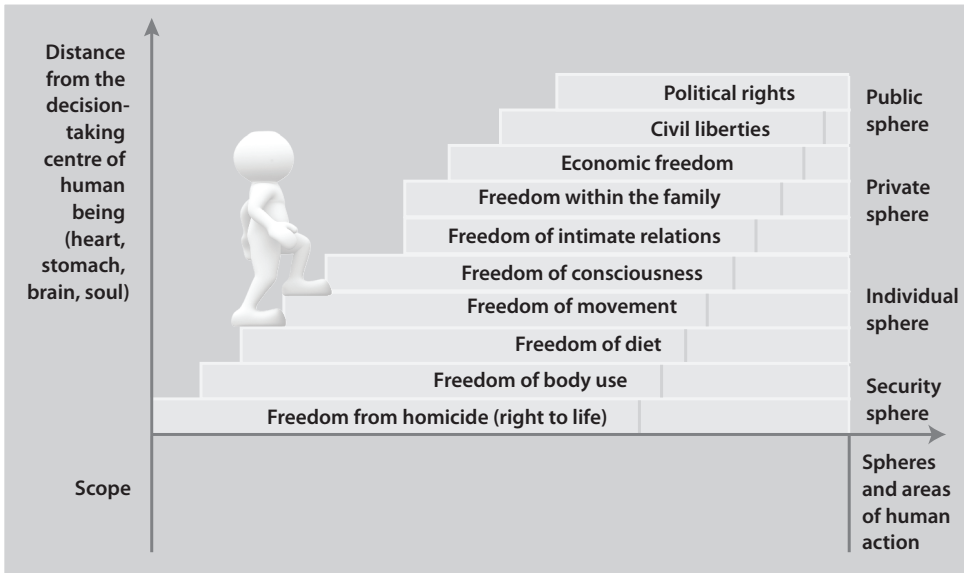
Property rights in different areas

The crucial distinction between classes of different human actions comes from the amount of property rights an actor has, and an understanding of the borders between the actor's property rights and those of other actors. There are four main spheres of human activity (security, personal, private, public), each with its own sub-areas. People have property rights (or freedoms) in each of them (see figure 2).

In the security sphere, people execute property rights over their own bodies (self-ownership) that are strongly associated with their survival and reasonably good health. As a result, in many modern societies those rights are under no or very limited regulation. The most well-known exception is conscription imposed by governments and some quasi-state organizations. In this sphere, property rights may be reflected in the right to life (i.e., freedom from homicide) and the right to use one's own body (i.e., the freedom from physical intervention without one's clearly expressed consent, including for medical reasons). In most modern societies, executing property rights in the individual security sphere is recognized as inalienable human right and needs no regulation.

In the personal sphere, people execute property rights over their own bodies that are not necessarily intimately related to their survival or health. Such rights include the right to a choice of diet (i.e., freedom from a prescribed diet, such as from the prohibition of alcohol, drugs, kosher food, etc.); right to a choice of clothing; the right to physical movement (i.e., the freedom from illegal incarceration and from constraints or limits on an actor's movement locally, or within state borders, or internationally); the right to consciousness and independent thinking (i.e., the freedom from imposed views, indoctrination, propaganda, religion, ideology, etc.). In many modern societies, personal rights are relatively recently recognized as inalienable rights, and therefore are subjected to either no or only limited regulation.

In the private sphere, an actor's own property rights can collide with those of others who happen to be related to him or her either by common

Figure 2: Freedom's zikkurat and the importance of different areas

blood or by living in a shared household, or those with whom he or she has intimate relations. Rights in the private sphere include the right to non-coercive family relations (not intimate ones) (specifically, freedom from terror instigated by family members); rights over one's intimate relations (i.e., freedom from rape, coercion, arranged marriage, permissions from senior and/or male members of the family, restrictions on gender, etc.). In some societies this sphere of property rights is heavily regulated.

In the public sphere, an actor executes his or her property rights in areas where those rights meet (collide with) the property rights of others beyond the private sphere. Rights in the public sphere include rights to economic relations (i.e., economic property rights); rights on civil relations (i.e., non-economic, non-political property rights in a civil society); rights to political relations (i.e., property rights related to territory, including local, regional, national, and international polities). In all societies these property rights face very substantial and detailed regulations.

The relative importance (and thus value) for an actor of executing his or her property rights in different areas (and therefore the subjective relative weights he or she gives to different rights in different areas) in the overall group of rights he or she has (i.e., overall freedom) is a subject of individual choice. Relative importance of particular rights tends to diminish in proportion to the increased distance from the DTCOHB, with the most valuable rights being considered in the security sphere, then in the individual and private spheres, then in the public one. Nevertheless, there are many exceptions to this rule.

There is indirect confirmation that the importance of different rights varies according to their distance from the DTCOHB in the historic evolution of the hierarchy of human punishment. Punishment is generally considered to be the limitation or full removal (either temporary or permanent) of different property rights from those punished. Therefore, with gradual recognition in many societies of the natural origin of many property rights, punishments (limitations in rights) have shifted over time from the security to the personal sphere, then from the personal to the public sphere. Historically, punishments tend to evolve from capital punishment (execution), to corporal punishment (inflicting damage to the person's body), to enslavement, temporary incarceration, exile, prohibition of the person's participation in particular areas of activity, specific penalties, and moral condemnation.

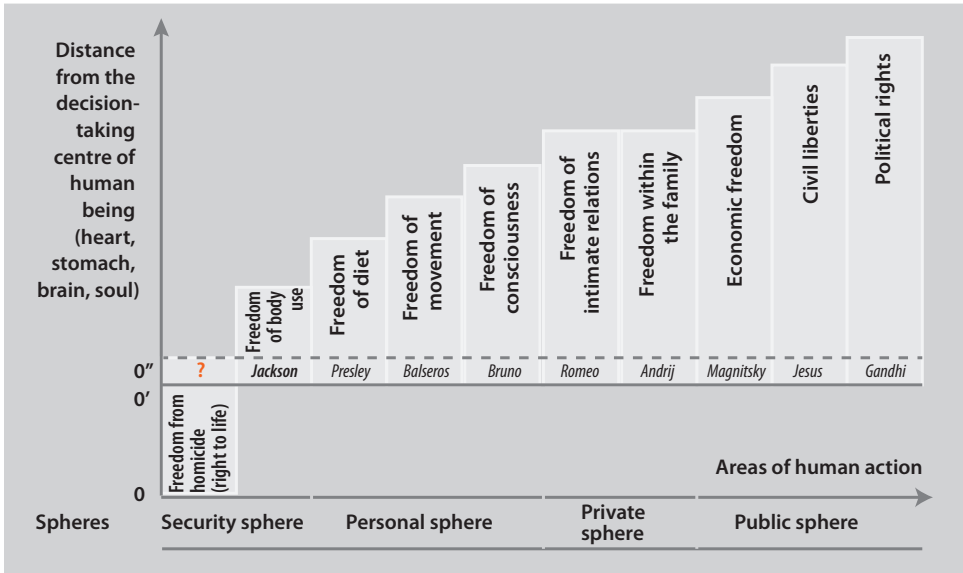
As a general rule, one has the partial (and sometimes full) right to exchange one's property rights (or freedoms) in one area for those in a different area. Someone might decide to exchange part of his or her rights, including the right to his or her own life, for rights (freedoms) in other areas. Voluntary exchange of the most valuable right, namely, the right to life (or freedom from homicide) for any other good is traditionally called "sacrifice." There are many known examples where an actor sacrifices his or her right to life (or freedom from homicide) for rights and freedoms in other areas.

It might be said that Michael Jackson exchanged his right to life for the right to use his own body the way he wanted to; that Elvis Presley exchanged his right to life for the freedom to choose his own diet; that the Cuban Balseros people exchanged their right to life by risking drowning (and in many cases, by actually drowning) for their right to free movement and free consciousness; that Giordano Bruno gave up his right to life in exchange for freedom of conscience (translated into the rights to free thoughts and free speech); that Romeo and Juliette made the exchange of their rights to life for their rights to free intimate relations. Andriy (from the Nikolai Gogol's novel *Taras Bulba*) forfeits his right to life so that he can be free from family restrictions, while Sergey Magnitsky (who died in a Russian jail in November 2009) sacrificed his life for economic freedom. There are many historic personalities, including Jesus Christ and Martin Luther King, Jr., who gave up their right to life so that others could enjoy their civil rights (civil liberties), or who exchanged their right to life for political rights for their countrymen (as Mahatma Gandhi did) (see figure 3).

The legal aspects of freedom

The legal terms that correspond to the main types of human activity are as follows: *gift* refers to charity; contract is for exchange; and imposition is coercion. Particular rights and their volumes that are assigned to different

Figure 3: Freedom’s staircase and the importance of different areas



actors are determined by covenants. Covenants are either based on voluntary agreements (without coercion) between legally equal actors, or imposed by force using coercion.

Three types of regulations define how an actor can exercise his or her property rights: with permission (full property rights); via prescription (limited property rights); and prohibition (proscription, absence of property rights). These regulations lead to the second (legal) definition of freedom:

- Freedom of human action is the freedom for an actor to exercise his or her property rights without legal or quasi-legal limitations.

Several serious problems exist with the actual execution of property rights: spheres of property rights are not well defined; borders that separate different actors' property rights are not well marked; protection of even well-defined property rights from violators can be difficult and costly, which leads to conflicts over property rights between different actors. Threats to individual property rights might come from a variety of different sources, legal and illegal: from members of family, community, neighborhood, clubs, associations, unions, society, government, from criminals (individual, groups, organizations, states).

The instruments regularly used for solving conflicts over property rights are legal ones: laws, instructions, and decisions of courts and judges. Laws, regulations, and instructions can be of several types: laws

establishing, protecting or expanding property rights; laws limiting (reducing, violating, or taking) property rights; laws exchanging, distributing, or redistributing property rights.

Legal constraints may be ethically acceptable or unacceptable. Apart from the legal limitations on human actions, there are several quasi-legal ones: behavioral traditions and habits of the actor's family; social, ethical, religious traditions and norms of the actor's kin, tribe, ethnic, and/or religious group. Though limitations such as tolerance, mutual respect, good manners, high style, political correctness, etc., are not directly coercive, they are still constraints, all be they indirect. Most people prefer to follow such rules, norms, and limitations in order to avoid sanctions that may not necessarily be legal, but may certainly be ethical.

Aside from the legal and quasi-legal constraints on human actions, there also exist illegal constraints, specifically, criminal activities of individuals, groups of individuals, organizations, and states.

The constraints on actions may be codified (according to religious or state laws) or non-codified. Among non-codified constraints are social, ethical, and cultural norms. There also exist constraints that violate state laws, but which enjoy widespread community support through habits and traditions as they are in line with prevailing social norms. (The Russian term for such illegal but socially acceptable constraints is "poniatiya.") Finally, there are constraints that violate both laws and social norms (which in Russia is known as "bespredel," meaning that they are simultaneously illegal and socially unacceptable).

The absence of both legal and quasi-legal (social, ethical, cultural) constraints creates favorable conditions for executing individual property rights. The absence of legal bans, restrictions, regulations, or instructions creates the legal conditions conducive for realizing freedom. The absence of prohibitive cultural norms (quasi-legal constraints) creates the cultural conditions conducive for freedom. The absence of criminal activities committed by individuals or the state creates the security conditions conducive for freedom. The existence of a favorable legal framework creates instrumental conditions conducive for reducing the costs of conflict resolution over property rights.

That said, the security, legal, cultural, instrumental conditions conducive for freedom must not be confused with their actual execution. The connection between laws and regulations (conditions) and freedom (execution of these conditions) is intrinsic. As John Locke (1689) formulated it, "the end of law is not to abolish or restrain, but to preserve and enlarge freedom: for in all the states of created beings capable of laws, where there is no law, there is no freedom: for liberty is, to be free from restraint and violence from others; which cannot be, where there is no law." Benjamin Constant (1816/1988), too, noted, liberty

“is the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals.”

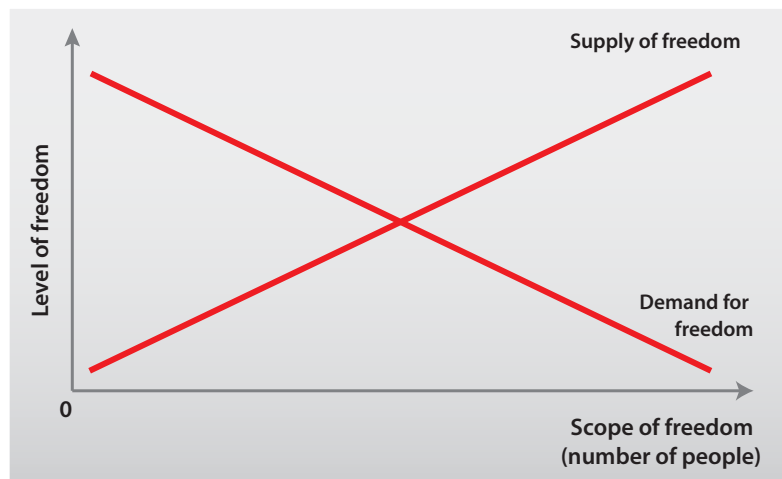
The economic aspects of freedom

Freedom is also an economic good. The utility of this good comes when an actor exercises his or her property rights. There are two types of property rights. In the case of private goods, property rights offer protection from actual or potential intruders. In the case of public goods, property rights are a suitable mechanism for allocating the private interests (shares) in public goods.

As with other goods, there is a demand for freedom and a supply of freedom (figure 4). The demand for freedom is being created both individually and collectively. It has individual and collective scales of preference. Therefore, it is highly subjective and therefore probably immeasurable.

On the contrary, the supply of freedom is produced only collectively (publicly), by the particular industry (“freedom-producing industry”). That industry’s main producers are seniors in the family, elders, “wise people,” priests, media, public opinion leaders, the state, etc., who produce habits, traditions, norms, rules, regulations, instructions, and laws related to the execution of individual rights in security, personal, private, and public spheres. These products are aimed at solving or facilitating the resolution of conflicts between actors over the execution of their property rights. Among the products of this industry are rules of conflict resolution including warfare, martial arts, queues, hierarchy, contracts (including marriage), negotiations, laws, ethical norms, and votes. Even if the fruits of this industry (conditions for freedom) might initially be produced

Figure 4: Supply and demand for freedom

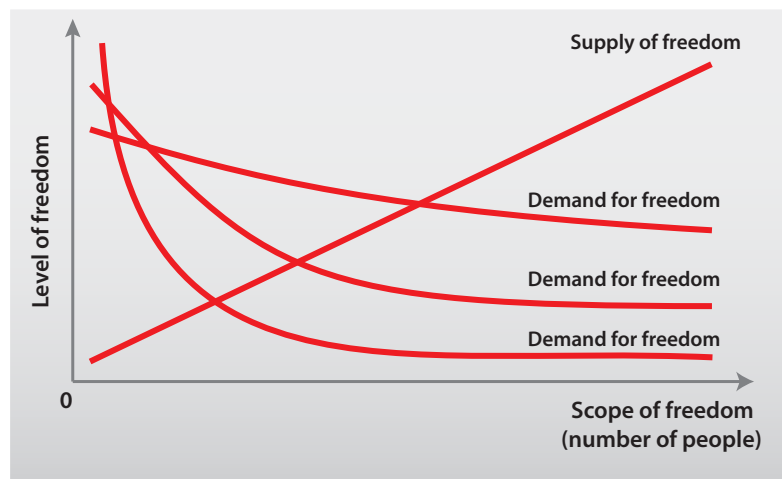


individually, to become widely acceptable and universal norms, they must be supported collectively. Therefore, the norms are objective and might be potentially measurable and comparable.

Conflicts are traditionally resolved through such mechanisms as warfare, courts, negotiations, media, or representative bodies. Historically, conflict resolution mechanisms evolved in several stages including the physical elimination of competing actors (i.e., killing them), to their enslavement, to the recognition of competing actors as legal entities, then recognizing some (later, all) of their rights, and finally, engaging them in mutually-agreed contracts. There was and is a permanent search for conflict resolution mechanisms that are increasingly more appropriate, more effective, less costly, and better adjusted to particular situations. The replacement of less effective rules with more effective ones enlarges and strengthens property rights, thereby enhancing the execution of freedom and so leading to an increase in the volume and variety of free human actions.

Neither the demand for freedom nor the supply of freedom is limited. The demand for freedom generally correlates with income, longevity, good health, education, experience, etc., and is increasing over time (see figure 5). Factors that influence the amount and variety of the supply of freedom are less evident and need more specific research. What is clear is that there is no positive or negative correlation between the availability of natural resources or level of income and the supply of freedom. In fact, the supply of freedom depends more on the sophistication and effectiveness of industries that produce conflict resolution mechanisms. For instance, comparisons of the Incan empire versus Iceland in the 15th century, present-day Equatorial Guinea versus Estonia, or Russia versus India produce an important observation. While in each pair the former country is richer

Figure 5: Supply of freedom and demand for freedom



than the latter (in terms of average income per capita), at the same time the former has less effective conflict resolution mechanisms, and therefore has a lower supply of freedom than the latter.

Regulatory enhancements may decrease uncertainty, but won't necessarily increase freedom (see figure 6). Regulations that are either too limited or too pervasive lead to lower levels of freedom. The relationship between the amount of regulation and the amount freedom seems to follow an inverse U-curve (see figure 7). There is a permanent search for the optimal, freedom-maximizing amount of regulation. The upper point of the inverse U-curve may be shifted towards less rather than more regulation (figure 8).

Figure 6: Regulation and uncertainty

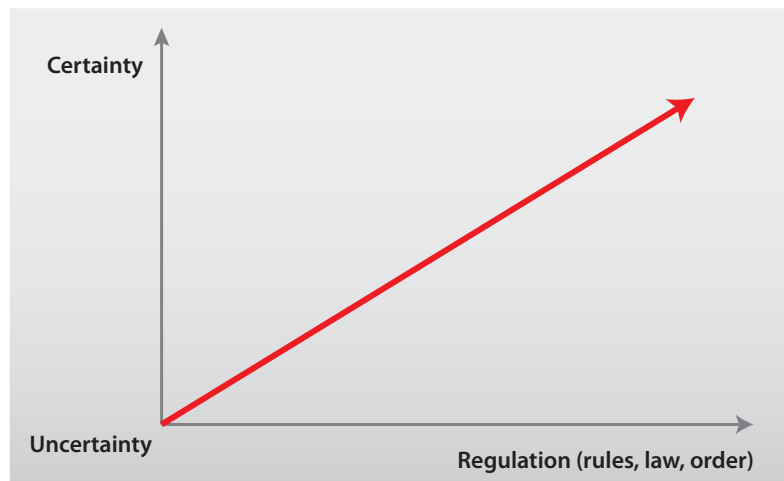


Figure 7: Regulation and freedom

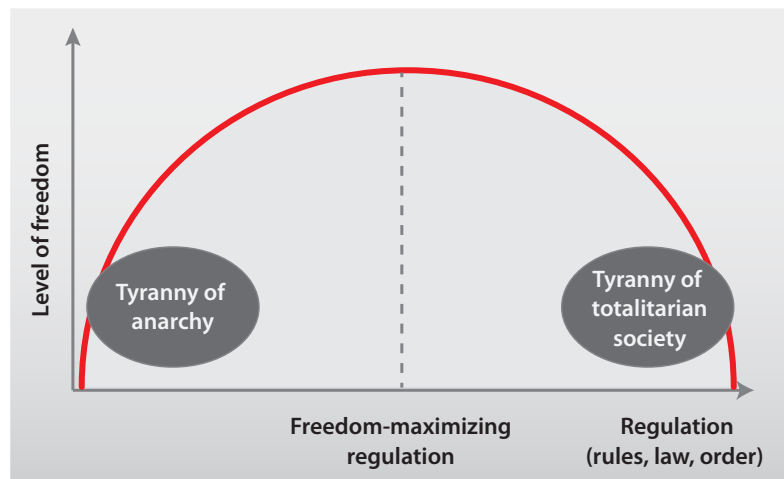
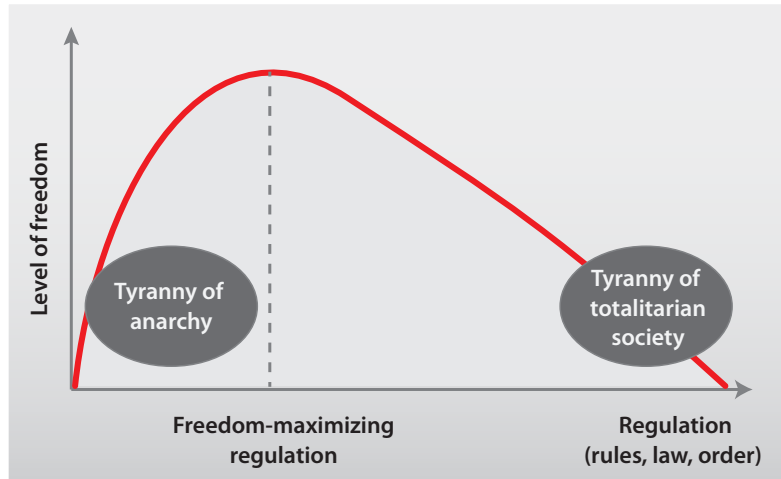


Figure 8: Regulation and freedom when freedom-maximizing regulations are increased



It looks similar to the curve for the growth-enhancing tax rate, which, as is well-known, is shifted towards a lower rather than a higher level of taxation.

Individual freedom and society

Conceptually, the discussion of individual freedom begins with a single person. However, “negative freedom” implies relations between at least two actors. Since negative freedom deals with the protection of one person’s property rights from constrains, interventions, or regulations emanating from other actors, negative freedom can only be conceptualized for at least two persons, or a group of actors, or a community, or a society. Whenever negative freedom for one person is being considered, it is, in fact, about freedom within a society consisting of at least two persons. A society that consists of Robinson Crusoe alone on his island is an interesting intellectual exercise, but is not relevant to negative freedom.

Allocation of rights is a responsibility of the family, or community (territorial, social, economic, religious, ideological one), or state.

Some people in society are peaceful, non-violent, and non-aggressive, eager and ready to respect others’ individual rights—in other words, freedom-supporting people. Others are aggressive, violent, predatory, including bullies, intruders, criminals, gangsters, bandits, killers, pirates, communists, NKVD and Gestapo officers (political police in Stalin’s USSR and Hitler’s Germany), or *silovikis* (security officials in present-day Russia), in other words, freedom-restricting and freedom-destroying people.

If they cannot constrain the aggressive actions of freedom-destroying people, the freedom-supporting people are not able to exercise their

property rights. Therefore, freedom-supporting individuals must limit the actions of freedom-destroying people, or, more precisely, freedom-destroying criminal actions. (One of the most well-known documents providing justification for such activity is the United States *Declaration of Independence*). This goal can be achieved if freedom-supporters can work together and if they are able to apply force (coercion) to the freedom-destroyers. By limiting or restricting those who engage in freedom-destroying actions, by restricting their freedoms, the freedom of freedom-supporters will be expanded (figures 9 and 10).

Figure 9: Limitation of action in a free society

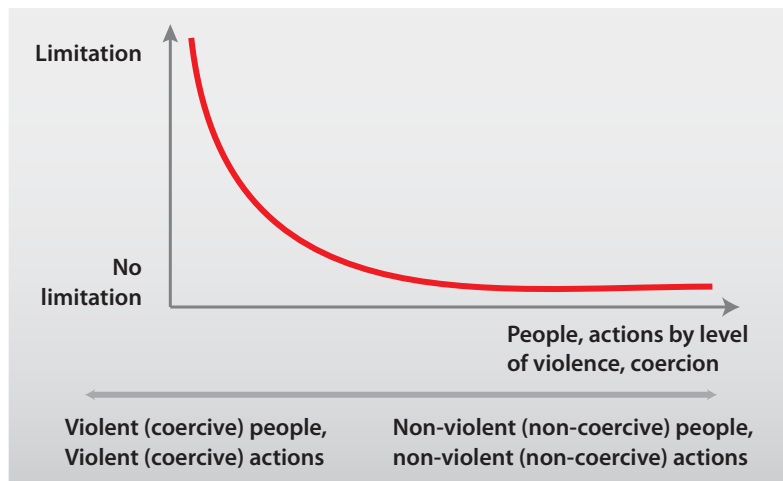
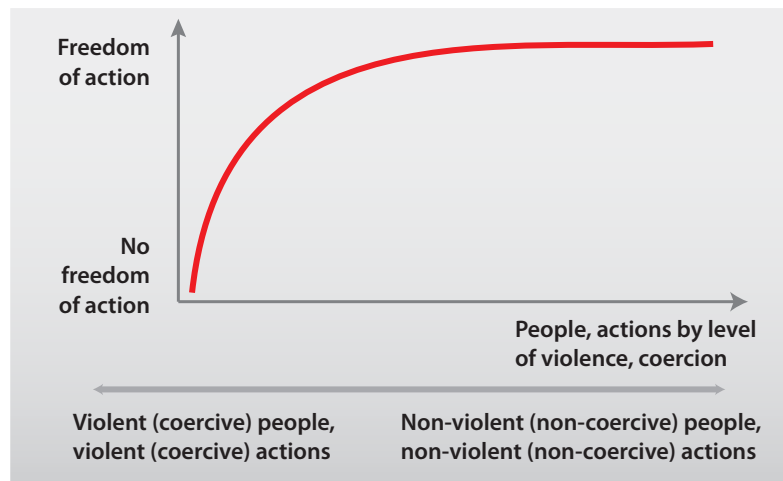


Figure 10: Freedom of action in a free society



Freedom-destroying actors can be individuals, groups, organizations, or institutions that professionally specialize in the use of force, violence, and the application of coercion. Among such groups are bands of gangsters, the mafia, the police, the army, and the state. Therefore, limitations on the size and scope of those groups, organizations, and institutions can lead to expanded freedom.

This fact leads to the third definition of freedom:

3. Freedom of human action is the absence of some constraints (norms, laws, restrictions, regulations, instructions, prescriptions, prohibitions) and the presence of others.

The use of force and the application of coercion are not always unacceptable. While the initiation of aggression (initiation of coercion) against someone's property rights is considered to be unacceptable, using force to protect someone's property rights (i.e., coercion in response to intruders) is morally acceptable and often desirable. Therefore, free people do have rights to carry and use arms for their own protection, to protect their own lives and property as well as the lives and property of other victims of aggression and coercion.

Who in society has the right to use force and coercion? There are two main responses to this question: either specially designated people (such as police, the courts, the army, and government) exclusively; or everybody, with the possible addition of specially designated people. More freedom is associated with more widespread rights to use force against aggression given to as many people as possible (with the exception of criminals and others with legally constrained rights such as children and the mentally ill).

Political freedom as a negative freedom

Political freedom is a very important type of freedom. It should be considered as an example of a negative freedom and must be included in an overall index of freedom. Both theoretically and practically, political freedom is the freedom to exercise individual property rights in the public sphere. It is freedom from intervention by others into the individual property rights within the polity.

A group of people occupying some territory forms a polity. Since the time of Hammurabi and Solomon, regulations, instructions, and laws have been applied, for the most part, to people living within a particular territory. Territorial boundaries, therefore, identify the geographical area for the execution of property rights. According to Benjamin Constant (1816/1988), "Finally it [freedom] is everyone's right to exercise some influence on the

administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed.” The measurement of the conditions for the execution of property rights as well as the level and amount of freedom can be calculated for the particular territory.

Legal and political systems are the main sources of supply for rights and freedoms. Different legal, political, and cultural systems do have different productivity and do produce different types of conflict resolution mechanisms. The nature of legal, political and cultural systems is a crucial factor and an important predictor of the volume and quality of protected rights and executed freedoms.

Voting in an election can be considered an example of multilateral contract. There is a lot of commonality in the exercising of property rights in different types of contracts: marriages in interpersonal relations, business contracts, elections in civil associations, votes in political organizations. Citizenship may be considered as an example of a contract between an individual person and polity (state).

Politically free systems have several advantages over non-free systems. When other mechanisms turned out to be ineffective or unsuitable, political mechanisms of conflict resolution might be used. Political freedom in many cases is an ultimate guarantor of many other freedoms. It is not a coincidence that more politically free countries generally were and are more prosperous and more successful in many areas than less free countries. It suggests that political freedom has played an important role in such an outcome.

The historical evolution of freedom

Freedom is a historical concept. Freedom may be considered as a particular type of normative system that is identifying, protecting, and expanding property rights. Therefore, historically, the notion of freedom appeared later than the notion of property.

One widely known example of ethical norms that protect property rights comes from the last five of the *Bible's* Ten Commandments:

- You shall not murder.
- Neither shall you commit adultery.
- Neither shall you steal.
- Neither shall you bear false witness against your neighbor.
- Neither shall you covet your neighbor's wife. Neither shall you desire your neighbour's house, or field, or male or female slave, or ox, or donkey, or anything that belongs to your neighbour.

Over years, freedom has evolved in several dimensions: the number of actors whose property rights are being protected has increased and the areas of property rights being protected have widened. Similarly, the specific property rights being protected have increased, property rights protection has been strengthened (violators of property rights being punished), and mechanisms of conflict resolution over property rights have been created and developed.

The historical evolution of the spread of freedom through society may be seen as a movement beginning with freedom concentrated in the hands of one actor (such as an absolute monarch, tyrant, despot, secretary-general, fuehrer, national or supreme leader), to freedom held by a few actors (including members of a family, imperial court, security council, or government), to freedom enjoyed by many actors (a group of barons or other groups based on professional, ethnic, language, religious, racial, class, or gender criteria), to almost every adult citizen. Substantive rights have been recently been stretched to include non-citizens, illegal immigrants, children, and even animals.

The historical evolution of freedom also saw the gradual replacement of ethical, religious, and cultural regulations with legal ones, and a shift in the frontier between areas that are already legally regulated and those that are not yet, in the direction of those that are legally regulated (for example, prescribed paint colors for houses in California; or bans on cutting trees on privately owned plots in Maryland, or having an open fire in Virginia, or lighting fireworks in the District of Columbia).

The historic evolution of conflict resolution mechanisms has changed the sequence of actions from the immediate initiation of aggression (beginning of war) to something more nuanced and sophisticated (beginning with asserting claims and presenting arguments and counterarguments, through to pronouncing warnings of different kinds, then demonstrating threats, and finally to waging war, then signing peace treaties, agreements, or contracts). Lately it has become common for parties to adopt a more advanced scheme of negotiations without resorting to the use of force, application of coercion, or waging war.

The historic evolution of conflict resolution mechanisms (the protection of freedom) was and is proceeding along several dimensions: solidifying the legal equality of actors; strengthening the predictability of rules; increasing the predictability of mechanisms for changing existing rules; reducing the scope of the application of coercion and use of force; and finally, decreasing the brutality of laws that protect freedom.

Internationally, different societies have had no once-and-for-all sequence of stages in the historic evolution of conflict resolution mechanisms. Evidently, ethnic, religious, cultural, ideological, and political factors have played an important role in conceiving, sustaining, and

developing the institutions that protect freedom. Different paths in the evolution of freedom can be seen in different cultural regions such as the Anglo-Saxon world, Germanic Europe, Scandinavia, Russia, Latin America, India, China, and the Muslim world, including its Arabic part.

It is important to note that even if an individual (or society) acquires a particular level of freedom, it does not give them an unlimited guarantee to keep that level of freedom forever. Equally true is that a low level of freedom does not prevent an individual (or society) from quickly increasing it. Also, cultural and other constraints can be so strong that they hinder the relatively quick acquisition of freedom. As numerous cases from world history have shown, it is extremely difficult to remove, ignore, avoid, or even just weaken those constraints. Overcoming cultural constraints turns out to be the most challenging problem for protecting, sustaining, and expanding freedom.

As a rule, freedom over the longer term is quite beneficial to those who have it. It gives a long-term advantage over those who do not have it, or have less of it. Nevertheless, the evolution of freedom is far from linear. Setbacks, recessions, and turnarounds on the path from serfdom to freedom happen regularly. Perhaps there is still no good theory to explain the temporal degradation of freedom.

Divisibility of freedom and its measurement

“Freedom is divisible.” This statement is true for particular freedoms in each sphere, and for the freedom of an individual actor and of a whole society. Freedom can be increased, subtracted, multiplied, and divided. The volume of freedom can be expanded—or reduced—by family, tribe, community, neighbors, church, union, court, and state.

The measurement of freedom has at least three dimensions: level (i.e., freedom per person), spread (or scope) (i.e., diffusion or dissemination among the members of society), and volume (i.e., the amount of freedom in society as a whole). The volume of freedom is either the sum of individual freedoms or the multiplication of the average level of freedom per capita over the spread of freedom in a society (see figure 11).

Depending on the combination of the level and scope of freedom, political, social, legal, and economic regimes can be placed in different locations in figure 12. Most known societies are located along the diagonal line, somewhere between the lower right corner of the chart and its upper left one. The lowest levels of freedom per capita for most members of society and at the same time the widest spread of freedom can be found in societies ruled by violent anarchy. The model of totalitarianism suggests a very low level of freedom applied universally for all members of a society. In practice, totalitarianism gives an enormous amount of freedom to the totalitarian leader, who is effectively unrestricted in his or her actions, while the other members of the society are stripped of the

Figure 11: Three dimensions of freedom

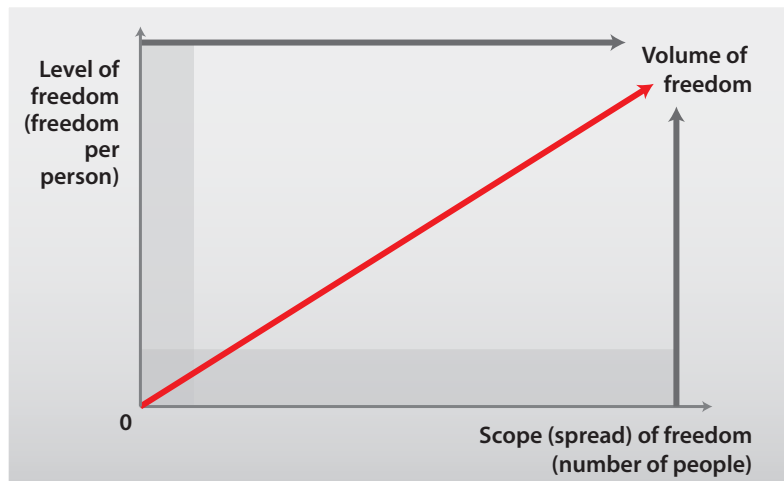
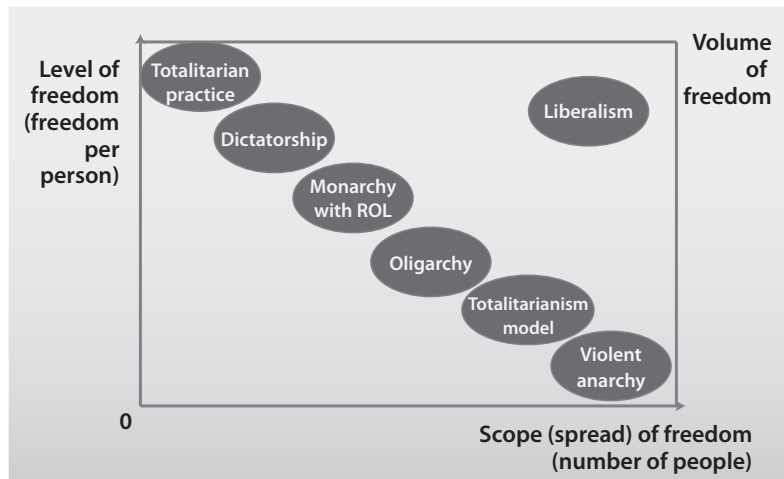


Figure 12: Level and scope of freedom vs. various regimes



most basic freedoms. A dictatorship provides a very high (but not the highest) level of freedom for the dictator with low levels of freedom for other members of society. A monarchy with an effective rule of law (as in some European regimes at the time of the Enlightenment and in the 19th century) limits the monarch's level of freedom, but gives relatively more freedom (compared to the dictatorship) to the territory's general citizens. An oligarchy gives a relatively high level of freedom to the narrow circle of those who belong to the elite (but lower than that for the monarch)

as well as middle level of freedom for the other members of the society. Finally, liberalism (a free society) provides the highest possible level of freedom per capita for most members of a society.

Figure 12 shows that there are both commonalities and differences between liberalism on the one hand, and violent anarchy and totalitarianism on the other. Free society (liberalism) and real totalitarianism are similar in that they provide the highest levels of freedom per capita. They are strikingly different in the spread of this freedom among the members of that society. Liberalism and anarchy are similar in that they provide equal or close to equal distribution of freedom per capita, but they are strikingly different in the absolute amount of freedom per capita.

Apart from the exceptions in extreme cases like violent anarchy, real totalitarianism, and liberalism, freedom in a society is neither evenly distributed among its all members nor totally concentrated in the hands of one actor. Therefore, the proper measurement of the scope of freedom may be supplemented with the measurement of freedom inequality, or differentiation of freedom.

Constructing an index of freedom

It is unlikely that an overall index of freedom (IF) can be constructed on the basis of individual preferences. Since human preferences are highly subjective and qualitatively different, it is probably next to impossible for anyone to measure, compare, and judge those personal priorities. What is nevertheless possible is to measure and compare the conditions that exist in different societies that are conducive for non-coercive human actions. Like natural climates that are neither too hot, nor too cold, neither too wet, nor too dry, but are warm and sufficiently damp, and thus create the most conducive conditions for the widest possible diversity of flora and fauna to flourish, so, too, a mild legal, cultural, and political climate (the optimal social climate) creates the most conducive conditions for the widest diversity of human activity to flourish.

The set of elements constituting an index of freedom includes at least four components: a *level of freedom per capita* in different spheres to measure the amount of freedom an individual person can possess; the *spread of freedom in society* to measure the number of a society's members that are enjoying freedom; *inequality in freedom* to measure how freedom is distributed among a society's members (and, conversely, the different levels of freedom among different members in that society); and the total *volume of freedom* in a society, which is a sum of per capita freedom for all members of that society. The proper indicator for measuring inequality in freedom might be a *degree of legal equality*, or *legal equality coefficient* (LEC, something similar to the Gini coefficient).

The formula of the overall index of freedom per capita might look as following:

$$4. IF = a*F_l*LECl + b*F_b*LECb + c*F_d*LECd + d*F_m*LECM + e*F_c*LECc + f*F_i*LECi + g*F_f*LEcf + h*F_e*LECe + i*F_s*LECs + j*F_p*LEcp),$$

where:

IF = overall index of freedom;

F_l, F_b, F_d, F_m, F_c, F_i, F_f, F_e, F_s, F_p = levels of freedom per capita in different spheres (life, use of one's own body, diet, movement, consciousness, intimate relations, family, economics, civil society, polity);

LECl, ..., LEcp = legal equality coefficients among members of society in the corresponding areas; and

a, b, ..., j = weights for particular freedoms in each area of human action.

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