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A Paradox for the Intrinsic Value of Freedom of Choice[*]

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ABSTRACT. A standard liberal claim is that freedom of choice is not only instrumentally valuable but also intrinsically valuable, that is, valuable for its own sake. I argue that each one of five conditions should hold if freedom of choice is intrinsically valuable: First, if rational people may differ as to which option is the most preferred in an option set, the offered freedom of choice has some intrinsic value. Second, if an option set is expanded with an option that must be less preferred than the already available options by any rational person, the intrinsic value of the offered freedom of choice does not increase. Third, if an option set is expanded, the intrinsic value of the offered freedom of choice does not decrease. Fourth, if an option set has only one option, it does not offer any intrinsically good freedom of choice. And, fifth, the relation 'at least as good freedom of choice as' is transitive. The trouble is that there exists a counter-example to the conjunction of these conditions. Hence freedom of choice is not intrinsically valuable.

Freedom of choice is a valuable thing, but the nature of its value is contested. Two views should be set apart: *first*, the view that freedom of choice is often instrumentally valuable and, *second*, the view that freedom of choice is intrinsically valuable, that is, valuable for its own sake, whether or not it leads to other things.[1] The first view is fairly uncontroversial—having more freedom of choice tends to help people get better outcomes. The second view, though, is controversial.

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[†] I would be grateful for any thoughts or comments on this paper, which can be sent to me at *johan.eric.gustafsson@gmail.com*.

[1] For the latter view, see Berlin (1958, p. 54), Sen (1988, pp. 270–272), and Carter (1999, pp. 41–43).

In this paper, I present five conditions on the intrinsic value of freedom of choice and argue that each one of these conditions should hold if freedom of choice is intrinsically valuable. The trouble is that there exists a counter-example to the conjunction of these conditions. The upshot is that freedom of choice is not intrinsically valuable.

While my overall argument against the intrinsic value of freedom of choice is new, the underlying impossibility theorem can be seen as a variation of a similar theorem by Peter Jones and Robert Sugden.[2] The conditions in the new theorem are formally weaker in some crucial respects, which makes the new theorem more congenial for my overall argument.

To discuss freedom of choice and its alleged intrinsic value with some precision, we shall make use of the notion of an option set. An *option set* for a person in a situation is a set of options that are feasible for the person in the situation and, moreover, jointly exhaustive and mutually exclusive in the sense that the person cannot avoid ending up with exactly one of these options in the situation. Here, an option is *feasible* for a person in a situation if and only if either the person can choose that option in the situation or the option is forced upon the person in the situation. So, if you face an option set with two or more options, you have a choice between those options. But, if you face an option set with a single option, you are forced to end up with that option. For example, a situation where one must choose whether or not to buy insurance can be represented by the option set {buy insurance, skip insurance}, and a situation where one is forced to buy insurance can be represented by the option set {buy insurance}.

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The view that freedom of choice is intrinsically valuable is the view that, for some option sets, there is an intrinsic value in facing that option set such that this value supervenes on the freedom of choice the set offers.[3] If an option set offers intrinsically valuable freedom of choice,

[2] Jones and Sugden (1982, pp. 56–57). As I explain in Section 2, my interpretation of the new impossibility theorem differs from Jones and Sugden's interpretation of their theorem. They do not see their theorem as a problem for the intrinsic value of freedom of choice. They do not argue, as I do, against freedom of choice being intrinsically valuable through a defence of each condition in the impossibility theorem conditional on freedom of choice being intrinsically valuable. Since the new impossibility theorem is formally stronger in some crucial respects (as I explain in Section 8), it is more suitable for this kind of argument.

[3] The freedom of choice which an option in the set might bring about in the future should not be taken as part of the freedom of choice the set offers. There is, however, no consensus on how to measure the freedom of choice offered by an option set. We shall,

it should—barring other choice related values—be better overall to face that option set than to face a smaller option set that doesn't offer any intrinsically valuable freedom of choice but includes the option one would choose from the first set. For example, if {buy insurance, skip insurance} offers intrinsically valuable freedom of choice and {buy insurance} doesn't, it should plausibly be better overall to face the former set than to face the latter if one would end up buying the insurance in either case.[4] Moreover, if freedom of choice were intrinsically valuable, it seems that we would to some extent be morally required to promote freedom of choice. Yet I shall leave open how, if freedom of choice were intrinsically valuable, that value would matter for what we morally ought to do.

In the following, we shall discuss the intrinsic value of freedom of choice in terms of how option sets compare with respect to the intrinsic value of the freedom of choice they offer.[5] On some versions of liberalism, however, the intrinsically valuable freedom of choice consists not in being free to choose but in being legally permitted to choose. To account for the

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for the most part, sidestep this issue by focussing directly on the *intrinsic value* of the freedom of choice offered by option sets.

[4] Sen (1985b, p. 201) provides a more dramatic example, where two people both end up starving. The first has no choice about starving, whereas the second chooses to starve due to religious beliefs and could instead have chosen to eat. Even though both of these people end up with the same option, Sen thinks that the second person is in a better situation overall than the first, since the second, unlike the first, could have chosen to eat. Yet, as Sen (1985b, pp. 201–202) notes, one could perhaps explain the evaluative difference between their situations by something that might be described as a difference between the options they end up with: The second person ends up with the option of fasting, since he or she chooses to abstain from eating, whereas the first person merely ends up starving and not fasting. Still, even on this way of describing things, what explains the evaluative difference between their situations is still information about what they could have chosen instead of what they end up with; this information has just been taken as part of the options. To simplify our discussion, we shall not take information about what could have been chosen instead of an option to be part of that option.

[5] One might worry about the possibility of there being more than one option set for a person in a situation. It seems, for example, that one could simultaneously face both of the option sets {get insurance, skip insurance} and {buy insurance, get free insurance, skip insurance}. This raises the problem of how to assess the intrinsic value of a person's freedom of choice in a situation in terms of the intrinsic value of the freedom of choice offered by these rival option sets. A natural suggestion is that the intrinsic value of a person's freedom of choice in a situation is equal to the intrinsically most valuable freedom of choice offered by any of the option sets for the person in the situation. See Bergström (1966, ch. 2), Carlson (1995, ch. 6), and Gustafsson (2014) for the similar problem of finding the relevant set of alternatives in the context of consequentialism.

intrinsic value of freedom of choice in this legal sense, one could adopt an alternative notion of an option set. One could replace the requirement that the options in an option set are feasible with the requirement that they are merely legally permitted—or, perhaps, with the requirement that they are both feasible and legally permitted.[6] For our discussion, we shall nonetheless stick to our first notion of an option set. But the argument of this paper could also be applied against the view that freedom of choice in the legal sense is intrinsically valuable, given that one adopts a suitable alternative notion of an option set, changing what needs to be changed.

1. Five Conditions and a Counter-Example

A standard liberal claim is that it is intrinsically good to have freedom of choice at least in cases where more than one of the available options is such that one may rationally prefer it over each of the other options.[7] We

[6] Given a legal notion of option sets, the Insignificance of Dominated Options (see Section 1) might look less plausible. One might think that it would be better if some additional feasible options were legal even though they were clearly worse than some already legal feasible options. But this might be because one thinks that some laws are intrinsically bad rather than that there would be anything intrinsically valuable about being free to choose the additional options. Only the latter view would challenge the Insignificance of Dominated Options.

[7] Sugden (1998, p. 325). Raz (1986, pp. 398–399) puts the point in terms of value pluralism. If two options feature different kinds of value, one can rationally make the trade-off between these values in favour of any one of the options over the other. It is intrinsically valuable to be able to choose when, in this way, various conflicting considerations or reasons favour different options. Raz (1986, p. 412) adds the further complication that the available options have to be sufficiently good in order to contribute to the intrinsic value of freedom of choice or autonomy. But, for the purposes of the discussion in this paper, we can ignore this complication. The crucial feature of the cases we shall consider is how the available options compare to each other and not whether the options are individually good or bad. So, if the options in these cases don't seem good enough to contribute to the intrinsic value of freedom of choice, we can replace them with cases of the same comparative structure but with sufficiently improved options. Another value pluralist, Berlin (1958, p. 54), expresses a view similar to that of Raz:

> If, as I believe, the ends of men are many, and not all of them are in principle compatible with each other, then the possibility of conflict—and of tragedy—can never wholly be eliminated from human life, either personal or social. The necessity of choosing between absolute claims is then an inescapable characteristic of the human condition. This gives its value to freedom as Action had conceived of it—as an end in itself, and not as a temporary need, arising out of our confused notions and disordered lives, a predicament which a panacea could one day put right.

shall distinguish between rationally required preferences and rationally permitted preferences.[8] A *rationally required* preference is a preference one must hold in order to be rational.[9] It could, for example, be rationally required to prefer getting an insurance for free over buying it. A *rationally permitted* preference is a preference one may hold and still be rational. As an example of preferences that are rationally permitted but not rationally required, consider a case where one must make a trade-off between the different merits and drawbacks of two options. Consider again the choice between buying an insurance and skipping it: buying the insurance involves less risk in the future whereas skipping it costs less money now. It seems that one may rationally make different trade-offs between these drawbacks. Hence it could, for example, be rationally permitted to prefer buying insurance yet also rationally permitted to prefer saving the money and take the risk of not getting insurance. The idea here is that, when there may be this kind of diversity in what is rationally preferred, it is intrinsically valuable to have the freedom of choice to choose any one of these options, rather than to have one of them forced upon oneself.[10] Thus, in the insurance example, it is then intrinsically valuable to be able to choose whether to buy or to skip insurance rather than to be forced to buy one—even if one ends up buying one anyway. We can express this

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[8] I shall leave open, however, whether preferential gaps can be rationally permitted or required and in general whether any preference relation between two options is either permitted or forbidden. Moreover, I shall leave open whether these rational requirements on preferences are person-relative, that is, whether it could be that, for some person, preferring a certain option to another is rationally required while, for someone else, that preference is not required. If we grant that what preferences are required or permitted might vary from person to person, then, given some of the conditions we shall discuss, the value of the freedom of choice offered by the same option set would also vary from person to person.

[9] For the argument of this paper, one could also interpret the distinction between rationally required and permitted preferences in terms of value plurality. Suppose that there are two or more mutually incommensurable value dimensions. We could then say that (i) it is rationally required to weakly prefer x over y if and only if x is at least as good as y in every value dimension and (ii) it is rationally permitted to weakly prefer x over y if and only if x is at least as good as y in at least one value dimension.

[10] Throughout this paper, we shall consider how the intrinsic value of freedom of choice depends on what preference orderings are rationally permitted, regardless of whether the agent recognizes which preference ordering are rationally permitted. If one thinks that the intrinsic value of freedom of choice instead depends on what the agent recognizes as rationally permitted, one has modify the conditions accordingly. The argument of the paper should still work as long as the conditions are read in the same manner throughout.

idea as the following condition, which should hold if freedom of choice is intrinsically valuable:

> *The Value of Rational Diversity*
> If it is rationally permitted to prefer x over y and rationally permitted to prefer y over x, then option set $\{x, y\}$ offers intrinsically better freedom of choice than option set $\{x\}$.[11]

Suppose, like before, that it's rationally permitted to prefer buying an insurance over not getting one and that it's also rationally permitted to prefer not getting an insurance over buying one. Then the Value of Rational Diversity yields that the option set {buy insurance, skip insurance} offers intrinsically better freedom of choice than the option set {buy insurance}.

Some expansions of option sets, however, do not yield an intrinsically better freedom of choice. Amartya Sen offers the example of 'having another car much like the one already on offer except for a defective gear box' and claims that,

> even when the additional option is quite good, and may even be just as good as the best that is already available, a person could quite reasonably argue that her opportunities are not strictly expanded by the addition. She could not possibly do better than she did earlier. She could thus judge, without being absurdly idiosyncratic, that her opportunities are not substantively better (though they are not any worse either).[12]

Sen's idea is roughly that, if the added options can't be rationally preferred over the already available options, the addition wouldn't increase the intrinsic value of the offered freedom of choice. One might agree that the amount of freedom of choice which is offered increases in some trivial sense when a clearly worse option becomes available, but what is at issue here is whether the *intrinsic value* of the offered freedom of choice increases. It's implausible that the intrinsic value of the offered freedom of choice would be increased by the addition of options that couldn't be rationally chosen. Thus the following condition should hold:

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[11] Pattanaik and Xu (2015, p. 373).
[12] Sen (1993b, p. 531).

The Insignificance of Dominated Options
If the options in option set X are also in option set Y and there is an option u in X such that it is rationally required to prefer u over each option that is in Y but not in X, then Y does not offer intrinsically better freedom of choice than X.[13]

Suppose again that one is rationally required to prefer getting an insurance for free over buying it. Then the Insignificance of Dominated Options yields that the option set {buy insurance, get free insurance} doesn't offer intrinsically better freedom of choice than the option set {get free insurance}.

So we have that expansions of option sets need not yield an intrinsically better freedom of choice. Yet, as long as all the original options are still available, it seems that no addition of options to an option set could intrinsically worsen the offered freedom of choice. If the previously available options are still available and some other options have also become available, then there has been no loss in freedom of choice and hence no loss in the intrinsic value of the offered freedom of choice. Conversely, it's implausible that one could increase the intrinsic value of someone's freedom of choice just by removing some of their options. Hence, if freedom of choice is intrinsically valuable, the following condition should hold:

The Harmlessness of Expansions
If the options in option set X are also in option set Y, then Y offers intrinsically at least as good freedom of choice as X.[14]

[13] Jones and Sugden (1982, p. 57) put forward a stronger condition for a related impossibility theorem, which we shall discuss in Section 8. Their condition says that, if an option set is expanded with an option such that it is not rationally permitted to prefer it over each option in the unexpanded set, then the expansion doesn't improve the freedom of choice offered by the set. Likewise, Pattanaik and Xu (1998, pp. 184–185) put forward a similar condition, which says that, 'if, in terms of every possible preference ordering of a reasonable person, x is strictly worse than at least one alternative in A, then adding x to A does not add to the agent's freedom.' Furthermore, Sen's (1985a, pp. 61–68) various proposals for the evaluation of capabilities each entails an analogous condition. And Berlin (1958, pp. 32–33) holds that '[f]reedom is not freedom to do what is irrational, or stupid, or bad' and that '[a] law which forbids me to do what I could not, as a sane being, conceivably wish to do is not a restraint of my freedom.' Finally, see Wolf (1990, pp. 55–58) for some arguments against valuing the ability to choose dominated options.

[14] Sen (1985b, p. 201; 1993a, p. 33), Klemisch-Ahlert (1993, p. 196), and Arrow (1995, pp. 7–8).

Suppose, for example, that one can either buy an insurance or skip insurance and then a third option becomes available, namely, to get the insurance for free. The Harmlessness of Expansions yields that the intrinsic value of the offered freedom of choice does not decrease. It yields that the option set {buy insurance, skip insurance, get free insurance} offers intrinsically at least as good freedom of choice as the option set {buy insurance, skip insurance}.

Option sets with only one option represent situations where the outcome isn't up to you. In such cases, you cannot plausibly have any freedom of choice at all. And, while it might be better overall to be forced to get a good outcome than to be forced to get a bad outcome, that value difference cannot be due to a difference in the intrinsic value of the freedom of choice these two situations offer, because neither of them offers any freedom of choice. First, one option set cannot offer intrinsically better freedom of choice than another option set unless they differ in terms of freedom of choice, because the intrinsic value of freedom of choice supervenes on freedom of choice. Second, option sets with only one option—that is, *singleton option sets*—do not offer any freedom of choice and hence do not differ in terms of freedom of choice.[15] Therefore, since there's no difference in the supervenience base for the intrinsic value of freedom of choice, no singleton option set can offer intrinsically better freedom of choice than any other singleton option set. Hence the following condition should hold: p. 895

> *The Parity of No-Choice Situations*
> If X and Y are singleton option sets, then X does not offer intrinsically better freedom of choice than Y.[16]

Consider, for example, a situation where one is forced to get a free insurance and another situation where one is forced to buy the insurance.

[15] Regarding singleton option sets, van Hees (2004, p. 254) argues that

> The underlying idea is that such sets do not offer any freedom of choice at all: if I am offered only one option, then I have no real choice.

See also Pattanaik and Xu (1990, pp. 386–387), van Hees (2000, p. 107), and Carter (2004, p. 72).

[16] Jones and Sugden (1982, p. 56) propose a stronger condition, which says that, 'if a choice set contains only one option, the value of the choice is nil.' Pattanaik and Xu (1990, p. 386) proposes a condition, which—unlike Jones and Sugden's condition—concerns degrees of freedom rather than the value of freedom of choice, saying that any two singleton option sets offer the same degree of freedom.

The Parity of No-Choice Situations yields that the option set {get free insurance} does not offer intrinsically better freedom of choice than the option set {buy insurance}.

Finally, we shall consider a formal property of value relations. If {buy insurance, skip insurance, get free insurance} offers intrinsically at least as good freedom of choice as {buy insurance, skip insurance} and {buy insurance, skip insurance} offers intrinsically at least as good freedom of choice as {buy insurance}, then it must also be that {buy insurance, skip insurance, get free insurance} offers intrinsically at least as good freedom of choice as {buy insurance}. More generally, consider

> *The Transitivity of Weakly Better Freedom of Choice*
> If option set X offers intrinsically at least as good freedom of choice as option set Y and Y offers intrinsically at least as good freedom of choice as option set Z, then X offers intrinsically at least as good freedom of choice as Z.

The main support for this condition is that, due to the logic of comparatives, all comparatives of the form 'F-er than' or 'at least as F as' are transitive.[17] So, just like other comparatives—like 'at least as tall as' and 'at least as old as'—'at least as good freedom of choice as' is transitive.

We have that the above five conditions should hold *if* freedom of choice is intrinsically valuable. These conditions, however, are inconsistent given that there are option sets with options like those in our insurance example. In this example, it seems rationally permitted to prefer buying an insurance over skipping it, and it seems rationally permitted to prefer skipping the insurance over buying it. Yet it seems rationally required to prefer getting the insurance for free over either of buying it and skipping it. And it seems that, for any combination of these options, there's an option set that contains just those options. Hence the following condition should hold:

> *The Existence of Dominated Diversity*
> There are option sets $\{x\}$, $\{z\}$, $\{x, y\}$, and $\{x, y, z\}$ such that it is rationally permitted to prefer x over y and rationally permitted to prefer y over x but it is rationally required to prefer z over each of x and y.

[17] Broome (2004, pp. 50–63).

But, as we shall prove, the five earlier conditions jointly rule out this condition.

To see why the Existence of Dominated Diversity is plausible, consider the following example by Sugden. In this example, there are three versions of a dental operation, which vary in whether they are painful and in whether they have side effects. It seems that one may rationally make different trade-offs between avoiding pain and avoiding side effects. It seems rationally permitted to prefer having the operation with pain but without side effects over having it with side effects but without pain. Conversely, it also seems rationally permitted to prefer having the operation p. 896 with side effects but without pain over having it with pain but without side effects. And it seems rationally required to prefer having the operation with neither pain nor side effects over either having it with pain or having it with side effects.[18]

2. An Impossibility Theorem

We shall show that the following conditions cannot all be true:

- The Value of Rational Diversity
- The Insignificance of Dominated Options
- The Harmlessness of Expansions
- The Parity of No-Choice Situations
- The Transitivity of Weakly Better Freedom of Choice
- The Existence of Dominated Diversity

To start, note that the Existence of Dominated Diversity yields that there are option sets of the form $\{x\}$, $\{z\}$, $\{x, y\}$, and $\{x, y, z\}$ where it's rationally permitted to prefer x over y and it is rationally permitted to prefer y over x but it's rationally required to prefer z over each of x and y. Using the insurance example as a token instance of this form, we have the option sets {buy insurance}, {get free insurance}, {buy insurance, skip insurance}, and {buy insurance, skip insurance, get free insurance}, where it is rationally permitted to prefer buying the insurance over skipping it, rationally permitted to prefer skipping it over buying it, but it is rationally required to prefer getting the insurance for free over each of buying it and skipping it. Then, from the Harmlessness of Expansions, we have

[18] Sugden (1998, pp. 328–329). Jones and Sugden (1982, p. 61) provide another example of the same structure.

(1) The option set {buy insurance, skip insurance, get free insurance} offers intrinsically at least as good freedom of choice as the option set {get free insurance}.

And, from the Insignificance of Dominated Options, we have p. 897

(2) The option set {buy insurance, skip insurance, get free insurance} does not offer intrinsically better freedom of choice than the option set {get free insurance}.

Then, from (1) and (2), we have

(3) The option set {get free insurance} offers intrinsically equally good freedom of choice as the option set {buy insurance, skip insurance, get free insurance}.

The Harmlessness of Expansions entails

(4) The option set {buy insurance, skip insurance, get free insurance} offers intrinsically at least as good freedom of choice as the option set {buy insurance, skip insurance}.

And, from the Value of Rational Diversity, we have

(5) The option set {buy insurance, skip insurance} offers intrinsically better freedom of choice than the option set {buy insurance}.

Then, from (3), (4), (5), and the Transitivity of Weakly Better Freedom of Choice, we have

(6) The option set {get free insurance} offers intrinsically better freedom of choice than the option set {buy insurance}.

But, from the Parity of No-Choice Situations, we have

(7) The option set {get free insurance} does not offer intrinsically better freedom of choice than the option set {buy insurance}.

Since (6) contradicts (7), the conditions must be jointly inconsistent. ∎

Given this impossibility theorem, one can, of course, construct a valid argument against any one of these conditions by taking the other conditions as premises. Nonetheless, I find each of these conditions hard to

deny on the assumption that freedom of choice is intrinsically valuable; so the most plausible way to avoid this inconsistency is to reject that freedom of choice is intrinsically valuable. We should, I think, reject the Value of Rational Diversity, because it's the only condition that entails that any option sets differ in intrinsically valuable freedom of choice—and hence the only condition that rules out that all option are equally lacking in intrinsically valuable freedom of choice. My argument, however, is only cogent in so far as one cannot plausibly reject one of the other conditions while one holds that freedom of choice is intrinsically valuable. We shall therefore consider some objections to these conditions in the next sections. But, before we do, we shall consider some general objections to the overall argument.

A first objection to this kind of argument is that it would prove too much, because one could reason the same way against the intrinsic value of democracy with the help of Kenneth J. Arrow's impossibility theorem.[19] One could argue that, if democracy is intrinsically valuable, then Arrow's Pareto condition should hold for the ordering of the intrinsic value of democracy; and similarly for the other conditions in Arrow's theorem. Then, by an analogous argument, we have that democracy isn't intrinsically valuable.[20] In reply, firstly, it isn't clear that this argument would prove too much: democracy is, I think, more plausibly of *instrumental* rather than *intrinsic* value. Secondly, it is far from clear that we have any reason to accept Arrow's independence-of-irrelevant-alternatives condition. Many commentators who worry about Arrow's theorem have misunderstood this technical condition (which Arrow himself rejected).[21]

A second objection is that the arguments I rely on to show that, if freedom of choice is intrinsically valuable, then certain propositions about that intrinsic value should hold seem to appeal our intuitions about what it would mean to talk about the intrinsic value of freedom of choice. Yet, if the argument as a whole is correct, there can be no such thing as the intrinsic value of freedom of choice. So how can we have reliable intuitions about what would be the case if there were such a thing?[22] Note, p. 898

[19] Arrow (1963, pp. 51–59).

[20] I thank Robert Sugden for this objection.

[21] Arrow and Kelly (2011, p. 23). Poundstone's (2008, pp. 50–51) popular presentation, like many others, confuses Arrow's condition with contraction consistency—making the theorem invalid. See Ray (1973) for explanation of Arrow's condition and how it has been misunderstood.

however, that my overall argument is an instance of a standard form of argument. Consider the use of the problem of evil by nihilists such as J. L. Mackie. They argue that, if God exists, each of two claims hold: (i) there are objective values and evil, (ii) there is a wholly good omnipotent being, and (iii) a wholly good omnipotent being would eliminate evil.[23] The fact that Mackie is an atheist who believes that there are no objective values (and, therefore, no evil) does not lower the reliability of his intuitions about what would be the case if such values and God existed. Analogously, there seems to be no reason why this standard form of argument by *reductio ad absurdum* cannot be used against the intrinsic value of freedom of choice.

A third objection is based on Sugden and Jones's interpretation of their similar impossibility theorem. They argue that the source of their paradox is that the concept of 'intrinsic value of freedom of choice' has at least two different interpretations. One interpretation attaches intrinsic value to option sets that have the capacity to satisfy multiple reasonable preferences. Another interpretation attaches intrinsic value to option sets that require individuals to make significant acts of choice. The existence of these alternative interpretations of the conditions of the impossibility theorem explains, they argue, why each of the conditions is intuitively appealing when considered in isolation (since we shift between different interpretations when we consider the different conditions) even though the conjunction of the conditions is implausible and inconsistent (since we then keep the interpretation fixed for all conditions).[24] But, even if there are many interpretations of the intrinsic value of freedom of choice, the inconsistencies return if we consider the overall intrinsic value of freedom of choice which takes all of these interpretations into account. If there are many interpretations of the intrinsic value of freedom of choice, my conditions and argument should apply to this combined, overall notion of the intrinsic value of freedom of choice. Distinguishing several separate notions of the intrinsic value of freedom of choice does not remove the overall inconsistency.

[22] I thank Robert Sugden for this objection.
[23] Mackie (1982, pp. 150–151).
[24] Jones and Sugden (1982, p. 61) and Sugden (1998, pp. 328–329).

3. Objections to the Insignificance of Dominated Options

Thomas Hurka argues that an expansion of an option set increases the intrinsic value of the offered freedom of choice even if each added option is clearly worse than some of the already available options. Given that it's rationally required to prefer what is better, this is a violation of the Insignificance of Dominated Options. According to Hurka, agency is an ideal consisting in making a causal impact on the world and determining facts about it. It is intrinsically valuable to realize this ideal to a greater extent, and one does so when one's option set expands.[25] Even if the added options couldn't be rationally chosen from the expanded option set, their addition would at least let one actively turn them down. Hurka claims that

> To have ten options rather than just the best among them is to be able to say no as well as yes. It is to be able to say no nine times, and to be responsible for the fact that no was said.[26]

p. 899

Nonetheless, even if agency were an ideal and expansions of option sets always in some sense increased the amount of offered freedom of choice, we might still question whether additions of options that cannot rationally be chosen would increase the intrinsic value of the offered freedom of choice. If there were an ideal of agency intrinsically worth approximating, it's questionable whether it would consist in being able to choose a lot of dominated options.[27] Consider the following example, where an employee works for you with a certain salary. Suppose that you give her, in addition to the option of keeping her present salary, the option to lessen her salary to any lower amount but that there's no pressure on her to accept the offer to lower her salary. And suppose that it's rationally required to prefer having more money, other things being equal. Granted, your employee's freedom of choice is clearly increased in some sense by these added options. But it is implausible that there would be anything intrinsically valuable in your employee having these options to irrationally lower her salary. Yet, on Hurka's proposal, it would be intrinsically better if your employee, in addition to saying yes to her present salary, got to say no to

[25] Hurka (1987, p. 366; 1993, p. 150).

[26] Hurka (1987, p. 376).

[27] Hurka (1993, p. 151) likewise acknowledges that *some* gains in autonomy are not worth seeking.

a large number of lower salaries.[28]

Hurka discusses the objection that trivial additions, which don't concern important goals that structure days or years of one's life, do not seem to provide intrinsically valuable agency.[29] But an option to significantly lower one's salary isn't trivial in this sense, because it would have great effects on one's life. It's only trivial in the sense that it's trivial that one shouldn't choose these added, dominated options. It may be objected that, since your employee can lower her salary to any lower amount, her available options are trivial in the sense that each one of them is trivially similar to some other available option. But we can change the example so that your employee can only lower her salary by a series of significantly different decrements.

It may next be objected that, even though also offering these lower salaries increases the intrinsic value of the offered freedom of choice, it doesn't increase intrinsic value all things considered. That is, things might get worse in other respects. But it's hard to see what respects this might be, because we can also assume that your employee will just ignore these further options and end up with the same outcome in either case.

One might still be unconvinced, however. So, as a further response to Hurka's objection, I shall develop a general argument for the Insignificance of Dominated Options. The idea behind this argument is to consider the addition of dominated options as two separate steps: a first step where some non-dominated, almost duplicate (pseudo-duplicate) options are added and a second step where they are worsened. In the proof of the impossibility theorem, the Insignificance of Dominated Options is used to establish that {buy insurance, skip insurance, get free insurance} doesn't offer intrinsically better freedom of choice than the option set {get free insurance}. Suppose now that, instead of just being able to get a free insurance, you can alternatively get either of two other, pseudo-duplicate insurances for free—that is, rather than {get free insurance}, you face the option set {get free insurance, get a

[28] This reply also applies to Mills's (1998, pp. 164–165) similar claim, regarding additions of dominated options, that such additions contribute to narrative authenticity, which enables us to later reflect back on our lives in a meaningful way. It doesn't seem like your employee would get any valuable narrative authenticity by turning down all these lower salaries. And, if freedom of choice is valuable because it enables us to later reflect back on our lives in a meaningful way, then its value is instrumental rather than intrinsic.

[29] Hurka (1987, pp. 374–375).

pseudo-duplicate free insurance, get some other pseudo-duplicate free insurance}.[30] Suppose also that, even though these three insurances are distinct and alternative options that differ in some respects, they don't differ in any way that it's rational to care about; it is rationally required that one is indifferent between them.[31] The claim is not that it's irrational to have a preference between any two almost duplicates; the claim is merely that we can find *some* pseudo-duplicates of the first insurance such that it's irrational to have a preference between any of those pseudo-duplicates and the first insurance. Then, for the first step of the argument, consider p. 900

> *The Equality of Pseudo Duplications*
> If the options in option set X are also in option set Y and for each option in Y it is rationally required to be indifferent between that option and some option in X, then X offers intrinsically equally good freedom of choice as Y.

In other words, if an option set is expanded with options that are mere pseudo-duplicates in the sense that, for each added option, it is rationally

[30] Note that these pseudo-duplicates are not to be thought of as exactly the same as the original option. Crucially, the pseudo-duplicates should not be thought of as one and the same option as the original option. Because, if they were, one couldn't make sense of the idea that the number of options in an option set increases when one adds a pseudo-duplicate option to the set. Given the axiom of extensionality, adding an option that is already in a set does not produce a distinct set. For example, $\{x, x, y\}$ is identical to $\{x, y\}$.

[31] Here, we need to reject Dowding's (1992, p. 309) view that options should be distinguished as different if and only if it's rationally permitted to have a preference between them. Dowding's view is analogous to Broome's (1991, p. 103) principle of individuation by justifiers, which is a similar principle for the individuation of outcomes. Dowding motivates his view with the help of Ullmann-Margalit and Morgenbesser's (1977, p. 757) distinction between picking and choosing: If one is indifferent between some alternatives, then one can merely pick, not choose, one of them. Hence one cannot rationally choose one of the three pseudo-duplicate insurances over the others. So one might argue that there cannot be an option set containing just these insurances, since one cannot rationally make a choice between them. But, if this were a serious worry, we could generalize our definition of feasibility. We could say that an option is feasible for a person in a situation if and only if (i) the person can pick the option in the situation, (ii) the person can choose the option in the situation, or (iii) the option is forced upon the person in the situation. Given this definition of feasibility, we get a slightly more general notion of an option set, on which there would be nothing strange about an option set that, like the one with pseudo-duplicate insurances, includes options between which one is rationally required to be indifferent.

required to be indifferent between that option and some already available option, then the expansion doesn't affect the intrinsic value of the offered freedom of choice. It's implausible that an expansion of this kind should affect the intrinsic value of the offered freedom of choice, because the expansion wouldn't provide the agent with any new option that differs from those already available in a manner that it's rational to care about (it is, for example, irrational to prefer one of the added options to each of the already available options). Hence the Equality of Pseudo Duplications should hold, given that freedom of choice is intrinsically valuable. The condition yields that {get free insurance} offers intrinsically equally good freedom of choice as {get free insurance, get a pseudo-duplicate free insurance, get some other pseudo-duplicate free insurance}. Now, for the second step of the argument, consider

> *The Insignificance of Deterioration*
> If option sets X and Y have the same number of options and also the same options except that some options in X have been individually replaced in Y so that for each replaced option in X it is rationally required to prefer that option over the option that replaces it in Y, then Y does not offer intrinsically better freedom of choice than X.

In other words, if some options in an option set are individually replaced by an option such that it is rationally required to prefer the replaced option over its replacement, then these replacements wouldn't increase the intrinsic value of the offered freedom of choice. It's implausible that the replacements would increase the intrinsic value of the offered freedom of choice, since they leave the number of available options unchanged and just make some of the available options less preferable. The Insignificance of Deterioration yields that {buy insurance, skip insurance, get free insurance} doesn't offer intrinsically better freedom of choice than {get free insurance, get a pseudo-duplicate free insurance, get some other pseudo-duplicate free insurance}. Then, given the Transitivity of Weakly Better Freedom of Choice, we have that {buy insurance, skip insurance, get free insurance} doesn't offer intrinsically better freedom of choice than the option set {get free insurance}. Hence we have that the addition of the dominated options wouldn't increase the intrinsic value of the offered freedom of choice. p. 901

It may be objected that the implications of both the Insignificance of Deterioration and the Insignificance of Dominated Options are im-

plausible when the additions or deteriorations increase diversity of the option set. But, even if this were a fatal objection to these conditions, we could revise them to sidestep the objection. Given a plausible principle for the measurement of diversity, additions only increase diversity if they feature some relevant attributes that are not already represented in the set.[32] In {buy insurance, skip insurance, get free insurance}, the relevant attributes seem to be safety and no cost.[33] Yet both of these attributes are already represented in {get free insurance} and in {get free insurance, get a pseudo-duplicate free insurance, get some other pseudo-duplicate free insurance}. Thus {buy insurance, skip insurance, get free insurance} doesn't offer more diversity than either one of these option sets. So, for the proof of the impossibility theorem, we could weaken these conditions so that they only hold for additions or deteriorations that do not increase diversity. Hence we can sidestep this objection.

4. Objections to the Harmlessness of Expansions

Consider the view that what makes freedom of choice intrinsically valuable is not that there are options that one is free to choose but instead that there are options one is free to *rationally* choose. On this view, any option such that it is rationally required to prefer that option less than some other option in an option set would not contribute to the intrinsic value of the freedom of choice offered by that set. Given this view, one might reject the Harmlessness of Expansions. In the above example, the option set {buy insurance, skip insurance, get free insurance} only offers one choice that can be rationally chosen, namely, getting free insurance. In every rationally permitted preference ordering, each one of the other options is less preferred than some option in the set. In the option set {buy insurance, skip insurance}, however, there are two options that can be rationally chosen, and each one of them may be rationally preferred over the other. Hence one might reject the Harmlessness of Expansions because one thinks that, when an option set is expanded with an option

[32] See the multi-attribute model of diversity in Nehring and Puppe (2002, p. 1161).

[33] This set also offers the attributes unsafety and cost, but these bad attributes cannot plausibly count as relevant in the sense that they contribute to any valuable diversity. If such bad attributes contributed to valuable diversity, then, in the earlier example with lower salaries, the additional lower salaries should also improve diversity, since they add the bad attribute of impoverishment. But, as we noted earlier, it's implausible that the addition of those salaries would be intrinsically valuable.

that any rational person would prefer over each of the original options, the intrinsic value of the offered freedom of choice decreases.[34]

This proposal conflicts, however, with some plausible claims about the relation between the intrinsic value of freedom of choice and intrinsic value all things considered. Suppose that, in every rationally permitted preference ordering, the option of getting a free insurance is preferred to each option in {buy insurance, skip insurance} but it is only preferred by an arbitrarily small amount over the most preferred option. Moreover, there are some rationally permitted preference orderings where buying insurance is strongly preferred over skipping insurance, and there are some rationally permitted preference orderings where skipping insurance is strongly preferred over buying insurance.[35] Then, on the above proposal, the freedom of choice offered by {buy insurance, skip insurance} should be much better than that offered by {buy insurance, skip insurance, get free insurance}, since the smaller set offers a choice in which rational people may have strongly opposing preferences and the larger set offers just one option that can be rationally chosen. But it cannot plausibly be overall, all-things-considered intrinsically better to choose from {buy insurance, skip insurance} than to choose from {buy insurance, skip insurance, get free insurance}.[36] From a liberal point of view, it would be strange to claim that it would be all-things-considered intrinsically worse if people in addition to their already available options got another good option they could choose, other things being equal.[37] Still, one might be

p. 902

[34] Contrariwise, Sen (1990a, p. 119) claims that the value of the freedom offered *increases* when an option set is expanded with options that are better than each of the original options 'no matter which comprehensive doctrine is considered.' And Sugden (2007, p. 674) claims that it's 'normatively appealing' that, if an option set is expanded with an option that is unambiguously at least as preferred as each of the options in the unexpanded option set, then the expanded option set unambiguously gives more opportunity than the unexpanded option set.

[35] Suppose, for example, that there are two rationally permitted attitudes towards these options: on the first, getting a free insurance is preferred by a very small amount to buying the insurance and buying insurance is strongly preferred to skipping insurance; and, on the second, getting a free insurance is preferred by a very small amount to skipping insurance and skipping insurance is strongly preferred to buying insurance.

[36] Sen (1992, p. 63) argues that, in some cases, expansions of an option set needn't be seen as a valuable expansion of freedom. The added options might be a burden that one would have reason to turn down. They might, for example, be morally obligatory, involving great sacrifices in terms of one's well-being. In the present case, however, we can plausibly assume that the added alternatives do not impose any taxing moral burdens.

[37] Compare Sugden (1998, pp. 328–329) who responds as follows regarding an analo-

able to reject this claim even if one accepts the above proposal. This is because the smaller option set might offer intrinsically better freedom of choice than the larger, expanded option set even though choosing from the larger set is all-things-considered intrinsically better: The larger set might be better than the smaller set in other respects, and the larger set's advantages in these respects might outweigh the smaller set's advantage with respect to freedom of choice. Yet the only respect in which the larger set seems better than the smaller is that, in each rationally permitted preference ordering, the most preferred option in the larger set is preferred by an arbitrarily small amount over the most preferred option in the smaller set, and this advantage seems only minimally valuable. But then this minimally valuable advantage of the larger set must outweigh the smaller set's supposedly substantially valuable advantage in terms of options that can be rationally chosen. This does not add up.[38]

It may next be objected that some expansions need not be harmless,

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gous case:

> It seems clear that the larger set offers a wider range of opportunity: it caters more effectively to the range of potential preferences. But does it offer more scope for significant choosing? I suggest that it offers *less*. The smaller set requires the chooser to make a significant decision about his life, while the decision problem presented by the larger set is trivial. No doubt the former decision is one we would all prefer not to have to make, but why should we expect the development of valuable faculties to be pleasurable?

Yet Sugden's response doesn't address the intrinsic value of freedom of choice. If we are interested in the *intrinsic* value of the freedom of choice offered by an option set, it's irrelevant whether a choice from that option set has the *instrumental* value of being a means to the development of valuable faculties.

[38] Pontara (1988, pp. 320–321), paraphrased in Carter (1999, p. 43), presents a related example as a general counter-example to there being intrinsically valuable freedom of choice. Let *A* be an option set that offers intrinsically valuable freedom of choice, and let *B* be a singleton option set whose only option is preferred, in each rationally permitted preference ordering, by an arbitrarily small amount over the most preferred option in *A*. Arguably, it is then intuitive that choosing from *B* is all-things-considered intrinsically better than choosing from *A*, which would mean that *B*'s minimally valuable advantage of offering a minimally more preferable option would outweigh the intrinsic value of the freedom of choice offered by *A*. Yet it doesn't strike me as unreasonable to bite the bullet in Pontara's example and accept that choosing from *A* is all-things-considered intrinsically better than choosing from *B*. The key intuition in my example is that it would be strange, from a liberal point of view, to claim that it would be all-things-considered intrinsically worse if people in addition to their already available options got another good option they could choose, other things being equal. This intuition cannot support Pontara's example.

because the addition of very many options might make it cognitively too demanding to make an informed choice. But, for the purposes of the impossibility theorem, we only need to consider cases with at most three options. So, if this objection were a serious worry, we could restrict the Harmlessness of Expansions to such cases. And then we wouldn't have any problems with cognitive overload.[39]

5. Objections to the Parity of No-Choice Situations

Sen seems, at least at first sight, to object to the Parity of No-Choice Situations. This condition gets its intuitive support from the view that option sets with only one option offer no freedom of choice at all. Sen claims that this view fails to take into account counterfactual choices and, more specifically, what one would have chosen given a larger selection. He argues:

> What this line of reasoning overlooks is the fact—central to preference-based reasoning—that in judging whether we have 'the freedom to lead the life we would choose to lead', we have to bring in *counterfactual* choices (what I *would have* chosen). To illustrate, suppose you decide to read a particular book, say *Cymbeline*, one Sunday; you could have chosen any book you had, but you chose *Cymbeline*. Consider now an alternative scenario in which you are forced to read another book, say, about the reminiscences of a matinee idol, which you would not have chosen to read. Consider a third scenario in which you are given no choice and simply ordered to read *Cymbeline*, which you would have chosen to read anyway. There is no question that in the last two scenarios, your freedom *is* reduced. But it would be absurd to say that you are equally unfree in the two last cases.[40]

p. 903

Later on, I shall question whether Sen is really talking about freedom of choice in this passage and thus question whether he is really objecting to the Parity of No-Choice Situations. But let us first consider the objection in this passage as an objection to the Parity of No-Choice Situations. Read

[39] Dowding (1992, pp. 305–306) offers some further examples of this kind. But, while these examples might show that expansions of option sets might have some instrumentally bad effects, these effects don't seem relevant to whether these expansions increase the *intrinsic* value of the offered freedom of choice.

[40] Sen (1991, p. 25). For some similar cases, see Sen (1990b, p. 471; 2009, pp. 370–371).

in this manner, the objection is that the option set {read *Cymbeline*} offers intrinsically better freedom of choice than the option set {read about matinee idol} due to the fact that one would choose to read *Cymbeline* from the option set {read *Cymbeline*, read about matinee idol}.

But the fact that one would choose to read *Cymbeline* does not make any freedom of choice offered by {read *Cymbeline*} any different from any freedom of choice offered by {read about matinee idol}, because neither of these singleton sets offers any freedom of choice at all. Hence the fact that one would choose to read *Cymbeline* can't make the freedom of choice offered by {read *Cymbeline*} intrinsically any different than the freedom of choice offered by {read about matinee idol}. Hence the fact that one would choose to read *Cymbeline* cannot make the freedom of choice offered by {read *Cymbeline*} intrinsically better than the freedom of choice offered by {read about matinee idol}.

More generally, consider

> *The Absence of Singleton Choice*
> If *X* and *Y* are singleton option sets, then *X* and *Y* do not differ with respect to freedom of choice.

This principle follows from the fact that singleton option sets offer no choice at all and, therefore, no freedom of choice.[41] So singleton option sets cannot differ with respect to freedom of choice. Next, consider

> *The Supervenience on Choice*
> If option set *X* offers intrinsically better freedom of choice than option set *Y*, then *X* and *Y* differ with respect to freedom of choice.

This principle follows from the nature of intrinsic value. The intrinsic value of something only depends on the intrinsic properties of that thing.[42] Jointly, these two principles entail the Parity of No-Choice Situations.

[41] I once held a different view; see Gustafsson (2010a, p. 76). The underlying intuition that led me to that view was the idea that an option set offers more freedom of choice if the set is more similar to the set of all possible options, that is, if it better serves a wider range of potential preferences. I no longer find this idea plausible. Even if we grant that it is often the case that option sets that offer more freedom of choice satisfy a wider range of potential preferences, there seems to be no reason to think that this is always the case.

[42] Moore (1922, p. 260).

Given the plausibility of these principles, Sen's objection is either unconvincing or he is using 'freedom' in a wider sense that involves more than freedom of choice. There is, I think, compelling evidence for the latter. Sen seems to regard 'the freedom to choose' as just one of many freedoms.[43] With this in mind, it seems that, in the above quote, Sen uses 'freedom' in a sense where the relevant freedoms include not only 'the freedom to choose' but also 'the freedom to lead the life we would choose to lead'. Hence, on this usage, 'freedom' is more inclusive than (and distinct from) 'the freedom to choose'. So, on this reading, Sen doesn't talk about freedom of choice in the above quote and, crucially, he is not claiming that a singleton option set offers intrinsically better freedom of choice than some other singleton option set. And, if Sen's objection doesn't concern freedom of choice, it is no objection to the Parity of No-Choice Situations, which only concerns freedom of choice and not other kinds of freedom.

p. 904

6. Objections to the Transitivity of Weakly Better Freedom of Choice

While the transitivity of *at least as good as* is a standard principle of the logic of value, it is controversial. Yet, in addition to the previously mentioned argument from the logic of comparatives, there is another influential argument for the transitivity of value (and of rational preferences), namely, the money-pump argument, which has the upshot that values and preferences need to be transitive in order to avoid dynamic inconsistency. These general arguments, however, have been covered extensively elsewhere.[44] So I shall focus on two specific worries about the Transitivity of Weakly Better Freedom of Choice in the impossibility theorem.

One might worry that, given our framework with multiple rationally permissible preference orderings, the intrinsic value of freedom of choice might depend on trade-offs between these multiple attributes. Prasanta K. Pattanaik and Yongsheng Xu suggest that the weights for the various attributes in these trade-offs might vary with context, where the contextual factors are the values of the individual and the norms and mores of society.[45] And then it's perhaps not clear why the relation *intrinsically at least*

[43] Sen (1991, p. 21).
[44] See, for example, Broome (2004, pp. 50–63) and Gustafsson (2010b).
[45] Pattanaik and Xu (2012, pp. 118–119).

as good freedom of choice as must be transitive. This kind of context dependence, however, is inconsistent with G. E. Moore's idea that *intrinsic* value does not depend on context, which is extrinsic.[46] Moreover, we can sidestep this worry if we assume that these contextual factors are fixed for all comparisons in the proof, that is, we hold fixed the values of the individual and the norms and mores of society.

Another worry is that, since our framework allows for multiple rationally permitted preference orderings, the agent would be permitted to have multiple preferences orderings, which might force us accept that non-transitive preferences are rationally permitted. And then it would be unclear why the ranking of option sets in terms of the value of freedom of choice couldn't be non-transitive. But note here that, even though we allow there to be multiple rationally permitted preference orderings, we can still claim that each agent is rationally required to have at most one preference ordering and that all rationally permitted preference orderings are transitive.

7. Objections to the Existence of Dominated Diversity

It may be objected that the Existence of Dominated Diversity yields that there are some options that one is rationally required to prefer over other options. On a Humean view of rationality, there are no two options such that it is rationally required that one of them is preferred over the other. But note that, on this Humean view, the antecedent of the Insignificance of Dominated Options would never hold, and thus that condition wouldn't rule out that the offered freedom of choice would be intrinsically bettered by trivial expansions such as Sen's earlier example, the addition of a car just like one that is already available except for a defective gear box. So, on this Humean view, it would be hard to explain, if freedom of choice is intrinsically valuable, why trivial expansions of this kind wouldn't intrinsically better the offered freedom of choice. And it doesn't seem credible that trivial expansions of this kind would intrinsically better the offered freedom of choice. p. 905

Another implication of the Existence of Dominated Diversity is that there are singleton option sets. Matthew H. Kramer objects that there are no such sets.[47] In his words,

[46] Moore (1922, pp. 260–261).

[47] One may wonder why this objection is covered in this section rather than Section 5

> We can […] question the possibility of singleton sets, since the lone option in each of them […] is an action to be performed rather than an irresistible process or state to be undergone. If the putatively lone option is an action, then there is always at least one other option: the option of not doing that action.[48]

In cases where one seemingly can only do one thing—for example, a case where you have to move because an unstoppable wall moves towards you—Kramer claims that one can also choose to be passive. He writes:

> If somebody is free to do some action *X*, then he or she is free to abstain from doing *X*. Hence, any ostensible singleton set containing a freedom-to-do-some-action will not, in fact, be a singleton set.[49]

Yet Kramer's objection can, at least for our purposes, be sidestepped. It's based on the claim that each option in an option set is an action that one is free to do. We need not accept this. According to the definition we adopted for our discussion, an option set for a person in a situation is a set of options that are feasible for the person in the situation. And an option's being feasible does not, on the intended reading, entail that it can be freely chosen. It is only when there are at least two of feasible options in an option set that one has to be free to choose each one of them. Thus, since our singleton option sets have a clear, well-defined meaning and needn't contain any action that the agent is free to do, Kramer's objection doesn't apply.[50] For example, Kramer's irresistible processes and states to be undergone could, in our terminology, be represented by singleton option sets.

The advantage of modelling no-choice situations by singleton option sets rather than the empty option set is that it allows us to differentiate between different situations where one has no choice. If we, for example, represent a situation where one is forced to end up with a free insurance not by the empty option set ∅ but by the option set {get free insurance}, then our model can capture the fact that the option set {get free insurance,

about the Parity of No-Choice Situations. Yet note that, if there were no singleton option sets, then the Parity of No-Choice Situations would be vacuously true. The Existence of Dominated Diversity, however, entails that there are singleton option sets.

[48] Kramer (2003, p. 464).

[49] Kramer (2003, pp. 466–467).

[50] This isn't a substantial issue; 'option set' is just a term of art. My main motivation for defining it in this way rather than Kramer's way is to make the statement of my argument more straightforward.

skip insurance} only offers one more option rather than two more options than {get free insurance}.

8. Jones and Sugden's Impossibility Theorem

Jones and Sugden also put forward an impossibility theorem for the intrinsic value of freedom of choice. The new impossibility theorem in this paper can be seen as variation of their theorem. They argue that the following three principles are jointly inconsistent: p. 906

> *The Equality of No-Choice Situations*
> If X and Y are singleton option sets, then X offers intrinsically equally good freedom of choice as Y.[51]
>
> *The Principle of Addition of Significant Options*
> If option set X consists of the options in option set Y and an additional option such that it is rationally permitted to prefer this additional option over each option in Y, then X offers intrinsically better freedom of choice than Y.[52]
>
> *The Principle of Addition of Insignificant Options*
> If option set X consists of the options in option set Y and an additional option such that it is not rationally permitted to prefer this additional option over each option in Y, then X does not offer intrinsically better freedom of choice than Y.[53]

In order to get a contradiction, however, we also need an existence condition like the following:

> *The Existence of Dominance*
> There are option sets $\{x\}$, $\{y\}$, and $\{x, y\}$ such that it is rationally required to prefer x over y.

Jones and Sugden offer the following example of dominance:

> A person serving a short prison sentence is locked in his cell every night. One night he is told that prison regulations have been

[51] Jones and Sugden (1982, p. 56). Their condition is slightly stronger. It says 'if a choice set contains only one option, the value of the choice it offers is nil.'

[52] Jones and Sugden (1982, p. 57).

[53] Jones and Sugden (1982, p. 57).

> changed, and that cells will no longer be locked. However, guards standing outside the cells will shoot any prisoner who goes out.[54]

Suppose that it is rationally required to prefer staying in the cell over getting shot. Then the Principle of Addition of Significant Options yields that {stay in cell, get shot} offers intrinsically better freedom of choice than {get shot}, and the Principle of Addition of Insignificant Options yields that {stay in cell, get shot} offers intrinsically equally good freedom of choice as {stay in cell}. By the Transitivity of Weakly Better Freedom of Choice, it follows that {stay in cell} offers intrinsically better freedom of choice than {get shot}, which contradicts the Equality of No-Choice Situations.[55]

Hence we have the impossibility theorem that the following conditions cannot all be true:

- The Equality of No-Choice Situations
- The Principle of Addition of Significant Options
- The Principle of Addition of Insignificant Options
- The Transitivity of Weakly Better Freedom of Choice
- The Existence of Dominance

Compared to the new impossibility theorem, this theorem is, I think, less problematic for the view that freedom of choice is intrinsically valuable. If freedom of choice is intrinsically valuable, the Principle of Addition of Significant Options might plausibly be false. In the prisoner example, one might plausibly judge that {stay in cell}, {get shot}, {stay in cell, get shot} all offer intrinsically equally as good freedom of choice. While the addition of the option of staying in the cell to the option set {get shot} is surely an improvement, this improvement need not be due to any increase in freedom of choice. It might instead be due to the prisoner being able to get a better outcome. Since the choice to stay in the cell from the option set {stay in cell, get shot} is a choice made under the pain of death, it is no exemplar of intrinsically valuable freedom of choice. In general, it is unclear why, if freedom of choice is intrinsically valuable, an added option would increase the intrinsic value of the offered freedom of choice

p. 907

[54] Jones and Sugden (1982, p. 56).

[55] It also contradicts the Parity of No-Choice Situations. Hence we could replace the Equality of No-Choice Situations with the Parity of No-Choice Situations, which is weaker.

if it isn't rationally permitted to prefer at least one of the original options over the added option.

This kind of objection, however, does not affect the corresponding condition in the new impossibility theorem. The Value of Rational Diversity does not yield that the option set {stay in cell, get shot} offers intrinsically better freedom of choice than the option set {get shot}. Since it is rationally required that one prefers staying in the cell over getting shot, it is not rationally permitted to prefer some option in {get shot} over each option that is in {stay in cell, get shot} but not in {get shot}. And then the antecedent in the Value of Rational Diversity does not hold. Hence the new impossibility theorem is not open to this kind of objection.[56]

9. Conclusion

I have shown that a number of conditions on the value of freedom of choice cannot all be true. And I have argued that, if freedom of choice is intrinsically valuable, it's hard to deny any of these conditions. The most plausible way out of this paradox is to give up the initial assumption that freedom of choice is intrinsically valuable. Hence it seems that, if freedom of choice is valuable, it's merely instrumentally valuable rather than valuable for its own sake.

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[56] Dworkin (1982, p. 60) also proposes a *reductio ad absurdum* of freedom of choice having intrinsic value. If freedom of choice is intrinsically valuable, there should be three options a, b, and c such that it preferable to choose from the option set $\{b, c\}$ than from the option set $\{a\}$ even though one prefers a over b and b over c. Regarding this argument, I do not have much to add to Dowding's (1992, p. 305) objection that there wouldn't be anything strange about these evaluations if freedom of choice were intrinsic valuable.

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