

Chapter 3. On the choice

3.1 Act of choice – an ultimate given

The first to make human behavior the subject of reflection in the sphere of economic sciences was Ludwig von Mises, author of the fundamental work entitled: “Human Action. A Treatise on Economics” (Mises 1996). At the very beginning (p. 11-12), the author described exactly the subject of his research, stating, among other things: “Human action is purposeful behavior. Or we may say: Action is will put into operation and transformed into an agency, is aiming at ends and goals, is the ego’s meaningful response to stimuli and to the conditions of its environment, is a person’s conscious adjustment to the state of the universe that determines his life. (...) The field of our science is human action, not the psychological events which result in an action. (...) The theme of praxeology is action as such. (...) He who only wishes and hopes does not interfere actively with the course of events and with the shaping of his own destiny. But acting man chooses, determines, and tries to reach an end. Of two things both of which he cannot have together he selects one and gives up the other. Action therefore always involves both taking and renunciation.”

This argument is further supplemented by the statement (ibid., p.13) that “to do nothing and to be idle are also action, they too determine the course of events. Action is not only doing but no less omitting to do what possibly could be done.”

For Mises, an action defined in this way is a phenomenon given ultimately, i.e. one that cannot be derived from other reasons. He explains it this way (Mises 1996, pp. 18-19): “Human action is one of the agencies bringing about change. It is an element of cosmic activity and becoming. Therefore it is a legitimate object of scientific investigation. As—at least under present conditions—it cannot be traced back to its causes, it must be considered as an ultimate given and must be studied as such. Action is the essence of his nature and existence, his means of preserving his life and raising himself above the level of animals and plants. However perishable and evanescent all human efforts may be, for man and for human science they are of primary importance.”

Mises is right that there is no pointless action. However, his thesis that “action always involves both taking and renunciation” seems to suggest that he considers choice to be a component of the action. But these two concepts, choice and action, belong to completely different logical categories. Action is a process of performing successive purposeful actions or of remaining in a state of intentional inactivity, which is stretched over time. Choice, on the other hand, is an act of will of a human being, which triggers certain ways of his or her behavior. For this reason alone, the choice must precede any kind of behavior. Mises confirms this natural order when he states (p. 13) that “the term will means nothing else than man’s faculty to choose between different states of affairs, to prefer one, to set aside the other, and to behave according to the decision made in

aiming at the chosen state and forsaking the other.” And a little further on (p. 18) he adds: “But as long as we do not know how external facts—physical and physiological—produce in a human mind definite thoughts and volitions resulting in concrete acts, we have to face an insurmountable methodological dualism.”

These quotations prove that Mises was aware that action is the result of the act of choice, and therefore that choice always precedes action. There can be no purposeful action if the goal has not been defined beforehand; for action is a way to achieve it. A way of behavior must not precede the purpose it serves.

Mises is obviously right that one cannot directly observe the act of choice itself, but only the action that results from it. This does not mean, however, that the logical structure of the elements of which such an act of choice is composed cannot be examined. It is also possible to determine the influence of each of these elements on observable human behavior. This logical structure has nothing to do with the psychological events from which Mises consciously cuts himself off. Instead, it allows to understand human behavior and to draw the right conclusions.

For this reason, we begin our considerations with an act of choice, treating it as an elementary event, or, to use the Mises’ term, an ultimate given, which can no longer be reduced to simpler events. Not taking into account the stage at which the goal and the way of achieving it is chosen, and going straight to the considerations of human action, as Mises does, impoverishes our knowledge of man and leads astray. *Nota bene*, beginning with reflections on the choice, we follow the thesis of Mises himself expressed in the introduction to his work, where he stated (Mises 1996, p. 3): “No treatment of economic problems proper can avoid starting from acts of choice; [...]”. The reasons for the lack of consistency of the author of *Human Action*, who after this statement started his work with considerations about action, remain an unexplained mystery.

3.2 The essence and features of the act of choice and of the process of choosing

In the social sciences, including economics and management sciences, choice is usually understood as the act of creating a subset of one or more other sets of elements (see e.g. Debreu 1987, Penc 2014) by the decision-maker based on some criteria. In a particular case, this selected subset may be a mathematical empty set, containing no elements. In everyday language it is then said that the decision-maker has not chosen anything. Such an understanding of choice, intuitive on the one hand, but also obscure on the other, is based, among others, on the theory of consumer choice in microeconomics with its indifference curves (Begg, Fischer, Dornbusch 1995), the theory of public choice or social choice of a school in Virginia (Buchanan, Tullock 1982), or the theory of portfolio selection H. Markowitz (1952), later developed by J. Tobin (1958) and W. Sharpe (1970), and generally the theory of economics in any edition. For the reasons explained later in this work, we will apply a different approach here.

In every moment of his or her life, a person must decide how to behave in the situation he or she is currently in, whether this situation is the result of chance or of his or her previous actions. In any case the decision problem can be reduced to an alternative: *A* or *non-A*, where *A* is the behavior that comes to the mind of the decision-maker at the moment.

For example, when an alarm clock rings in the morning, set the previous evening, the first reflex is usually to turn it off. This is done in a machine-like manner, almost without awareness. However, by dividing this situation into "primary factors", switching off the alarm clock means solving the decision problem that occurred when the alarm clock rang. The subject of the choice was one of two possibilities: *to turn off* the alarm clock (behavioral mode *A*) or *not to turn off* the alarm clock (behavioral mode *non-A*). If the decision-maker turned off the alarm clock, it means that he chose option *A* and rejected option *non-A*. This conclusion is as obvious as the fact that if a person eats, drinks, moves, in a word, acts in any way, that is, she lives. Such a conclusion can only be denied if it can be shown that the deceased can also act.

This does not mean, of course, that switching off the alarm clock, i.e. rejecting the "*do not switch off*" option, is the only way to react in such a situation. Equally, the first thought could be "*ask your wife to turn the clock off*" or "*throw the alarm clock on the wall*". But in both cases, the only possible decision is either *yes* or *no*. Choosing *yes* means rejecting *no* and vice versa. There are certainly more possibilities to solve this exemplary decision problem, but the essence of each of them is that when a decision-maker thinks of any way to behave in this situation, there is always a way opposite to it, and it is the decision-maker who chooses one of them, thus rejecting the other. The fact that there are these other possibilities proves that no way of reacting is foregone, but that a decision is always made when a problem arises. The behavior chosen then depends on the goal that the decision-maker wants to achieve at that very moment.

In the vast majority of cases like the one used in the example, people of course turn off the alarm clock, and then get up and start the planned activities without thinking for a moment about the mechanism of choice or other possible options. This does not mean, however, that such reaction to the sound of the alarm clock has been determined in any way. After all, even after switching off this alarm clock and after getting up from the bed according to the plan, nothing stands in the way of returning to it and falling asleep, thus crossing out all other activities planned for this morning and for the entire day. The decision-making mechanism is in any case exactly the same: the choice of behavior *A* in a given situation means rejecting *non-A*, but none of these options are foregone.

After these clarifications, a proper definition of the act of choice can already be formulated. An act of choice is the elementary event of deciding in a given situation whether to react to the situation in the way that comes to mind (behavior *A*) or not (behavior *non-A*). Which of these two options will be chosen is always determined by the direct goal that the decision-maker intends to achieve at that very moment.

The goal of the choice does not need to be clearly and unequivocally defined, or even clearly realised. It does not need to be connected with any decisions and plans of the decision maker. For the choice of the option "*turn off the alarm clock now*" an immediate goal is sufficient: "to make it stop ringing". But turning off the alarm clock does not have to bring about the final effect planned yesterday, which was, for example, *to attend a lecture*. On the contrary, the direct goal of switching off that alarm clock may be a mere desire to sleep "for a while" without a clear awareness of what will be the final effect of such decision.

It is worth noting that the decision on how to behave in a given moment, no matter what kind of stimulus appears then, is always made immediately. The difference concerns only the way of reacting to this stimulus. In previously planned situations the reaction is usually according to the plan. Therefore, it may seem that the decision-maker has not considered the opposite behavior option at all. However, this does not mean that this rejected option objectively did not exist. On the other hand, in unexpected situations, the first choice is usually the "*do nothing*" option, because nothing sensible comes to mind. In everyday language such a situation is described by the expressions "stunned", "frozen" in reaction, etc. The duration of such a state of inactivity, i.e. *non-doing anything*, is necessary to first decide what goal the decision maker wants to achieve then, and only then to choose a way that seems to lead to this goal at this point. The lack of a goal excludes the possibility of deliberate action.

The mere search for a way to react in an unexpected situation, no matter how long it takes, is usually a sequential process consisting of a series of consecutive, elementary acts of choice, during which certain possible ways of reacting that come to the mind of the decision-maker are rejected (the choice "*not to behave in such a way*"), either to ultimately choose one of them, or to reject all of them, making the final decision "*not to take any action*". However, it should be made clear that the latter option also implies a deliberate choice; by not taking any action in a given situation, the decision-maker then agrees to any effect of such a choice.

Due to such a way of making decisions by each person, training is used in many areas of life. The aim of such training is to reduce as much as possible the time required to react to a given stimulus for certain reasons, i.e. to choose the desired behavior in a given situation. That is why soldiers, firefighters or athletes are constantly trained, but also children are taught to behave properly in various life situations. In each of such cases the basis for the trained way of reacting to a given stimulus is a predetermined goal, which is to be achieved in this way. For the same reason, i.e. because the goal has been chosen in advance, in typical or expected situations people react to specific stimuli in a machine-like, thoughtless manner, without thinking.

The choice of behavior in a given situation and the implementation of the decision made ends the act of choice. As a result, the chosen option will have some effect, while its alternative, the rejected option, is irretrievably lost and the act goes down in history. However, the next act of choice, which is an autonomous, independent of all the

previous ones, must follow immediately. If it relates to the goal which was designated in the act of choice preceding it directly or at any time in the past, that act becomes the next step in the process of choosing, which consists of successive acts of choice concerning the same objective. If there is no such connection, the act may become the first stage of the new process of choosing. In both cases, however, the alternative is the same: either to "*behave in the way A*" that comes to mind, or to choose the opposite way - "*non-A*". Choosing one of these options means automatically rejecting the opposite option, even if the decision-maker is not aware of the consequences of the choice made.

Thanks to the autonomy of each act of choice, it is possible both to consistently implement the decisions made previously concerning a given goal, and to stop this process of choosing at any time before reaching that goal. In the first case we will talk about consistent behavior, and in the second case about inconsistency or indecision.

It also happens that at some point in a given choosing process the decision-maker takes actions (behaviors) contrary to previous acts of choice, thus trying to reverse their effects, i.e. in a sense invalidate those previous acts. In reality, however, such annulment is impossible, since every act of choice in a purely formal sense is an irreversible act; the choice of one option of the alternative means the definitive rejection of the other and the transition to the next act of choice within the same or another choosing process. Consequently, the aforementioned attempt to invalidate the choice already takes place in the context of a new act of choice which takes place in different circumstances from the previous one. These may be circumstances which are only slightly different from the previous ones, or completely different. In the first case, the direct effects of the choice made are usually not yet clearly visible and tangible, so that the decision-maker may seem to have succeeded in reversing the effects of the choice or choices made. It is, however, only a matter of subjective perception and, possibly, little discomfort to the decision-maker, rather than the fact that these effects have been prevented. The thesis that the act of choice is irreversible can be proved by, for example, firing a shot or jumping from shore to water. In both cases, the circumstances in which the next act of choice occurs are completely different from the previous ones. Once the bullet has been fired, it is impossible to turn it back, just as it is impossible to turn back a person who has already bounced to jump into the water. Thus, whatever the subsequent behavior of a person in such a case, the effects of the previous act of his or her choice cannot be prevented in any way. This applies to all choices, including those whose effects are only revealed after many years.

The first two objective features of the act of choice are: duality and irreversibility (finality); in a given act of choice, one of the two possibilities is always chosen as an alternative: "*A or non-A*" behavior. An option not chosen is irrevocably and definitively lost. In this context, the third feature of the act of choice also appears immediately; it is the compulsion to choose one of the two possibilities. No one is able to free themselves from this compulsion.

In the theories of choice used in social sciences, it is taken for granted that the decision-maker may not choose anything from the set of possibilities that he is facing. An example from practice that seems to confirm the possibility of not choosing anything is a customer leaving the supermarket with an empty basket. Everyone will say in such a case that she has not chosen anything from the store's offer. Such interpretation of choice suggests that it is up to the will of the decision-maker whether or not he makes a choice. However, this approach is fundamentally wrong and leads to false conclusions. One such conclusion is the conviction that there are situations in which a person finds himself - colloquially speaking - without his own will, i.e. without his own participation in it. Nothing could be further from the truth.

As mentioned, in every situation a person has to behave somehow; he can either take the action (behavior) that came to his mind at that time, or not do it, but he always has to choose one of these possibilities, and there are always consequences. Sometimes these effects are intentional, in accordance with the intentions of the person choosing, and sometimes – unintentional, other than expected. The necessity of constant choosing exists as long as the person remains in the state of consciousness, and therefore also when the consciousness, busy with other matters, seems not to take part in making decisions. The only thing that frees a person from the compulsion to choose is the state of unconsciousness caused by illness or sleep for some time. Eventually, it is only death.

So if you want to correctly present the problems of the alleged non-choice by a customer leaving a shop with an empty basket, you would have to describe his or her behavior in this shop as a choosing process in which, in each individual act of choice, having the alternative "take the goods or not take them", he or she chose the option "not to take them" each time. An empty shopping cart therefore does not result from the fact that the customer has not made a choice, but has repeatedly chosen the option "not to buy". The same applies when someone finds himself completely unexpectedly and without his own will, for example when he is hit by a car at a pedestrian crossing. The consequences of such an accident, although unintentional by either side, are the consequence of the participants' own choices. It was the choices of each of these participants that led them to this pedestrian crossing at the very moment when the collision occurred. This is an example of the interweaving of different people's actions as a result of the independent choices of each of them. It is never the case that someone found himself in a situation that was beyond his control.

3.3 Freedom of choice and its consequences

By making permanent compulsory choices as an alternative: "*to act in a way A - not to act in such a way*", the man is completely free to choose which option. No one can force him to choose action (behavior) *A* if he does not want to. Also no one can force him to give up the chosen way of behavior if he wants to act in this way. At most, it can be made more difficult for him to do so by imposing the consequences of an action that is against the will of the one who is putting pressure on him. Everyone makes a decision

solely on the basis of his or her own judgment of the situation, guided by his or her own criteria. Of course, advice, opinions or orders from outside can be taken into account when making a decision, as well as any standards or prohibitions. However, regardless of what the person is guided by, the final decision must be made independently. Independence of choice is another inherent feature of any act of choice.

When there is no external pressure, the question of independence of choice is obvious. However, this is also true if the person making the decision is at that moment under pressure from others or if he or she takes into account legal or cultural norms that seem to constrain his or her choice. If the decision-maker is subjected to such pressure, the only difference is that, before making a substantive decision about the main purpose of the choice, the person must first decide whether or not to take into account suggestions, orders, prohibitions or any other form of external pressure, and then decide on the main matter accordingly. Again, he is absolutely alone with the problem of choice. The notion of forced choice only means that the person making the choice was under external pressure when making the decision, not that someone else made the decision for him or her. As a logical category, the term "forced choice" is an empty name, a term without a designation.

Speaking of absolute freedom of choice, however, it is worth emphasizing that it is not about freedom understood as the absence of obstacles to achieve something, but about the freedom to strive for something, about the freedom to decide whether to choose "to behave in manner *A*" or rather "not to behave in such a way (to choose manner *non A*)", hoping that it will give a chance to achieve the desired goal. When making a decision, one can never be sure that the chosen goal will be achieved. However, this does not change the fact that no one is able to prohibit the decision-maker from taking actions (behavior) that he believes will lead him to this end..

As it follows from the above, it depends only on the will of a given person whether he or she will choose the option "*behave in the way A*" or the option "*not behave in this way*". This type of freedom can therefore be classified as the Hegelian category of positive freedom, or "freedom to...". Because both the action, i.e. showing some form of physical activity, and the refraining from action, i.e. the lack of visible physical activity, always serves some purpose, it is the freedom to choose a goal and to consistently strive to achieve it.

For the freedom understood in this way, it does not matter whether the chosen goal is achievable in an objective sense with a given knowledge and in a given state of technology, or whether the actions taken are adequate to it. What matters is only that a given person has set a goal for himself or herself and that he or she undertakes some actions which, in his or her opinion, bring him or her closer to this goal. Outsiders can only help or obstruct this, but are not able to effectively forbid it. The history of scientific discoveries, geographical or cosmic travel, but also quite mundane achievements in other areas of life, provides undeniable evidence that such an absolute

freedom of choice exists, and that the use of this freedom allows sometimes to achieve the intended goals against everyone and everything.

From what has been written above, it follows that every person has both the absolute freedom to choose the goal of his or her action (behavior), which no one can deprive him or her of, and must make use of this freedom, even if he or she does not want to. The compulsion to choose, combined with the freedom of choice within the alternative: "yes-no." (a way $A - non-A$), is an inherent attribute of the conscious life of every human being. So here we are dealing with a kind of paradox: man is absolutely free and must! In this sense J. P. Sartre was right that every person is condemned to freedom.

There are various things that every person has to decide about every moment. Some acts of choice are consecutive stages of various choosing processes initiated in the near or distant past, and others result from current events, both those that are caused by a person and those that take place in his environment regardless of his will and consciousness. As a result, the individual choosing processes interweave, overlap, complement, condition or conflict with each other. Nevertheless, at a given moment in time we are dealing with an elementary act of choice concerning one issue with all its consequences.

Among these consequences, the most important is that, in a purely formal sense, each individual act of choice must be treated as a unique event, but always with the same alternative: "a way of behaving A or $non-A$ ", and each time it is an autonomous choice, independent of the choices made previously. Indirect proof of the truth of this assertion is provided by terms such as "inconsistency", "vacillation of character", "indecisiveness", etc., which appear in every language. What does the lack of consistency or indecisiveness mean if not the fact that someone at some point in time makes decisions that are contrary to the previous ones?

Nota bene, if it were not for such a characteristic of the act of choice, man's life would be a nightmare, because once he had entered a certain path, he would no longer have the opportunity to retreat. Fortunately, however, at any point in his life, every person can start "all over again", arranging his life according to different rules and criteria and subordinating it to different goals than before. After all, this does not need to mean that such a change is going to last, and that after some time this person will not return to what he or she was rejecting. The autonomy of each act of choice is inherent to it, and as long as a person lives, she can constantly change his behavior.

By choosing any goal and taking specific actions, no man can ever be sure that he will achieve that goal. For regardless of whether or not he has made a decision at a given moment: "to act in a way A " or a decision: "not to act in such a way", he does not know what others are doing at the same time, whose actions may affect the final effect of his own actions, nor does he know when and what forces of nature will act at that time, when he will put his decisions into action. Without such knowledge, he can only hope that his efforts will not be hindered or that any obstacles will be overcome. By taking any action, man gives proof that he assumes this.

Regardless of the goal of the decision maker and which option he has chosen as part of the alternative "*way of behaving A - way non-A*", the choice he has made inevitably has some consequences, as already mentioned above. From the point of view of the essence of the act of choice, the type of effect is irrelevant. It may be in line with the intentions and expectations of the choosing individual, but it may also be completely different from the intended one. It may manifest itself immediately or only after some time. However, an effect must always occur, and it is always related to the choice made, even if the person does not realize this connection.

When we talk about the irreversibility or the finality of the act of choice, we should only mean that there is an inevitable effect of every choice made. Although not yet known at the time of the choice, the effect is always determined by the decision made, and is therefore a consequence of the choice made and cannot be avoided in any way. It can therefore be said that at the moment of making a choice, a person has the unhindered freedom to choose either the "*way of behaving A*" or "*non-A*", which is always intentional, but the execution of the decision made in this act of choice ultimately determines its effect. The effect is always the result of a combination of actions of the decision maker, other people and forces of nature, which will manifest themselves post factum.

The current situation of every human being is therefore always the necessary effect of all the choices he has made so far, regardless of his intentions and regardless of the involvement of external factors of an objective nature which he has not had any influence on. This situation is always determined by his entire history, even when he has completely forgotten what happened in the various stages of his life.

It can therefore be considered that there is no contradiction between determinism and freedom; the two concepts are necessarily linked. Freedom understood as the possibility of choosing a way of action (behavior) or an option contrary to it, which, as proven above, is absolute freedom, exists until a decision is made and is not determined by anything. On the other hand, the execution of this decision through a certain way of behavior determines the effect. The causative factor that causes a person to choose one alternative option, thus rejecting the other, is the unrestrained will of a person. It is an inherent attribute of every human person, regardless of whether that person is completely alone in the world or is surrounded by a crowd of other people.

As can be seen from the previous sentence, a correctly understood freedom to do something should be regarded as a feature of the human person and not a characteristic of human relations. A person is free not only when others do not interfere with what she wants to do, or when she is not punished for her actions (this is, for example, how freedom of speech or freedom of assembly is understood). A person is free whenever she wants to pursue something, both when she is alone in the world and when her actions are opposed by others, whether by law or moral norms, or by physical compulsion. If a person succumbs to external factors, she always does so out of her own choice, recognizing that it is better for her.

3.4 Freedom of choice and the problem of objectification of man

The issue of absolute freedom of choice (positive freedom, i.e. freedom to something) which has been mentioned above, has another important aspect. Since every person is a subject making a choice, which for some can be a gift and for others a curse, it becomes clear that no one can become a tool to achieve someone else's goals without his or her own consent. Even a slave has unlimited freedom to take actions to regain personal freedom. If he does not take such actions, he proves that he considers the known effects of being a slave to be better than the unknown he would have to bear when trying to free himself. So he consciously chooses what he considers better, giving up the alternative option he considers worse. This conclusion is also true when, for fear or other emotional reasons, such a slave does not allow such alternative into his consciousness at all.

It is worth noting, however, that the effects of a slave's decision not to try to regain his freedom are no more certain than those that he is afraid of and that make him give up such attempts. When deciding not to take action to free himself or herself, the slave hopes that the condition he or she has known so far will not deteriorate in the worst case. He therefore considers the consequences of an alternative decision unknown to him to be worse. However, it may eventually turn out that he will find himself in a much worse situation than he had hoped for without taking action for his release. So the choice of this slave will certainly have an effect, but he will never know if this effect is better than the alternative he rejected in advance. In any case, by not taking action to free himself, the slave agrees to be an instrument for his master.

However, the logic of choice, from which the purposefulness of each act of choice made by a human being is apparent, implies unequivocally that consenting to being someone's tool is tantamount to using that person as a tool to achieve one's own goal. By not taking action for release, i.e. by agreeing to act as a tool for his owner, the slave thus makes that owner a tool for achieving his own goal. This aim, as mentioned, is at least to preserve the status quo, i.e. the current quality of life of this slave. Counting on this, such a slave rejects the alternative of trying to cast off the yoke of slavery. His expectations may of course not come true, but this does not in any way undermine the correctness of our reasoning. This is because it cannot be denied that also a slave may not meet the expectations of his owner, and instead of obediently serving him, he may for example kill him at the nearest opportunity. Thus, in spite that the fate of a slave everyone rightly considers to be worse than the fate of its owner, still in the objective sense the situation of each of these people is identical from the point of view of the role that they play in the process of accomplishing the goal of the other party. Each of them plays the role of a tool for accomplishing the goals of the other party. The proportionality of the goals of people involved in such a kind of relationship or its absence does not change anything in this matter.

It follows from the above considerations that one can objectify a person and treat him or her as a tool to achieve one's own goals. However, this is always done on a reciprocal basis. For the truthfulness of this thesis, neither the property status, nor the intellectual

level, nor any other properties of people who use each other as a tool for accomplishing their own goals, are important. It follows from the above considerations that one can objectify a person and treat him/her as a tool to achieve his/her own goals. However, this is always done on a reciprocal basis. Therefore, the thesis that one can make another person his or her tool against her will should be rejected. Regardless of whether it is proclaimed from materialistic or personalistic positions, whether it is granted an scientific assent, or whether it results from religious beliefs, this thesis is false.

3.5 Other types of freedom and their effects

The fact that the starting point in our deliberations has become an elementary event, which is the act of choice, has made it possible to see this kind of human freedom, which depends neither on anyone's will nor on circumstances. It is the absolute freedom of choice in every situation of one of the two possible ways of behavior, which are: "to act (behave) in a certain way" or "to not act (behave) in such a way". Because every human behavior is intentional, this freedom means that every person is absolutely free to set goals for him- or herself and to choose the means by which he or she intends to achieve these goals. Whether the chosen goal is achievable under current conditions and the actions taken are adequate is irrelevant to the logic of the choice. It is also irrelevant from this point of view whether someone or something interferes with or favors the actions taken. In the worst case scenario, these factors may make it impossible to achieve the goal, without, however, making non-existent neither its designation nor the efforts made.

It is worth repeating, therefore, that the absolute freedom to choose both a goal and methods of achieving it, also known as "freedom to something", is an inalienable attribute of every human person, which she must constantly use, whether she is alone in the world or lives surrounded by other people. And she must in any case bear both positive and negative consequences of her free choices..

In this context we can now look at another kind of freedom, which is often referred to as negative freedom or "freedom from something". This type of freedom is usually attributed much more importance than the positive freedom. It is also more often considered by philosophers. This climate reflects well the approach of Friedrich von Hayek. Referring to T.H. Green and L. Mises, he states (Hayek 2007, p. 26, own translation from the Polish edition): "Although in the spirit of some of these other understandings it may be justified to speak of different kinds of freedom, "freedom from" and "freedom to", in the sense we have adopted, "freedom" is one and may differ in degree but not in kind. In this sense, "freedom" means only a certain attitude of people to other people and the only violation of that attitude is coercion exerted by people. In particular, it means that the range of physical possibilities that a person can choose between at any given time has no direct relationship with freedom."

In another place (2007, p. 25) he defines this type of freedom as "state, in which man is not subject to coercion from the arbitrary will of others ...", emphasizing once again (p.

65) that "freedom is not a state of nature, but an artifact of civilization." This position is fully in line with Mises' thesis expressed in his work on socialism in (Mises 1951, p. 191) that freedom is a sociological concept and there is no point in referring it to conditions outside society.

Narrowing the scope of the notion of "freedom" to social relations, Hayek immediately signals problems with the very definition of freedom he gave. He writes (p. 34): "Our definition of freedom depends on the meaning of the concept of coercion and will not be precise until we have defined the term in a similar way.

An attempt at such a definition is made in the ninth chapter of his work, but right at the beginning of this chapter (p. 141) Hayek stipulates that: "coercion is almost as troublesome a concept as freedom itself, and largely for the same reason: we do not make a clear distinction between the effects of other people affecting us and the effects of physical circumstances affecting us.

Having stated that, Hayek writes that: "coercion occurs when one man's actions are subordinate to the will of another man, to his goals, not the former's own goals. It is not that a coerced man makes no choice at all; if he did, we could not speak of his "action". (...) Coercion, however, presupposes that I continue to choose, but my mind has become an instrument of someone else, because the alternatives I have have been manipulated in such a way that the behavior that the coercive man expects me to choose becomes the least painful. Though under duress, I am still the one who decides what is the least bad thing under the circumstances."

Then he adds (p. 142): "Although the forced man continues to make choices, the alternatives facing him are determined by the one who exerts coercion, so that the choice is made under his dictation. The coerced person is not completely deprived of the opportunity to use his abilities, but is deprived of the opportunity to use his knowledge for his own purposes".

Hayek's further argumentation proves that the concept of coercion is indeed troublesome and difficult to define clearly. For this purpose, numerous examples are used to illustrate situations of coercion or lack thereof. Each of them seems to indicate, however, that whether or not a person is subjected to coercion in a given situation is, in fact, arbitrarily determined by some observer. This is, of course, a side effect of a certain inconsistency on the part of the author, who, having stated (p. 26) that freedom is "independence from the arbitrary will of another" and that this notion "(...) is clear and describes one and only one thing - the state that is desired for reasons different from those that make us want other states also called freedom" - tries, however, to make this definition of freedom more precise without achieving greater precision.

There is no need to enter into any kind of discourse in order to clarify the content of the notion of "freedom" in the sense of independence from restrictions or coercion exerted by other people. For if we use the term "personal freedom" or "freedom of speech" or "freedom of assembly", no one is likely to ask for clarification as to whether there is a

lack of coercion, a lack of restrictions or something else. The intuitive clarity of these terms is not in doubt, as Hayek himself stated before he began to clarify the term.

However, what usually escapes attention when considering "freedom from", and what allows us to look at it from a different perspective, is the fact that in any case we are dealing with a privilege that some legislator grants to a person or a group of people, and not with freedom. This is in fact the nature of all types of "freedom from", which make up the full catalogue of so-called human rights. What makes them different is only the kind of effects that these privileges bring to others. From this point of view, three cases can be distinguished.

The first concerns personal freedom, which is the foundation of all other human rights. This type of freedom means ensuring that whoever does not violate the law remains free and can exercise this freedom without restriction. In other words, only in cases specified by the law may the freedom of a citizen of a given country be restricted or deprived of. In practice, this means that the proper exercise of personal freedom does not have any negative consequences for others.

Other types of freedoms closely related to personal freedom fall into the same category. These include freedom of speech, of the press and other media, freedom of association, foundation and religion, and freedom of the State, also defined as the sovereignty or independence of the State. None of these types of freedom are in any way burdensome for others as long as they are exercised within the limits of customary, national or international law.

This feature of the above mentioned types of freedom stems from the fact that they are a simple consequence and a natural manifestation of the absolute positive freedom, i.e. the "freedom to" that every person has. Being absolutely free, everyone can write or say whatever he or she wishes and act in a way he or she considers appropriate for the achievement of his or her goals. He can also form any group or association, thus trying to make it easier for himself to achieve his goals. As long as such actions and behaviors do not burden others or harm anyone, there is no reason for anyone to have any interest in interfering in others' affairs or interfering with what others do. Such a state of affairs is conducive to personal and social development in the broadest sense of the word, and mutual respect and tolerance are sufficient to maintain it, and these do not force anybody to do anything, but merely require a refraining from any interference in the affairs of others. In normal circumstances, therefore, neither personal freedom nor its collective derivatives are a burden for anyone.

The problem with exercising such freedom arises only when someone misuses it to the detriment of others. Regardless of the nature and extent of the damage in a given situation, the violation of such freedom always means the violation of someone else's "freedom to". In such a case, some kind of law must act, which will force the perpetrator to stop such an act and to make good the damage. The essence of the legal protection of personal liberty and its derivatives therefore boils down to a ban on violating it and to the penalization of the acts that violate it. Thus, such law does not

force anyone to do anything, but only prohibits actions and behaviors that violate the freedom of other people.

Respect for someone else's freedom and exercise of one's own freedom shall not entail any burden. Only violations of someone else's "freedom to" are punishable by criminal penalties. In the catalogue of penalties for violating such a prohibition, there is always a restriction or deprivation of liberty in certain cases of the perpetrator of such violation. However, this is not a negative result of the existence of personal freedom, but a result of the violation of someone else's freedom by one's own actions or behavior due to improper use of one's own freedom. The legal protection of personal freedom and the related liberties of various social organizations and institutions, as well as the ways in which these liberties are protected by law, are therefore only an expression of recognition by the relevant legislator that these liberties deserve this treatment for certain reasons.

It is worth remembering, however, that the catalogue of behaviors or actions considered by the law as violating someone else's freedom, exceeding of which makes it possible to legally restrict or completely deprive the perpetrator of such a violation of freedom, may be extended at any time to include actions that have not been considered prohibited so far. In this sense, therefore, the protection of personal freedom and its derivatives should be counted among the privileges granted by the legislator.

The fact that personal freedom and the related freedoms of certain communities are indeed only privileges that can be restricted or abolished at any time can be seen when confronted with the second case of "freedom from" identified here in terms of their effects on the neighborhood.

This case covers a variety of other types of civil liberties, such as freedom of assembly and demonstration, the right of trade unions to strike, as well as freedom from all kinds of discrimination and, increasingly, freedom to express one's personal preferences in the intimate sphere. Each of these liberties allows for legal actions to be taken that infringes or even damages the interests of others, exempting the perpetrators from legal liability for such damages.

Strikes or demonstrations, which are one of the legal ways of exercising this kind of freedom, are a clear example of harming others. In any case, people who are entitled to do so pursue their own personal goals or those of the organization within which they operate, and the methods they use always have negative consequences for others. At best, these are only certain disadvantages for outsiders. Most often, however, the consequences of strikes and demonstrations are material, social and moral losses both for those against whom the action is directed and for outsiders. Evidence of this is provided almost daily by the media around the world.

The second difference between some civil liberties and this second type of freedom is that it is not those who do harm to others who are threatened with criminal sanctions, but those who would like to defend themselves against or prevent such effects. It is

therefore a kind of privilege called freedom, where the legislator gives the right to harm others with impunity and forces the others to accept the negative effects of such privileges under the threat of punishment. This is obvious both in the case of strikes and in the case of all demonstrations.

All the new types of liberties introduced more and more frequently in the name of the fight against discrimination in various spheres of personal and social life have a similar character. Only the costs and losses that have to be borne by outsiders are different. We already have in many countries the right to homosexual marriages, the right to adopt children by such couples, the right to equal treatment of women and men, the right to gender reassignment, the right not to determine the sex, or the aforementioned right to express one's own sexual preferences freely, and this catalogue will surely grow even larger. In case of these "liberties", the costs incurred by others are not so much material losses connected with the realization of specific privileges, as costs and moral losses, e.g. in the form of unstable personality of children, their demoralization by obscene behaviors during the so-called "equality parades", the lack of respect for someone else's property, etc.

There is also a third case of the discussed type of "freedom from" which is always connected with the most serious consequences for the victim of this freedom. This is the so-called "right to one's own body" promoted by feminist movements and supporters of extreme liberalism as one of human rights. The realization of this right always leads to the death of the unborn child. Contrary to the scientifically undisputed fact that the beginning of human life is the moment of conception, ideologists of such freedom are pushing all over the world for a law denying such a human being and depriving it of its fundamental right, which is the right to life. The only argument that can determine the admissibility of the legal deprivation of the life of the conceived child is, in fact, the question whether the embryo is an autonomous entity or part of the body of the mother. This in turn is enough to deny the child a legal subjectivity that would ensure the absolute protection of his or her life.

In accordance with the *in dubio pro reo* principle, criminal law requires that all doubts be interpreted in favor of the prosecuted. However, the authors of the law allowing abortion are not satisfied with the position that this doubt could be resolved in favour of life, i.e. the *in dubio pro vita* principle. As a result, we are dealing with a peculiar situation in which a child conceived, referred to in legal language as *nasciturus*, can inherit property because he is a subject of the law of succession, but in the most lively case for him, which is the right to life, he is not a subject of the law.

It is worth noting that every time a new kind of "freedom from" appears, the list of offences against the law is extended, which justify the restriction or deprivation of liberty of those who do not want to bear the negative consequences of such rights. In such a way, the corset that restricts people's personal freedom in the name of freedom from the consequences of their own choices, which is granted to others, becomes ever tighter.

There is also a peculiar looping of these “freedoms from”, which can be seen in the sphere of freedom of speech. This freedom is increasingly being denied to those who do not want to accept the dismantling of social structures and relationships that occurs as a result of the introduction of more and more imaginary “freedom from”, and they express this by writing and speaking of scientifically undeniable facts that speak for their position. One can therefore say and write anything, provided that it follows the line drawn by the promoters of unfettered negative freedom. Otherwise, freedom of speech is not allowed, as it is treated as “hate speech” or interference with the legal order or any other crime that can be easily found in the criminal code and applied to the situation.

It is significant that the above mentioned civil liberties are always granted to a minority of members of a given community, and the negative consequences are borne by the majority who are forced to do so by law. It is argued that the quality of democracy is determined by the attitude towards minorities. As a result, there is a creeping slavery of the majority by an influential minority.

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