

Freedom and Capacity: Implications of Sen's Capability Approach for Berlin's Negative Freedom

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Many different competing concepts of freedom have been developed throughout human history, and today, freedom is still one of the most disputed concepts in political philosophy and beyond. The great importance of freedom in the causes of human conflict, in questions of legislation and in public policy-making asks for a cautious approach towards using the concept in political discourse. In this essay I will consider Isaiah Berlin's concept of negative liberty and compare it to Sen's capability approach in which a conception of liberty plays a major role. I will firstly reconstruct Berlin's pluralist conception of freedom. In doing so, I will explain the distinction between positive and negative freedom, as well as Berlin's argument for the priority of negative freedom. I will then point to a problem in Berlin's argument, namely that it is based on practical considerations, which is the reason why it doesn't provide good grounds for giving priority to negative freedom *per se*. I will thirdly introduce Amartya Sen's conception of freedom as utilized in the capability approach and finally discuss whether it is able to account for the limitations of freedoms in the situations analysed by Berlin.

I. Positive and negative freedom

Isaiah Berlin appears to be motivated by a fascination for the huge influence philosophical concepts can have on politics, and therefore ultimately on entire societies. In his seminal paper, "Two Concepts of Liberty" (1969), he explores how different concepts of political freedom have been used and abused in the formulation of political doctrines and ideologies. When talking about political freedom, Berlin takes the extent of obedience a state can legitimately demand from its inhabitants to be the most fundamental factor to be determined. In his discussion of political freedom

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Berlin distinguishes between positive freedom and negative freedom. The latter is concerned with the area in which a person can act unobstructed by other people. It is to be understood in the sense of other people intentionally interfering with that person and thus impinging on her freedom or coercing her. Positive freedom on the other hand, is about the area in which a person has control over her actions and the outcomes of her actions, i.e. in which she governs herself. Even though both aspects of freedom are important, Berlin argues for giving priority to negative freedom or for at least being very cautious when promoting positive freedom. To him, negative freedom appears to be “a truer and more humane ideal than the goals of those who seek (...) the ideal of positive self-mastery by classes, or peoples, or the whole of mankind.” (1969, p.171) Negative freedom is truer, because it recognizes the plurality of human ends and it is more humane in the sense that it doesn't allow for using human beings as means in order to reach some distant or incoherent final end.

Berlin argues for a pluralist conception of freedom. Recognizing the dangers entailed by a view of a harmonious universe that strives for some final solution or state and consequently rejecting this type of metaphysics complicates the process of finding generally accepted norms. Acknowledging that there is no single final end is equivalent to admitting that sometimes there must be tradeoffs between different ends. Furthermore, realizing that human knowledge is limited, one has to grant that different ends are equally ultimate. Therefore, it becomes indispensable for human beings to choose between them. For Berlin, this is a truth of human existence and justifies attaching an intrinsic value to freedom. (1969, pp.162-72) Nevertheless, the fact that ends are equally ultimate must also mean that freedom cannot be unlimited. Berlin defends a pluralist position, in which negative freedom has a prominent position because it is necessary in order for this pluralism to be viable. Negative freedom is a precondition for being able to choose between different ends. He justifies not giving positive freedom the same prominent position with respect to other ends, because it has been demonstrated by human history to be susceptible to being used for curtailing the integrity of human beings.

This dismissal on historical grounds does not show however that there is something theoretically wrong with positive freedom. It only shows that, as a practical concept, it is vulnerable to abuse and that, taken as an ultimate end, it can have disastrous consequences. In addition, it fails to show that negative freedom is preferable to positive freedom on theoretical grounds. There is still space for misuse in his conception of negative freedom. When he demands that the space in which a person is inviolable is to be defined in such a way that it captures the essence of what a

normal human being is, he leaves a lot of space for interpretation. Even though this is necessary for a pluralist conception, and history might not have exposed the same kinds of abuses as with the positive concept of freedom, it is still not satisfactory as a theoretical distinction.

It is therefore misleading to call negative freedom more humane because it does not allow for using people as means. Achieving negative freedom by sacrificing people's positive freedom amounts to using people as a means, just like achieving positive freedom by sacrificing negative freedom does.

II. Capability and freedom

In the following I will evaluate Sen's conception of freedom in the light of Berlin's argument and my critique of it. I will firstly elaborate on Sen's notion of freedom as used in his capability approach. Sen emphasizes the positive aspect of freedom in his theory and Berlin argued rather convincingly (on practical grounds) for taking caution when promoting positive freedom. Therefore, I will secondly discuss the relationship between Sen's conception of freedom and three criticisms of positive freedom that Berlin puts forward in "Two concepts of liberty". Finally, I will investigate whether Sen's approach also allows for valuing situations in which negative freedom is at stake.

Sen thinks of positive freedom in terms of the set of opportunities that is open to a person. This set consists of vectors of functionings, where functionings are the different things a person can do or be. For example, Berlin's negative freedom is a functioning that a person can achieve. A vector of functionings describes a person's well-being, disregarding the instrumental value that freedom adds by enabling us to achieve different valuable functionings. The value of freedom is incorporated, however, through Sen's concept of 'refined' functionings, which I will address later. Even though functionings describe the well-being of a person, they are neither to be understood solely as utility, nor solely as commodities. The opportunity of choosing between different functionings is called capability by Sen and the size of the set of alternative vectors of functionings that is open to a person describes her capability. So a person's capability can be taken to describe her positive freedom in the sense that it reflects her "ability to achieve valuable functionings and well-being". (Sen, 1988, p.278) Furthermore, the lack of negative freedom can be represented as an element of uncertainty in the capability set. So even though a person might be physically and mentally capable of achieving certain functionings, she cannot be sure that no other person will interfere with her attempt of achieving functionings if she lacks negative freedom.

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In addition to incorporating both positive and negative freedom, Sen attaches intrinsic as well as instrumental value to freedom. He rejects the sole reliance on negative freedom for two reasons. Firstly, relying on negative freedom only ignores the fact that it may be necessary to take positive actions in order to defend negative freedom. In addition he argues for the importance of positive freedom by pointing out that negative freedom completely ignores the ability and opportunity a person has to actually make use of her negative freedoms. So as long as one ignores its “positive connections” (1988, p.274), formal or negative freedom is meaningless to Sen. (1993, pp.30-6). Given this emphasis on positive freedom, how does Sen’s conception perform in the light of Isaiah Berlin’s threefold critique of positive freedom?

Consider, firstly, Berlin’s critical evaluation of positive freedom as autonomy through ascetic desire adaptation. He maintains that adapting one’s preferences to circumstances or to one’s ‘true’ self may ultimately lead to the sacrifice of the empirical existence of oneself. Within Sen’s framework this amounts to a contraction of the set of achievable functionings. If taken to the extreme, the vector over which the person has complete control and the vector that she actually chooses would be the only one left in the set. Calling such a person positively free is not tenable on Sen’s account. The contraction of the capability set would influence the amount of freedom that a person enjoys, even though that person may be quite well off with the freedom and well-being represented in her functioning vector. In other words, Sen’s approach is able to account for that type of lack of freedom.

The second development of positive freedom criticised by Berlin refers to the acceptance of an epistemically advantaged group or person. If this person or group overrides what other people actually prefer on grounds of their better understanding of the world, they are in a position to destroy people’s existence in order to make them positively free. Even if the epistemically privileged were benevolent dictators that grant people most of the functionings they would have actually chosen, Sen’s conception of freedom would attach little value to this situation relative to a situation that entailed a choice over different functioning vectors in addition to the same extent of well-being in addition. Sen distinguishes between judging an action and judging states that came about by the action. From a moral point of view it matters to the agent whether he himself brought about a state or someone else did. Thus, even if a benevolent dictator only acted in ways judged as good by the agent, one can still disvalue the fact that people actually have no, or very limited, choice over their outcomes. This is a consequence of attaching intrinsic value to freedom apart from its instrumental value. In terms of capabil-

ity sets and hence freedom, being made subject to a benevolent dictator could be represented as a contraction of the set and thus be valued less than a situation granting the same functioning vector but also a choice of other others.

Thirdly, the case of calling people free as long as they are part of a free social whole can similarly be covered by Sen's conception of freedom. Berlin argues that once the holistic view of positive freedom is accepted the individual cannot be positively free unless the social whole, in which it is embedded, is free. This identification with the social whole allows for a person to call herself free even when she is submitting herself under the most repressive authoritarian leadership. Even though people might call themselves free when 'their' group is free, this would not be accounted for as individual freedom in the capability approach; the approach is individualistic, so while this freedom of the group might add to individual well-being, there is no way to link the freedom of a group to an individual's freedom.

III. Discussion

However, being able to account for the problems with positive freedom that are pointed out by Berlin does not mean that Sen's conception of freedom fails to also allow for valuing or appreciating situations in which negative freedom is at stake. To assess this point, it is useful to have a closer look at Sen's argument for attaching value to negative freedom and compare it to its implementation in the capability approach. Sen attaches instrumental value to negative freedom because it enhances agency freedom and well-being freedom. By ensuring that people can actually attain the functionings which they could physically and mentally reach if nobody were to interfere with them, negative freedom increases the probability of attaining positive freedom. This allows one to go beyond the rights-based view of giving absolute priority to negative freedom. The intrinsic importance of negative freedom is derived from the view that a person who violates another person's negative freedom fails as a moral agent. According to Sen this has to be taken into account when evaluating different outcomes. So if there are two states with the same outcome but one state came about through the "failure of agency" (1985, p.219) of an agent, this state should be valued less in comparison. (ibid., pp.218-20)

As explained earlier, positive freedom is represented by a person's capability set, whereas negative freedom is a valuable functioning and can be seen as an element of uncertainty over the set of capabilities. Sen proposes to evaluate "refined functioning(s)" (ibid., p.202, italics author's own), which take into account the amount of freedom or the size of the capability set. This introduces the idea of mutual dependency between capabilities and functionings. However, even though

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this allows for ‘discounting’ a person’s well-being in situations with limited or no freedom, negative freedom is just one among many functionings. This is problematic, because the list of functionings that includes negative freedom is incomplete in the sense that it does not provide relative weights for the different elements. Sen defends this incompleteness by pointing out that it is more important to agree on the space of evaluation and that the weights have to be context dependent. (Sen & Nussbaum, 1993, pp.46-9) Even though Sen may be right, it does not change the fact that there are no fixed barriers for the trade-off between negative freedom, positive freedom and valuable functionings. This shows that it cannot be ensured that negative freedom, even though valued intrinsically, will be adequately protected in the capability approach.

In addition to the above problem there is a further one. To see this, it is useful to introduce Sen’s distinction between “agency freedom” and “well-being freedom”. (Sen, 1988, p.35) The former refers to what a person can achieve with respect to her aims and values, whereas the latter describes a person’s influence over her functioning vectors and the well-being that results from achieving those functionings. Agency freedom is the broader of the two concepts and it actually includes well-being freedom as one element, if the agent aims at achieving well-being or values it. Yet, well-being freedom cannot be subsumed under the heading of agency freedom, because the two concepts measure different things – namely possible advantage and possible achievement of what one values respectively – and one might increase even though the other decreases. (see Sen 1985, pp.206-8) Agency freedom is dependent on what an agent actually values. Sen calls this “open conditionality”. (1985, p.204) However, it would be a bit quick to conclude that there really are no pre-specified values. Sen imposes the constraint that agency freedom consists of what the agent “as a responsible agent” (1985, p.204) perceives as part of his conception of the good. This hint of objectivity imposes arbitrary borders on what the agent may hold as valuable, if one doesn’t believe in such objectivity. Looking back at Berlin, this procedure can hardly be acceptable, especially in light of the absence of absolute barriers to the trade-off between negative freedom and other aims, which was pointed out above.

This is not to say that there can never be trade-offs with respect to negative freedom. There might even be good reasons for overriding negative freedom in certain circumstances. However, as long as absolute barriers to the infringement of negative freedom are absent, great caution should be taken when doing so, especially when bearing in mind Isaiah Berlin’s warning, which amounted to the demand for a space within which no person can be interfered with.

IV. Conclusion

In this essay I argued that Isaiah Berlin's critique of positive freedom, even though convincing on practical grounds, is nevertheless not convincing on theoretical grounds. Berlin is not able to show that there is something theoretically wrong with positive freedom, while negative freedom is not open to the same kind of criticism. Following that, I argued that the Capability Approach is able to reflect Berlin's criticism, when evaluating the extent of freedom a person enjoys in the situations envisaged by Berlin. Despite this ability to differentiate, I argued that the Capability Approach does not pose a fixed limit on the trade-off between negative freedom and other valuable ends. I then went on to point out that the list of valuable functionings has a quasi-objective status, which may lead to overriding people's empirical existence. Combining the last two points and Berlin's critique of personality splitting, I concluded that one should take caution when promoting positive freedom via the Capability Approach.

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