

HEALTH AND FREEDOM

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1. Introduction

The State and Personal Habits

Many public policies seek to modify citizens' personal habits so as to improve their health.





Some examples



Classic public health campaigns

- Awareness: vaccines, condoms

- Legal obligations: security belt, tobacco, drugs

Recent proposals targeting food habits

- Ban on large format of soft drinks (NY, USA)

- Sugar and fat taxes (Denmark)

- Health insurance premium hike on obese people (AI, USA)

- Cut to health benefits to obese people who refuse “treatment” (UK)



2. What is Freedom?

2.1 Overall and Specific Freedom



A freedom is specific when it relates to a particular action or state of affairs.

The overall freedom of an agent is a function of their specific freedoms.

2.2 A Triadic Relation



“freedom is [...] always *of* something (an agent or agents), *from* something, *to* do, not do, become, or not become something” (MacCallum 1967, p. 314, his emphasis)

Each different interpretation of the three variables of this *concept* of freedom creates a different *conception* of freedom.



Passkontroll
Passport control



EU and Schengen only

All Nationalities



2.3 Agents, Constraints, Phenomena



Agents:

Individual or Collective?

Human or not?

Adult or not?

Rational or not?

Moral persons are agents of freedom.

Agents, Constraints, Phenomena (cont.)

Constraints:

(a) Deliberate, arbitrary, human interventions. What else? Justified interventions? Accidental interventions? Obstacles internal to the agent of freedom? All natural obstacles?

(b) Impossibility, certainly. What else? Legality? Difficulty? Cost? Morality? Desirability?

Any phenomenon that reduces the probability that an agent will realise a phenomena constrains their related specific freedom.



Agents, Constraints, Phenomena (cont.)



Phenomena:

(a) Immoral? Unjust?, Insignificant? Undesired?

(b) Actions certainly, but states of affairs? Even external states of affairs?

Any phenomena whose description includes the agent of freedom can be the object of their specific freedom.



2.4 The Constitution of Overall Freedom

Which function transforms the agent's specific freedoms into their overall freedom?

A simple aggregation?

A qualified aggregation according to the objective value of these specific freedoms?

Or according to their subjective value?

A agent's overall freedom is a function of the extent to which they have the specific freedoms they authentically prefer.

2.5 In Sum...



An agent is free to the extent that their probabilities of realising various phenomena are those they authentically prefer.

Consequently, it is possible for a constraint on a specific freedom to be associated with an increase of overall freedom when what constrains this specific freedom also increases other specific freedoms that the agent prefer authentically.



3. Freedom and Health

3.1 Health and its polysemy



Many definitions of health; from biological functions to personal well-being, going through a set of bio-psycho-social functionings.

Essential content: a positive state of the human body vs suffering, disease, handicap.

What is the relation with freedom?

3.2 What Is the Relation with Freedom?



Disease as constraint: any disease can be considered as a reduction of the probability of realising at least one phenomenon.

Health as phenomenon: Any state of affair that constitutes healthy state of the human body can be the object of a specific freedom.



3.3 A Robust Relation?



What if freedom is defined more narrowly? What if only human interventions that render actions impossible do in fact constrain freedom?

Disease as potential vector of constraint; when caused by humans and preventing actions.

Health as condition of possibility of actions.

3.4 In Sum...



The domain of health includes a set of phenomena that can be the object of specific freedoms.

These specific freedoms can notably be diminished by diseases.

Diseases can also prevent the realisation of other phenomena, outside the domain of health.



4. Freedom, Autonomy, Well-Being

4. 1 Freedom vs Autonomy



Autonomy (Beauchamp and Childress): emphasis on conditions under which decisions are made, such as the competence of the agent, the quantity and quality of information, the attitude and actions of medical staff.

Freedom: emphasis on set of constraints faced by the agent and its relation to the authentically preferred set.

Practical Difference



A concern for freedom brings our attention more to the constraints that determine the option list than to the conditions under which the agent choose an option from this constrained list.

4.2 Freedom vs Well-Being



Well-being (Beauchamp and Childress): emphasis is put on the probability of avoiding negative states of the body like death or disease or to restore positive states of the body like mental or physical functions.

Freedom: additional importance is given to possibilities and probabilities of being or acting in pursuit of ends different from one's well-being.

Practical Difference



A concern for freedom brings our attention more to the relative importance of possibilities and probabilities different from the pursuit of medical well-being, in addition to the constraints that limit the option list from which we must choose.

4.3 In Sum...



A decision can be autonomous and generate a positive net effect on the well-being of an agent, even though this agent is much less free than others.



5. Practical Hypotheses

5.1 Practical Guiding Rules

The impact of a specific health policy on freedom should always take into account the effect on *overall* freedom, not merely on the specific freedom directly targeted.

The impact will notably depend on the effect on the agents' health and the opportunities it opens up, but also on the targeted agents' authentic preferences.

5.2 Example 1: Tobacco



Legal prohibition of smoking in public places

Freedom loss: freedom to smoke in public places

Freedom gain: freedom to enjoy smoke-free public places; freedom to have healthy lungs; freedom to exercise; etc.

So, is it justified?

5.3 Example 2: Soft Drinks



A ban on large format of soft drinks

Freedom loss: freedom to buy large format of soft drinks?

Freedom gain: freedom to have a diet with less sugar?
freedom to have a healthy weight? freedom to live without diabetes?

Is it justified?

5.4 In Sum...



Freedom is never simply in opposition to the pursuit of health.

It is rather a matter of assessing the effects of health policies on *different* specific freedoms to find out the impact on overall freedom.

Since health is a dimension of freedom, it is likely that health policies will increase the overall freedom of agents.



6. Conclusion


Some Preliminary Conclusions



(1) Health is a dimension of freedom

(2) Health policies often reduce some specific freedoms but increase others.

(3) Their impact on overall freedom depends on the net effect on agents' whole set of specific freedoms.



(4) An autonomous decision made by an agent to improve their well-being can be taken under numerous constraints.

(5) A concern for freedom in health makes us look beyond individual decisions to the broader set of constraints faced by agents.