

Nussbaum, “Adaptive Preferences and Women’s Options”

1 Preference and the Good: Two Unsatisfactory Extremes (68)

Political approaches must draw a distinction between those preferences that *count* (for public policy) and those that do not. The question is on where to draw the line. On Nussbaum’s approach, we draw the line with respect to objectively defined capabilities. This means that sometimes we ought to give women opportunities that men do not want to be given to them, and which even *they themselves* might not want.

It’s important to note at this point that there are two separate questions.

Question 1: what makes someone’s life go best?

Question 2: which preferences should count in social aggregation?

These are subtly but importantly different. Question 1 is a question for moral philosophers; question 2 for political philosophers. Consider the example of the torturer. You might ask (Q1): does the torturer live a good life? Or (Q2): when we aggregate utility, should the torturer’s preferences for torture count? Nussbaum’s interest in this paper is almost exclusively with question 2, and she interprets Harsanyi/Brandt/etc. along these lines, too. (See her emphasis on “social choice” on p. 70, and elsewhere.)

Three cases of preferences we should discount:

1. Vasanti, while she is in an abusive marriage, thinks that abuse is “part of women’s lot in life” (68). She has no sense of the injustice done to her, or that she has rights.
2. Jayamma acquiesces in a discriminatory wage structure, and her husband wasting the family income, because this is just “just the way things were” (69).

3. Malnourished women in Andhra Pradesh do not “consider their conditions unhealthy or unsanitary” until an information campaign.

There are two extreme positions we might take with respect to how preferences should matter (70):

Subjective welfarism: all preferences are on par, and social choice should take them all into account equally.

Platonism: “actual desire and choice play no role at all in justifying something as good” (70)

This is *not* how we have defined “welfarism” in class. It is also not the kind of “Platonism” you might know from your metaphysics classes. Philosophers use labels in confusing ways!

Both these positions seem too extreme. Subjective welfarism runs precisely into problems with the examples above. Platonism ignores the “wisdom embodied in people’s actual experiences” (71).

2 Welfarism: The Internal Critique (71)

Most economic thinkers actually do not accept full subjective welfarism (except Friedman, perhaps). Nussbaum discusses three thinkers, showing that each thinker introduces some objectivist elements.

Hume/Bliss (71-72)

Hume and, following him, Bliss admit that we can err in our preferences. They accept that preferences might be formed on the basis of “inadequate or false” information.

Harsanyi (72-75)

Harsanyi starts from the idea of *preference autonomy* (72), the claim that people are the ultimate judges of their welfare. Despite this, Harsanyi accepts that people are frequently irrational in their preferences. So Harsanyi distinguishes “manifest” from “true” preferences (73). Our true preferences are those we would have if we had (i) full information, (ii) “reasoned with the greatest possible care”, and (iii) “were in a state of mind most conducive to rational choice” (73).

This helps us a bit with the cases, but we still need to add more, claims Nussbaum (74)—e.g., the absence of traditional hierarchy. But if we add even more idealisation, we have moved quite far away from subjective welfarism.

Nussbaum’s objection here is *not* that Harsanyi cannot account for the cases of adaptive preferences. She seems to concede that, with appropriate modifications, Harsanyi can. Rather, her point is that if Harsanyi can account for these cases, he has moved so far away from subjective welfarism that he starts to be closer to the platonist extreme. But if that is the case, why not simply acknowledge the objectivist elements in your view from the start?

Harsanyi also claims that, in aggregating social utility, we must exclude “antisocial” preferences (74). If this is true, Nussbaum claims, then Harsanyi’s utilitarianism starts from an implicit Kantianism—a view about which preferences are morally acceptable. But if that is the case, Harsanyi’s view is not welfarist at all! (75)

The problem Nussbaum describes can be made a bit more vivid by focusing on the problem of the torturer. Should the torturer’s desire satisfaction be included in the utilitarian calculus? Harsanyi wants to answer “no”: their desires should not be counted. But how is Harsanyi to draw

the line between preferences that count and which do not? If Harsanyi takes “preference autonomy” seriously, it seems, then he must make this argument only on the basis of what people *really* or *truly* want. But that argument seems hard to make.

Brandt (75-77)

Like Harsanyi, Brandt introduces elements into his view which carry him away from subjective welfarism. Brandt thinks of our true preferences as those preferences we would have after “cognitive psychotherapy”, which is a value-free reflection on the facts (75).

Nussbaum: despite Brandt’s claims, he implicitly introduces objective values into his account. For example, Brandt wants to discount preferences which are based on cultural prejudice—e.g., a prejudice against the job of garbage collector. But if cognitive psychotherapy redacted all cultural beliefs, then too much is lost. Many culturally formed preferences are just fine. So Brandt relies on an independent, objective standard in saying that a preference against garbage collectors is mistaken (76).

In short, both Harsanyi and Brandt, to get their results, implicitly introduce value assumptions that cannot be explained within subjective welfarism itself. This is the “internal” critique: despite their best efforts, these philosophers actually do not manage to stay subjectivist.

3 Adaptive Preferences and the Rejection of Welfarism (77)

Nussbaum now moves to review some arguments against informed desire accounts, and to see how far those criticisms go. (What Nussbaum seems to have in mind here are minimalist views like

Hume's/Bliss', which merely demand that everyone has the right amount of information.)

The Argument from Appropriate Procedure (78)

Informed desires by themselves are not enough. We also need the idea of a community of equals, of the absence of power inequalities/gender hierarchies, etc., to know which preferences should count and which shouldn't. This point is accepted by Harsanyi/Brandt.

The point here, I think, is that if we try to decide which preferences count, it's not enough to simply insist that all preferences be informed. Even some informed preference should be discounted in social aggregation. To know which, we need something like Rawls's original position, or some similar idea. Any such idea carries us away from subjective welfare.

The Argument from Adaptation (78)

Elster: a preference is adaptive if you down-scale your expectations after some early experiences. Nussbaum: Elster's focus is too narrow. First, surely not all adaptations to reality are bad: the example of children outgrowing their desire to fly (78-9).

The problem here is the following: if some adaptations to circumstances are acceptable and some are unacceptable, we need some independent way of drawing the line. Nussbaum argues that we draw the dividing line precisely through a theory of justice. E.g., it is unacceptable if women adapt their expectations under condition of gender injustice precisely because their rights are violated in such a condition.

Why are adaptive preferences a problem? Proceduralism cannot fully deal with them (79). E.g., the poor will more readily accept poor health (80), and information might not always remedy this.

Another case from Mill: men "enslave women's minds", forming their preferences and desires. How should we criticise this situation? Through "a normative theory of liberty and equality" (81)—that is, not on the basis of people's actual or informed desires!

However, Mill also blocks the move to full Platonism (81). The values Mill defends are still ultimately rooted in human desire (à la Aristotle).

The Argument from Intrinsic Worth (81)

Lastly, we might argue that some things have intrinsic worth—e.g., liberty and equality—quite independent from human desire. This is just the flipside of the adaptation argument.

But we can make this move without going full Platonist (82). Imagine that you have a list of objectively valuable goods. But what makes those goods ultimately valuable? "[P]olitics, rightly understood, comes from people and what matters to them, not from heavenly norms" (83). Probably a reference to human desire, understood as an Aristotelian sense as "reaching out for 'the apparent good'" (83). So some things are intrinsically valuable, but they still rely on our desires in some way.

The heavy emphasis on the political role of the objective list is once again interesting. Some of the comments remain a bit unclear, however. On p. 82, Nussbaum suggests that "desire fails to reliably [...] provide us [with a normative basis]". How does this square with her comments later? Also, if the Capability Approach is meant as a political theory, why does it need a normative basis at all, rather than just convergence? Nussbaum seems to say this much later.

4 Desire and Justification (83)

Nussbaum's Capability Account gives "not a complete account of the good or of human flourishing, but a political account, specifying certain capacities, liberties, and opportunities that have value in any plan of life citizens may otherwise choose" (83). So the objects on the list of capabilities is a *political* list: it is a list we can all agree on as a basis for political (re-)distribution.

Such an approach is superior to preference views. Preference views try to "winnow" (or filter) preferences. In doing so, preference theorists like Harsanyi and Brandt merely introduce objective values by the backdoor. So why not start from the objectively valued capabilities in the first place? (83)

This is a pretty elegant point, in my view. Harsanyi, Brandt, and most other preference theorists *de facto* have objectivist visions for political principles. But why then pretend that you start from preferences? Why not put objectively defined capabilities front and center, like Nussbaum does?

This view is not paternalistic, Nussbaum claims (84). It envisions human good in terms of liberty/capability, not in terms of functionings.

Surely, more questions will be asked about this aspect of Nussbaum's view. How might we defend her claim that the Capability Approach is not paternalistic?

Nussbaum closes with some reflections on methodology (84-5). We have constructed the list of capabilities partially with respect to informed desire, where informed desire plays an evidential role (85). But remember that we are trying to construct a political list. For a political list, it needs to be stable: it needs to be a list people

can live by in the long run. Informed desires make it likely that we can (85).

Note that the capability approach does not oppose women who choose "traditional life in the home" (86). It is up to people to choose particular functionings. The capability approach opposes restricting women's *choice*, or capabilities, on the matter.