Revising the Capability Approach:
Adaptive Preferences and Avoiding Paternalism

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A Thesis
in
The Department
of
Philosophy

Presented in Partial Fulfillment of the Requirements for the
Degree of Master of Arts (Philosophy) at
Concordia University
Montreal, Quebec, Canada

June 2024

CONCORDIA UNIVERSITY

School of Graduate Studies

This is to certify that the thesis prepared

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Entitled: Revising the Capability Approach: Adaptive Preferences and Avoiding Paternalism

and submitted in partial fulfillment of the requirements for the degree of

Master of Arts (Philosophy)

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ABSTRACT

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The capability approach, as proposed by Martha Nussbaum, identifies ten capabilities that are necessary for human well-being, and suggests that governments have responsibilities to provide these capabilities to ensure a minimum threshold of justice. In some cases, however, individuals with adaptive preferences may not value these capabilities and instead sign them away. This would mark a failure of the government to provide the capabilities and ensure justice. To address this, Nussbaum legitimizes the possibility of forcing the functioning of these capabilities as one way of protecting them. However, in this paper, I argue that forcing functionings risks paternalism and is not the most effective approach to tackle adaptive preferences. I offer the idea of preparation to help the capability approach deal with adaptive preferences while avoiding paternalism.

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Introduction

Well-being and justice are two interconnected concepts in the realm of ethics and politics that have attracted philosophers' attention. Not only does living in just situations affect individual well-being, but defining and implementing justice itself requires considering its relationship with well-being. Although these two concepts have an important role in ethics and politics, there is no agreement on their definition.

In this paper, I will explore Nussbaum's capability approach[1], which she claims is an approach[2] for both "comparisons of life quality" and a "partial theory of justice."[3] Within her approach, Nussbaum introduces ten values that contribute to well-being, and emphasizes that in order to provide a just society, people should have equal access to these central values to be able to improve their well-being if they desire. However, she recognizes that people who have adapted to their oppressed conditions may happily prefer to stay in their unjust situations, without access to these central values. Unlike utilitarianism, which values mere satisfaction or happiness and so might more easily legitimize adaptive preferences despite unjust situations, Nussbaum's approach recognizes adaptive preferences as problematic for well-being and justice insofar as they counter central values.

While it is important to address adaptive preferences, I will argue that Nussbaum's capability approach should be further developed through a deeper consideration regarding paternalism. In this paper, I will illustrate how her capability approach, in dealing with people who have adaptive preferences, conflicts with its principles and risks slipping into paternalistic actions. To address these issues, I will offer some suggestions regarding preparation that can help the capability approach avoid the mentioned issues.

I will proceed with my paper as follows: In section one, I will explain the concept of adaptive preferences, which refers to preferences that, when fulfilled, bring people happiness and satisfaction, even when they are not beneficial or just for them. Section two will discuss the capability approach and consider its response to issues that arise from adaptive preferences, along with concerns related to this response. In section three, I will explain the concept of paternalism and explore how the capability approach might exhibit paternalistic tendencies when confronting adaptive preferences. Then, in section four, I will develop the notion of "preparation," which will help the capability approach maintain its consistency and avoid paternalism. Finally, in the last section, I will briefly present some potential objections to the idea of preparation and provide my responses to them.

1. Adaptive Preferences

Adaptive preferences, broadly defined, are preferences that are shaped in situations with limited options, where they would not have developed had there not been such limitations.[4] From this broad definition of adaptive preferences, we can understand that the two conditions of (1) limited options and (2) adaptation are fundamental factors in defining adaptive preferences. For example, in societies such as Iran, where women have long been limited to the primary role of managing household responsibilities, their preferences may align with these societal expectations. If they are asked about their preferences, they may happily express their desire to be a housekeeper. Their preferences may be considered adaptive since they were formed under societal constraint, and since, if these women had the opportunity to freely work outside the home, or if societal norms did not make it challenging, even dangerous, for women to participate in outdoor activities, they may have formed differently. As Sen articulates, their adaptations to limited options prevent them from revealing their true preferences.[5]

However, these two conditions, on their own, do not fully clarify whether preferences are genuine or not. Characterizing adaptive preferences only based on limited options and adaptation may include all preferences as adaptive preferences and consequently our effort to distinguish preferences is absurd. As no individual in the world can ever have access to all options, all preferences would then be adapted to a limited option set. For example, in my hometown, a desert city where it never snows, being a hockey player is not an option. Children in my hometown aspire to become soccer players, the favourite sport in Iran, yet labeling their preference as adaptive preferences would not be accurate.

Therefore, we can see that not every adaptation to limitations may qualify preferences as adaptive. It is necessary to further specify which circumstances or factors contribute to the shaping of adaptive preferences. Jon Elster has provided a very detailed analysis of adaptive preferences, with which I largely agree. In the following, I will explore Elster's elaboration of adaptive preferences to enhance our comprehension of these preferences. However, I will explain areas where my viewpoint differs.

According to Elster, individuals facing limited options may unconsciously change their desires to align with the available options, seeking short-term pleasures. Adaptive preferences, for him, lack rationality when they have been formed by casual factors that are not relevant.[6] By irrelevant casual factor, Elster means those factors that are inconsistent with one's beliefs and desires. For example, in Iran, the hijab is meant to represent a woman's personal religious belief. In this case, societal expectations or conformity would not be a relevant cause for wearing the hijab. And so, if a woman in Iran prefers to wear a hijab solely due to societal expectations rather than her personal belief, this would be irrational.

Elster also asserts that adaptive preferences must be reversible. This means that removing relevant limitations and changing the option set should lead these preferences to change or revert.[7]

According to him, people change their preferences either through learning and new experiences or through changes in habituation and resignation (adaptive preferences).[8] In the former, people's preferences are genuine in the first place, but through learning or new experiences, they come to prefer other options.[9] If they changed their genuine preference to another, it is because they have developed through learning and experience. Whereas, adaptive preferences only change when the relevant limitations, habituations, or resignations are removed, rather than merely through new experiences.

I agree with Elster that these preferences should revert, but I would like to emphasize that a necessary condition for proper reversion is awareness, as they formed unconsciously.[10] Because when adaptations are formed unconsciously in oppressive or limited situations, and once these adaptations are deeply rooted in culture or religion, such oppressions and limitations may no longer be necessary for holding adaptive preferences. That is, removing oppressions and limitations may not necessarily change individuals' preferences. Unless these removals provide new experiences for individuals that lead to learning a new way of being and doing. Therefore, learning is a necessary condition for awareness, and awareness is a necessary condition for reversion or change of preferences. Removing the oppressive situation is a way that facilitates learning, and is also a necessary condition for actualizing new genuine preferences.

For example, consider a family living in a society where women are not allowed to work outside the home. Within this family there are two girls, Sara and Mina, and both prefer staying home and helping their mother. Despite their different personalities–Sara being an outgoing person and Mina being more introverted with social anxiety–they share the same preference. Now suppose the family moves to another city where women are encouraged to pursue jobs outside the home. Here, Sara changes her preference and starts working outside the home. In contrast, Mina continues to prefer staying at home. In this sense, Sara must have gained a deeper awareness of the

inconsistency between her desire for socializing and her preference of staying within her home. Moving to the new city removed the limitations and provided the necessary room for questioning her preferences. But if she hadn't actually learned or become aware, the removal of limitations would of course have little effect. Moreover, such reversion could also happen without moving, perhaps by getting informed through reading a book or having an influential conversation with others. And so, while removing limitations can be helpful, it is neither necessary nor sufficient. One can become aware of their adaptation despite the presence of limitations, just as one could maintain their adaptation even without limits, if they fail to become aware or to learn anew.

Another characteristic of adaptive preferences elucidated by Elster is that they are the effect rather than the cause of limitations.[11] In other words, limitations are prior to their related adaptive preferences. This is different from situations like marriage, where individuals make limitations in their relationship after preferring to be married. In marriage, couples do not marry each other because they are obliged to be exclusive (obviously Adam and Eve are exceptional!).

Elster also distinguishes between manipulation and adaptation. He emphasizes that adaptive preferences are not deliberately shaped by those who benefit from them; rather, they are caused unconsciously. When individuals or groups deliberately plan to dominate other peoples' desires for their own benefit, these desires are not considered adaptive but manipulated.[12] Therefore, Elster argues that slavery does not exemplify adaptive preferences. Similarly, Colburn shares the same view, claiming that "While adaptive preference formation is always covert, character planning never is, and this explains why the latter can be positively supportive of our autonomy."[13]

However, I disagree with this perspective and instead believe that manipulation constitutes a form of adaptive preference, since what matters most is that individuals within manipulated oppressive situations nonetheless form adaptations unconsciously or without awareness. Although

manipulators oppress and limit their victims consciously, the preferences of the manipulatees are still unconsciously shaped irrationally and disingenuously, according to their limitations, and would have been different otherwise, and are thus adaptive. The example of the happy slave shows that one's adaptation can be both consciously manipulated and unconsciously formed. Even in those cases where the happy slave is not satisfied with their situation, their dissatisfaction is so deeply unconscious that they fail to question their status of being subordinate, the real manipulative limitations, and instead turn to compare themselves to other slaves, rather than their masters.

Finally, Elster argues that adaptive preferences are different from those preferences that are shaped by adopting frameworks that help individuals to escape from situations where they should decide between options of close value. Although in these cases individuals may unconsciously limit their preferences, these preferences are not adaptive as their adopted framework must give weight to one option when faced with equally valued options in order to make decisions. In contrast, in adaptive preferences it is limited availability that gives weight to an option, where individuals act as if the available option were their preferred choice in the first place. Elster refers to this latter form as retroactively valuing the chosen option more.[14]

Elster's effort to elaborate on adaptive preferences seeks to argue against utilitarianism by showing that preferences alone are not a reliable criterion for justice. He convincingly argues that justice cannot simply involve giving people what they prefer, as their desires may be influenced by their unjust circumstances.[15] In other words, conceptions of justice must remain sensitive to adaptations to unjust circumstances, like adaptive preferences. Therefore, in his book, *Sour Grapes*, Elster does not intend to criticize adaptive preferences with the conclusion that they are inherently problematic. Rather, he even suggests that these preferences sometimes might be beneficial where individuals are in situations where changing options is not possible. Instead, he wants to show their problematic implications for justice.

Nussbaum addresses similar concerns, as Mozaffar Qizilbash says that for Nussbaum, some of these preferences can be viewed as "positively good," while others may hinder the realization of capabilities, posing problems for justice.[16] Nussbaum says that although the *situations* under which some preferences are formed may be problematic, the preferences themselves are not necessarily problematic.[17] For example, I was forbidden by my father to pursue mathematics, which was my love and passion, and so instead pursued optometry and later philosophy. These preferences are not inherently bad, despite the oppressive situation in which they were formed. This part of her argument aligns with philosophers who claim that adaptive preferences are a red herring.[18] As Dorsey concludes, our strong intuition that adaptive preferences are always problematic is misleading. Instead, we should focus on the explanation of why some preferences are favored and some unfavored. He argues that "There is nothing that is per se problematic specifically about adaptive preferences–though there may be adaptive preferences that are problematic, just as there are nonadaptive preferences that are problematic…the phenomenon of adaptive preferences does not deserve the attention it has received."[19]

To determine whether adaptive preferences are good or bad, Nussbaum turns to her ten valuable capabilities. She argues that when oppressive situations lead to adaptations that do not let individuals value their central capabilities and so they actually lose out their capabilities, they are problematic and need to be addressed. Khader views Nussbaum's perspective as perfectionist, and also, following Nussbaum, defines adaptive preferences as those that are "inconsistent with basic flourishing that a person developed under conditions nonconductive to basic flourishing and that we expect her to change under conditions conductive to basic flourishing."[20]

However, Nussbaum herself does not offer a precise definition of adaptive preferences and her lack of clarity in defining this concept has resulted in a range of interpretations regarding her stance. For example, Terlazzo suggests that, according to Nussbaum, adaptive preferences are

"*those preferences that fail to recognize the value of the perfectionist goods*[21] *on her list*" (emphasis in original).[22] While it is true that people who have adaptive preferences might not value capabilities, I disagree with Terlazzo's interpretation because Nussbaum argues that adaptive preferences are just one of the barriers preventing people from valuing capabilities. Depression and addiction, while distinct barriers, are also recognized by Nussbaum as factors that can diminish individuals' capacity to recognize the value of capabilities.

Before proceeding to the next sections, I need to clarify my own view on adaptive preferences, which I will use throughout the rest of the paper. For me, adaptive preferences, are those that meet all three of the following conditions: (1) they are shaped unconsciously, (2) within oppressive systems, and (3) these oppressive systems limit individuals' access to the necessary values for having a good life. I adopt Nussbaum's valuable capabilities, explained in the next section, as the necessary values for having a good life.

In the following section, I will provide a more detailed explanation of the capability approach, examining its principles and how it interacts with adaptive preferences.

2. The Capability Approach in Addressing Adaptive Preferences

In this paper, I focus on Martha Nussbaum's version of the capability approach, which goes beyond the version introduced by Amartya Sen, the founder of this approach. Sen's approach tries to offer a guidance for evaluating the quality of life or, as I refer to it, well-being. Martha Nussbaum takes this a step further by proposing her approach as an account of justice which ensures citizens the possibility of having a good life.

Nussbaum uses two terms, "functionings" and "capabilities," in her approach to explain the relationship of values in well-being and justice. As I understand it, valuable functionings

represent intrinsic values of well-being that have been achieved. This means that valuable functionings are a certain kind of actual being or doing that make individuals' lives better. On the other hand, valuable capabilities refer to the combination of internal capabilities of an individual and the suitable external conditions for the exercise of the valuable functionings,[23] or as Gilabert describes it, "A person's valuable capabilities are their effective opportunities to engage in such valuable functionings."[24] Within the capability approach, Nussbaum outlines ten distinct capabilities that contribute independently to well-being.[25] Each valuable capabilities is important for enhancing our lives, and none of them can be reduced to another. They include: 1. Life, 2. Bodily health, 3. Bodily integrity, 4. Senses, imagination, and thought, 5. Emotion, 6. Practical reason, 7. Affiliation, 8. Other species, 9. Play, 10. Control over one's environment.

Nussbaum extracts these values from the concept of the dignity of human beings.[26] While she believes that dignity is "an intuitive notion that is by no means utterly clear"[27], Nussbaum acknowledges the need for further clarification as it is the ground of her approach. She developed her idea from the Aristotelian/Marxian account of dignity, which says that dignity aligns with one's natural being and so involves all human capacities, including but not limited to rationality. Nussbaum argues that human beings have different capacities that enable them to engage in different activities. These capacities have a worth that is dignity. All individuals, regardless of age, gender, race, or origin, are equally entitled to human dignity and, consequently, to capabilities. These capabilities are essential for individuals to improve their well-being, and all are entitled.

As entitlements are correlated with duties, there is a responsibility to ensure the provision of these necessary capabilities across communities. Nussbaum claims that this responsibility lies primarily with governments.[28] In other words, governments are obliged to manage their resources in a way that guarantees all individuals under their rule have access to these ten valuable capabilities, enabling or making possible the functioning of these capabilities.

Certainly, when governments are tasked with ensuring capabilities, they need to enforce them. However, enforcing capabilities should not be seen as restricting individual freedoms; rather, it provides more opportunities and so increases freedoms. Therefore, even if individuals show indifference towards an opportunity like voting, for example, yet governments nonetheless grant everyone the chance to participate in political affairs through their vote, this is not a limitation on their freedom but rather provides them more freedom to engage in their society. This claim has faced criticism from some philosophers, who argue that "freely chosen functionings" [29] is different from freedom of choice.[30]Although these two conditions are different and the former may imply less freedom, I think that the latter does not necessarily lead to greater justice as some choices may restrict other's choices.

Moreover, Nussbaum believes that the ten valuable capabilities should be universally accepted by anyone with sound rationality, as they are based on human dignity, which is inherently owed to all humans regardless of race, age, religion, etc. The capability approach leaves it up to each individual to determine the extent to which they wish to realize a capability and how they wish to do so. This freedom in the realization of capabilities, known as multiple realization, lets individuals form diverse cultural and environmental backgrounds to determine how they want to lead their lives. By allowing for freely chosen functionings, the capability approach accommodates pluralism within its objective framework.

While capabilities are necessary for a good life and they can be forced without the risk of violating people's freedom, Nussbaum argues that functioning should not be imposed on individuals.[31] For political purposes, her focus on capabilities rather than functionings aims to avoid the issue of paternalism.[32] This means that individuals have the freedom to decide whether they want to function a capability or not. For example, while individuals should have the capability

of bodily health, if some choose to refrain from eating during Ramadan, even if it temporarily weakens them, they are free to do so.

So far, the capability approach ensures a just society wherein individuals have the opportunity to improve the quality of their life based on their own beliefs. However, challenges arise when the approach justifies enforcing functionings in certain cases, in order to protect capabilities. Nussbaum argues that when emotional barriers which prevent people from full functioning also prevent valuable capabilities, it is justified to act against people's will and force functionings to protect capabilities.[33] She offers the example of compulsory voting, since if this action is the only way to guarantee a capability affiliation, then enforcing participation in elections, as suggested by Nussbaum, could be justified.[34]

Nussbaum does not provide a precise description of situations demonstrating emotional barriers, but she implies that adaptive preferences are the main kind of these barriers, asserting that "social habituation and social pressure" prevent individuals from valuing the central capabilities.[35] Nussbaum maintains that in situations where individuals refuse to engage in functioning because of their adaptive preferences, the government is allowed to enforce functioning insofar as this protects the relevant capability. She argues that when an individual's rationale is impaired by emotional barriers, forcing functioning may be the only way to preserve a capability. Adaptive preferences, then, would be a main emotional barrier that significantly impedes functioning. Therefore, in such circumstances where adaptive preferences impede both functioning and capabilities, the enforcement of functioning is acceptable.

The example of Hamida clarifies Nussbaum's reasoning on how forcing individuals to function can help the realization of valuable capabilities, particularly in cases where adaptive preferences obscure their understanding of these capabilities. As a Pakistani woman, Hamida initially supported the law of mandatory veiling. She believed women should have purdah by

covering their body and avoiding participation in outdoor activities in the presence of men. However, after being forced to leave purdah and participate in outdoor activities without a veil, Hamida began to understand the value of capabilities like bodily integrity and affiliation. This coercion let her experience those valuable functionings which she had previously blindly rejected. These new experiences helped her find another interpretation of purdah that let her practice Islamic traditions while engaging in outdoor work alongside men.

This example highlights two important points. First, capabilities are universal and do not derive from specific viewpoints or belief systems, but are also pluralistic. People can realize capabilities without abandoning their religion; rather, religions represent different ways of realizing capabilities. The capability approach allows individuals to choose their own path towards functioning. Hamida's decision to wear long-sleeved blouses without make-up or jewelry shows how she practiced Islam within the capability of affiliation.[36] She practiced her own interpretation of Islam that allows her to participate in social interactions, exercising her valuable capabilities, while also reducing the risk of harassment in a society which is dominated by men working against her.

Second, in the case of adaptive preferences, forcing individuals to function is sometimes the only way of ensuring the provision of universal capabilities. When individuals refuse functioning because of their adaptive preferences, they may not have practiced their functionings for a long time which means the relevant capability will have long been absent from their life. Hamida would not have tried an alternative interpretation of purdah in Islam if she had not been forced to leave her strict purdah. This experience gave her the opportunity to realize that working outside and participating in social affairs can make her a stronger person who can live independently, especially after her husband died. Only with force did she realize that capabilities aligned with her religion.

To support her claim, Nussbaum argues that "Adaptation is not just lack of information."[37] Individuals with adaptive preferences cannot comprehend the value of capabilities merely by being provided access to them. Therefore, forcing individuals to experience functioning is sometimes the only way by which they can understand the value of a capability. After such an experience, even if they prefer not to function, their preference can be respected.

Although I agree with Nussbaum's claim that providing information alone may not solve the issue of adaptation in these preferences, I do not believe that forcing individuals to function is the most effective option. This harsh measure towards individuals may sometimes go against the capability of practical reason, which emphasizes that people should be free to reason what is good for them and also to lead their life based on their own reasonings. Given that Nussbaum herself points out the distinct role of practical reason and affiliation in her list, forcing functionings against their own reasoning conflicts with the principles of the capability approach.[38] Furthermore, it leans towards legitimizing paternalism. In the subsequent section I will explain the concept of paternalism and elucidate why I perceive Nussbaum's approach for addressing adaptive preferences to risk unjustified paternalism.

3. Paternalism: Examining the Capability Approach

According to Quong, when an action is undertaken with the intention of improving an individual's well-being, it is paternalistic if this action is motivated by a negative judgement about the individual's ability to make the right decision concerning their own well-being.[39] In other words, paternalism arises when there is a belief that, despite having relevant information, individuals are not able to decide what is best for them. For example, Mina's action to move a wine bottle to the back of the shelf to keep it out of her husband's sight can be seen as paternalistic, as she believes

it is good for her husband not to drink and doubts his ability to control himself when the bottle is visible.

Although paternalistic actions may be undertaken with good intentions and potentially lead to positive consequences for the individual, they are problematic because they are motivated by a negative judgement that disregards the individual's autonomy–the ability for self-creation [40]–and the moral status of citizens. Following Rawls, by moral status he includes the capacity for the conception of good.[41] However, Quong suggests a critical stance towards the autonomy argument. Nevertheless, his critique does not imply that paternalistic actions do not undermine autonomy. Rather, he tries to show that the autonomy argument, grounded in a specific conception of autonomy, lacks persuasive justification.[42]

For example, Mina's action is paternalistic when she hides the bottle of wine, assuming her husband does not have the capacity to make the right decision, according to a conception of the good, upon seeing it. However, if her husband were to ask her to hide the wine, her action would not be considered paternalistic, as it would come from a respectful consideration of his autonomy and capacity for the conception of good.

While Quong believes that all paternalistic actions are presumptively wrong, he acknowledges that in some cases they might be justified. To decide when paternalism is justified, he argues that each case must be assessed individually. However, as states make laws that are subject to everyone, state paternalism over citizens cannot be justified, unless we are certain that the entire population of a group of people "lack the ability to effectively advance their own interests."[43]

Now, let's examine the capability approach through Quong's judgmental account of paternalism. The capability approach justifies the action of forcing functionings in cases where the

absence of function and valuable capabilities is due to adaptive preferences. This action would be paternalistic insofar as it aligns with all two conditions outlined by Quong: (1) The action of forcing functioning is intended to improve the well-being of the individuals, (2) it is motivated by a negative judgement that individuals with adaptive preferences are not able to determine what is good for them (given that individuals have all relevant information). These paternalistic actions are not justified as there is no certainty that *all* individuals with adaptive preferences lack the ability to make the right decision for their own interests.

However, Nussbaum's view on paternalism is narrower than Quong's, as it does not include negative judgements on people's capacity to make the right decisions. For Nussbaum, any intervention in individuals' choices for their own good is paternalistic and wrong. Following John Stuart Mill, she believes that such interventions are justified only when people's choices harm others. Moreover, from her statement, "It is fully consistent to reject some forms of paternalism while supporting those that underwrite these central values, on an equal basis,"[44] we can conclude that Nussbaum considers forcing functionings in response to adaptive preferences to be paternalistic. However, she believes these actions are legitimate when necessary to ensure valuable capabilities. Nussbaum argues that adaptive preferences can impair individuals' rationality, preventing them from valuing capabilities and making the right decisions for their own good. Therefore, she justifies interference with their choices.

While it is true that adaptation can significantly impact decision-making processes and make it difficult for individuals to make the right decision, it would be hasty to conclude that *all* of these individuals have an impaired rationality. As discussed in section one, adaptation in individuals experiencing oppressive circumstances is a coping mechanism that leads to the shaping of unconscious preferences that help individuals in dealing with their challenging circumstances.

Therefore, their preferences may be, in some sense, rational, at least as long as they remain under oppression.

However, since these preferences develop unconsciously, individuals may persist in holding onto them even after the removal of the oppressive conditions or limitations. At this point, their adaptation no longer holds utility, and their preferences are more obviously irrational. Although adaptive preferences are irrational after the oppression has been removed, this does not mean that individuals who hold these preferences do not have the ability to value capabilities. They can realize the value of capabilities if they are provided with the necessary opportunities and time. These opportunities and time are necessary for making them aware of their adaptations and developing their understandings. Because these irrational preferences are the result of an unconscious mechanism, as soon as they become aware of the adaptive nature of their preferences, they are more ready to accept valuable capabilities even though they may not be ready to function. That is, adaptive preferences do not necessarily mean that individuals who hold them do not have the ability to make the right decision.

Therefore, I believe the existence of adaptive preferences alone cannot lead us to the conclusion that those individuals are not able to decide what is good for them and, consequently, such forcing functionings is not legitimate. Instead, it indicates that more careful consideration is needed in their case, in order to avoid unnecessary paternalism. I offer the idea of preparation to support the implementation of the capability approach, especially in cases where adaptive preferences become a barrier to an individual's understanding of capabilities.

4. Preparation: Developing the Capability Approach

In this section, I will explain how the notion of preparation can help the capability approach in addressing the issues posed by adaptive preferences and paternalism. To do this, I will first provide a brief explanation of the concept of preparation and its conditions. Following that, I will discuss how preparation can facilitate the provision of valuable capabilities without resorting to paternalistic actions.

So far, I have demonstrated that individuals with adaptive preferences may resist the full functioning of a valuable capability or even reject it entirely, choosing to remain in their unjust circumstances. As they are satisfied, if we leave them in their unjust conditions despite knowing that they are unlikely to change their preferences and value the relevant capability, this means that we have failed to provide that capability for them. Thus, we fall short of achieving the goal of justice set by the capability approach. On the other hand, if we enforce functioning to protect a valuable capability, as Nussbaum suggests, we engage in a paternalistic action that contradicts the principles of the approach.

Therefore, we need to pursue a course of action that avoids paternalism but still weakens these adaptations, enabling individuals to uncover their genuine preferences and, consequently, value capabilities. Through such measures, individuals should be more inclined to engage in functioning. As a result, the goal of the capability approach is upheld, as individuals both value capabilities, recognize the opportunity to improve their well-being through functioning, and so promote access to valuable capabilities.

I refer to the practice that helps individuals become aware of their adaptation as "preparation". This notion is shaped by contemplating the nature of adaptation in adaptive preferences and has been further developed by addressing the limitations of the capability approach. The nature of adaptation lies in its unconsciousness, and so the solution demands awareness. Additionally, the limitations of the capability approach include the undermining of the

importance of subjective well-being and autonomy, particularly when individuals' values conflict with those of the capability approach.

For example, consider Nussbaum's illustration of Hamida, who was forced to transgress purdah. This forced action introduces her to new experiences at the cost of undermining her autonomy and causing "tremendous pain" for her.[45] However, what truly helped Hamida in finding a new interpretation of purdah was not only this new experience; rather, it was also her father's advice about modesty as a way to remain devoted to Islam in her situation. Furthermore, it was her husband's apology that helped her to feel respected. These actions can be viewed as a form of preparation, where her father's advice facilitated awareness and her husband's apology restored her autonomy.

While I acknowledge that subjective values like happiness and satisfaction are not sufficient for human flourishing, I believe that it is necessary to respect them to preserve the autonomy and well-being. To protect capabilities or functioning without undermining autonomy and reducing individual's well-being, we need to prepare the conditions or environments for the new policy aimed at providing capabilities that have been rejected by individuals.

Preparation, broadly speaking, entails creating a secure environment wherein people can express their reasoning and develop their relevant knowledge over the required period of time. This means that when individuals find a capability or its functioning to contradict their values or beliefs, we should encourage them to share their reasons in a secure environment where they feel comfortable to discuss their thoughts. To make these discussions effective, we might also designate specialists to explain the value of capabilities in an understandable language for people. Obviously, depending on how deep their adaptation is, reconciliation will take time.

This broad explanation of preparation shows that preparation consists of two interconnected conditions: education and time. For each of them, there is a ground or reason that relates them to the issues of adaptive preferences. In the following discussion, I will explain the importance and the ground of each in detail.

Education in preparation can be delivered through various means. First, it should include access to individual resources like texts, documentaries, or podcasts. These resources should cover the relevant information, both general and specific, needed to understand the value of capabilities by considering and respecting the culture and belief system. Consider, for example, the time of the Pahlavi monarchy in Iran, where Mohammad Reza Shah recognized the entrenched gender discrimination rooted in Iranian culture often supported by Islamic beliefs. To address this, Shah could have promoted gender equality in school textbooks, using language that would not offend religious sensibilities as people tend to trust sources that uphold their beliefs and values.

Second, education can take place through social platforms like discussion groups, community forums, or public debates. These avenues empower individuals to express their reasoning and values within their respective communities and engage with experts and representatives of the capability approach. For example, rather than exiling Ayatollah Khomeini to France,[46] which only heightened his influence among the people, the Shah could have invited him to participate in public debate on issues like women's rights in employment outside the home and affiliation. These debates could help people recognize Khomeini's oppressive viewpoints on women's rights.[47]

Lastly, experimental education involves creating environments or activities that facilitate the acquisition of relevant knowledge through new experiences, aligning people's values with those of the capability approach. Returning to the Pahlavi era, the Shah could have implemented sex-separated job opportunities for women who refused work outside the home because of gender

ideals, helping them to become independent. Similarly, during the Shiraz Art Festival (1967-1978), steps could have been taken to display those arts that sharply contrasted with cultural norms indoor and keep displaying those that are aligned with these norms outdoor areas to avoid societal unsatisfaction.[48] This unsatisfaction was one of the reasons behind the revolution, arguably because people were unprepared for such cultural shifts. Decades later, people in Iran are now protesting to promote the very activities they once opposed. This is a compelling example that suggests if measures had been taken into account which balanced people's values at that time through proper preparation, they perhaps could have gradually come to appreciate art and freedom.

The other component of preparation that needs to be considered is time. Changing preferences that have developed over years, or even generations, is a challenging process that may require several steps. These preferences are often deeply intertwined with beliefs and cultural norms, making them interconnected with other aspects of life, such as responsibilities and societal expectations. Addressing each preference requires dealing with such interrelated issues while remaining sensitive to time. In other words, it is necessary to create and prepare the required infrastructure for these changes.

To illustrate the undeniable value of time, consider a city where women are subordinated and dependent on men, whether it be their father or husband, both financially and emotionally. A quick solution to make women independent could involve creating job opportunities for them to work outside the home, where they can earn an income. However, such a solution may not be effective and could potentially aggravate existing issues. The preference of staying at home to manage household duties is deeply intertwined with various societal aspects of their lives. For example, women often are regarded as the primary caregivers responsible for raising children, and motherhood is seen as the ultimate end for women. Additionally, instances of sexual harassment are often blamed on women's behaviour. In such an environment, simply forcing women into the

workplace without careful consideration may create additional challenges. They may find themselves balancing work responsibilities with their traditional duties at home, such as preparing children for school, maintaining the household, and cooking for the family. Furthermore, women may face pressure and feel self-conscious of their behaviour at their job, where they must navigate potential instances of sexual harassments in societies which place the blame solely on women. Addressing these complex layers requires several steps to empower women and foster their independence, and achieving favorable changes in these societies takes time.

Therefore, with preparation, education, and time, the capability approach can help prevent the consequences of hasty impositions which risk undermining its own principles through paternalism. Tolstoy's novel, *Anna Karenina,*[49] vividly illustrates the consequence of injecting an objective good into a society and individual's life without considering the culture and required infrastructure. Through several story lines, Tolstoy shows how implementing the successful European policies, mostly from England and France, aimed at improvement in social class and gender role had tragic results, as Alexander II had not considered the culture and unique circumstances of Russia. He uses the character of 'Anna' to show how gaining her rights to divorce and to love freely does not make her happy but ends with the tragedy of her suicide. Tolstoy shows that when society holds deep sexist beliefs, rapid positive changes in Anna's personal life that contrast with those beliefs can pose severe challenges for her. Tolstoy also uses the character Levin to illustrate that the agricultural reforms of Western Europe would be similarly unsuccessful in Russia, even though the old system is not fair and needs changes.

However, if the appropriate changes accure over time, they could successfully lead to a more just society. Such changes would not only align with the goals of the capability approach, but also be favoured by individuals as they are less challenging for their well-being. For example, in the earlier described society where women are subordinated, the initial step could involve

implementing policies that, while minimally challenging, empower women and enhance their independence. One such policy could be providing sex-separated jobs for women, where they receive respect and earn income. This experience could instill a sense of empowerment in women, promoting them to question their unfair circumstances, and gradually lead men to reassess their dominance and awaken from the illusion of superiority. The more women and men perceive themselves as equal, the more that distribution of household and family responsibilities would become fair. Consequently, in the next step where more job opportunities are made available for women in mixed environments, women would be less burdened with sexist responsibilities and the chance of sexual harassment would decrease, as both women and men would promote a higher dignity for women.

5. Potential Objections and Responses to Preparation

While the idea of preparation aims to develop the capability approach by addressing issues of paternalism and preserving autonomy, a concern arises regarding whether this idea itself may be perceived as paternalistic. One might argue that educating people to encourage acceptance or to value capabilities could be construed as a form of brainwashing. If this argument holds true, then preparation poses a significant threat to autonomy and freedom. Brainwashing not only undermines individuals' autonomy but also deprives them from the power to exercise authority over their actions.

However, I argue against this concern because education within preparation is not motivated by a negative judgement. Rather, it is grounded in a belief in individuals' ability to discover what is best for them. Through education, our aim is not to persuade individuals to accept a predetermined conclusion, but rather to undertake an open-ended journey to discover the best

course of action by understanding contextual elements such as culture and religion. We acknowledge, and hope for, the probability of settling on preferences for the universal valuable capabilities listed in the capability approach. And so, within this educational environment where individuals are encouraged to share and exercise their reasoning, we are open to adding or eliminating an item from the list if their reasoning is convincing.[50]

The second potential objection to the idea of preparation revolves around whether individuals who resist participation in the educational process can be justifiably forced to undergo it. One may argue that coercing individuals into participation violates their autonomy and freedom of choice. While it is unlikely that *all* individuals would refuse preparation, in those rare cases, where *all* individuals adamantly refuse to engage in discussions about their non-functioning or any other educational facilitations, this suggests that emotional barriers impair their rationality.

When individuals are unwilling to even participate in considerate programs based on their own beliefs, coercion may seem inevitable. It should be noted that this would be a lesser and more nuanced form of coercion than Nussbaum suggests, as it would enforce *preparation* for functioning, rather than actual functioning. In terms of paternalism, preparation employs various strategies for dealing with adaptive preferences. Most of these strategies are not paternalistic; however, some might be, and those that might be paternalistic are rare, but justified.

However, coercive preparations will be taken with careful consideration. For example, there might be some instances where coercion may not be the best approach, such as a terminally ill patient or an elderly person, whose preferences and participation in preparation are unlikely to change significantly due to their circumstances.

Another objection pertains to the time required for preparation. One may question the justification for investing significant time and resources in preparing individuals to acquire

preferences for valuable capabilities. This objection raises concerns about the efficiency of allocating resources to such projects and the probability of success in preparation.[51] While it is true that preparation may sometimes need a considerable amount of time, prioritizing autonomy over expediency is reasonable. Between autonomy and time as a cost for providing capabilities, extra time is a justifiable expense and reduces the risk of human rights violations. Additionally, given that the capability approach is an approach for human development, considering time for development is not far-fetched.

Moreover, since the goal of the capability approach is to improve individuals' quality of life and promote justice, subjective well-being becomes significant when the objective list of capabilities may not guarantee individual satisfaction in evaluating one's own life. It is unjust to compel individuals to value capabilities when their subjective adaptation is so deep that they lack the capacity to realize the objective value of capabilities. Forcing these capabilities in their life may cause them to feel miserable rather than experience improvement in the quality of their life. In such cases, even if preparation takes time and may not lead to significant changes in individuals' objective well-being, it helps ensure that individuals have a positive evaluation of their life.

Finally, developing practices of preparation contributes to making society gradually better, especially for future generations. While concerns may arise about how preparation can contribute to development of next generations if it fails to change current individuals' preferences, not only do practices of preparations take time to develop and to help society as a whole, it is also worth noting that there are usually a few individuals who, in changing their preferences, become positive examples for people around them. As these individuals are tangible models, they can influence others, accelerating the alignment of preferences towards the objective values outlined in Nussbaum's approach.

An analogy with addiction can help illustrate why allowing time and considering individuals' values is reasonable. Just as the capability approach derives its values from human dignity, biology or medicine defines what is good or bad for individuals based on human health. Although health values are universal, medicine acknowledges that individual circumstances can alter one's needs and consequently can change what is good or bad for each. For example, while medical science advises against drinking alcohol due to its harmful effects, it would not advise an alcoholic to seize drinking immediately, recognizing that abrupt cessation could be life-threatening. Instead of posing force, a gradual tapering approach is preferred, considering the patient's symptoms and situational changes.[52] The required time for tapering is distinct for each individual, but is still objectively reasonable, as their goal is to improve individual health, rather than to rigidly adhere to universal values. Between one's conditions and universal values, we need preparation.

Similarly, when the capability approach claims that forcing functioning can help individuals recognize the benefits of capabilities, this approach risks undermining individuals' subjective well-being and the limitations of the mind resulting from adaptation. Just like addiction that can turn alcohol from a poison to a necessary substance for survival, adaptation can also turn an unvaluable preference to a beneficial one. And so, proper time and environments, as forms of preparation, are necessary elements in addressing adaptation, as with treating addiction.

6. Conclusion

The concept of adaptive preferences presents a significant challenge to theories of well-being and justice. This challenge arises because individuals with adaptive preferences may find contentment in their unjust situations and may become dissatisfied when their situation changes against their

will to a just one. While I acknowledge that the capability approach recognizes these preferences and the challenge they present, I believe that its approach to addressing adaptive preferences through forced functioning risks contradicting its own principles and may, in some cases, be paternalistic. In response to these issues, I propose the notion of preparation, wherein through education and time, individuals are empowered to realize the value of capabilities that enable them to improve their well-being and promote justice in their lives. The idea of preparation is not meant to criticize the capability approach as a whole; rather, it is inspired by the approach and aims to strengthen it by helping it address criticisms that it would be paternalistic in tackling adaptive preferences.

Notes

[1] Nussbaum prefers to use the plural term "capabilities approach" (unlike Sen, who uses "capability approach") to emphasize that there are several valuable capabilities. She provides a specific list of these capabilities, whereas Sen, despite also being pluralist about capabilities, does not offer a general list of fundamental capabilities. Sen argues that it is better to leave the drawing of such lists to the specific contexts of discussion and action.

[2] Nussbaum herself introduces her framework as an approach rather than a theory. However, some like Ingrid Robeyns argues that Nussbaum's framework should be considered as a theory. Robeyns, *Wellbeing, Freedom and Social Justice.*

[3] Nussbaum, "Creating Capabilities: The Human Development Approach and Its Implementation," 6; Nussbaum, *Women and Human Development: The Capabilities Approach,* 18.

[4] Terlazzo, "Adaptive Preferences: Merging Political Accounts and Well-Being Accounts," 1; Terlazzo, "Must Adaptive Preferences Be Prudentially Bad for Us?" 413.

[5] Sen and Williams, *Utilitarianism and Beyond*, 55.

[6] Elster, *Sour Grapes: Studies in the Subversion of Rationality*, 15.

[7] Elster, 113.

[8] Elster, 114.

[9] In such cases usually their new preferences were available to them before, but after learning and having new experiences they start to prefer a new option. For example, a person for whom social media is her favourite entertainment might change her preference to walking in nature or reading a book in her backyard after she experiences living in the woods, where there is no internet but there are hiking paths and books.

[10] By awareness I mean individuals become aware of the inconsistency between their preferences and desires, and their adaptation.

[11] Elster, *Sour Grapes: Studies in the Subversion of Rationality*, 116.

[12] Elster, 117.

[13] Colburn, "Autonomy and Adaptive Preferences," 52.

[14] Elster, *Sour Grapes: Studies in the Subversion of Rationality,* 121.

[15] Elster, 110–11.

[16] Qizilbash, "Well-Being, Adaptation and Human Limitations*," 104.

[17] Nussbaum, "Symposium on Amartya Sen's Philosophy," 79.

[18] Baber, "Adaptive Preference," 126; Dorsey, "Adaptive Preferences Are a Red Herring."

[19] Dorsey, "Adaptive Preferences Are a Red Herring," 483.

[20] Khader, *Adaptive Preferences and Women's Empowerment*, 17.

[21] By perfectionist goods, Terlazzo refers to the ten capabilities that Nussbaum has included in her list as valuable capabilities.

[22] Terlazzo, "The Perfectionism of Nussbaum's Adaptive Preferences," 186.

[23] Nussbaum proposes three kinds of capabilities: basic capabilities, internal capabilities, and combined capabilities. Basic capabilities are the innate capacities of individuals, such as the capacity to hear or see. Internal capabilities are developed abilities or skills that enable engagement in functionings, such as the skill of critical thinking. Finally, combined capabilities are internal capabilities along with the suitable conditions required for functionings, such as being fully capable of participating in political events. Nussbaum, *Creating Capabilities*, 20–24; Nussbaum, *Women and Human Development: The Capabilities Approach,* 84–85.

[24] Gilabert, "The Capability Approach and the Debate between Humanist and Political Perspectives on Human Rights. A Critical Survey," 305.

[25] Nussbaum, *Women and Human Development: The Capabilities Approach*, 78; Nussbaum, *Creating Capabilities*, 33.

[26] Nussbaum, *Women and Human Development: The Capabilities Approach,* 5.

[27] Nussbaum, *Creating Capabilities,* 29.

[28] Nussbaum, 168.

[29] Carter, "Is the Capability Approach Paternalist?," 87.

[30] Carter provides three plausible interpretations of the value of freedom that might be attributed to the capability approach: (1) The contributory value of freedom, (2) The intrinsic value of freedom and, (3) The political value of freedom. He explains that Nussbaum's approach takes the contributory value of freedom, that is freedom's value is dependent on the valuable functionings. In other words, people are free to choose between functioning and not functioning of valuable capabilities. Carter argues that contributory value of freedom gives space to paternalistic interventions. See Carter, 87,88.

[31] Nussbaum, *Women and Human Development: The Capabilities Approach,* 77.

[32] Nussbaum, 161.

[33] Nussbaum, 93.

[34] Nussbaum, 93.

[35] Nussbaum, 140,149.

[36] Here is Nussbaum's insightful explanation of affiliation: "**A**. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship… **B**. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails, at a minimum, protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity, or national origin.84 In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers".

[37] Nussbaum, *Creating Capabilities,* 83.

[38] For Nussbaum, practical reasoning and affiliation have a distinct role as they "organize and pervade the others." Nussbaum, 39.

[39] Quong, "Paternalism and Perfectionism," 80.

[40] For Raz, to be an autonomous person is to be the author of your own life and for this, one should have three elements: "appropriate mental ability, an adequate range of options, and independence." Raz, *The Morality of Freedom,* 370–73. Similarly, Colburn defines autonomy as "deciding for oneself what is valuable, and living one's life in accordance with that decision." Colburn, *Autonomy and Liberalism*, 19.

[41] Rawls asserts that people are free and equal in virtue of two moral powers and powers for reason. He explains that the two moral powers are the capacity for a sense of justice and the capacity for a conception of good, Rawls, "Political Liberalism," 19.

[42] See Quong, 98–100.

[43] Quong, "Paternalism and Perfectionism," 104.

[44] Nussbaum, 53.

[45] Nussbaum, 237.

[46] He was the religious leader of the people in Iran and the most popular figure in Islam during his time.

[47] Vakil, *Women and Politics in the Islamic Republic of Iran: Action and Reaction.*

[48] Throughout the annual Shiraz Art Festival, artists in music, theater, and dance presented a diverse range of works, including traditional Persian pieces, as well as those from Eastern and Western styles. However, in 1977, this festival notably featured modern artworks that included nude and semi-nude scenes, drawing criticism even from Western countries.

[49] Tolstoy, *Anna Karenina.*

[50] This aligns with Nussbaum, who views her list of valuable capabilities as an open work in progress, emerging from and being revisable in public debates among those affected.

[51] This objection was raised by Reviewer C of my proposal.

[52] A patient's symptoms are considered subjective data in medicine, a term I have chosen to avoid in this context to prevent potential confusion, as it differs from subjectivity in ethics. Subjective data, or symptoms, refers to information reported by the patient that cannot be observed by healthcare workers. At the same time, however, symptoms can be explained by objective data. For example, if a patient reports the subjective feelings of nausea and a headache, and admits exposer to carbon dioxide (CO), both are still subjective data. Only if a doctor tests for carbon monoxide is the result considered objective.

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