

## Adaptive Preference<sup>1</sup>

Martha Nussbaum argues that *preferentism*, or "subjective welfarism," the doctrine that a person's good consists in the satisfaction of her informed preferences, fails to explain our intuitions in cases of "adaptive preference," where the preferences of individuals in deprived circumstances are "deformed" by poverty, adverse social conditions and political oppression. Nussbaum argues that the satisfaction of such "deformed" preferences does not contribute to well-being hence that the preference utilitarian's account of well-being is false. Furthermore, she claims, it undermines the motivation for projects intended to improve the material, social and political life circumstances of individuals who are badly off: since the preferentist account suggests that these conditions are best for them if they are what such individuals prefer, it would seem that there is no reason to work for change.

"Subjective welfarism," writes Nussbaum, "holds that all existing preferences are on a par for political purposes, and that social choice should be based on some sort of aggregation of all of them." Thus she concludes:

Embraced as a normative position, subjective welfarism makes it impossible to conduct a radical critique of unjust institutions... This limitation is especially grave when we are in the process of selecting basic political principles that can be embodied in constitutional guarantees... [T]he problem of preference deformation requires us to depart altogether from the utilitarian framework.<sup>2</sup>

I argue, first, that the deprived individuals whose predicaments Nussbaum cites as examples of "adaptive preference" do not in fact prefer the conditions of their lives to what we should regard as more desirable alternatives, indeed that we believe they are badly off precisely because they are *not* living the lives they would prefer to live if they had other options and were aware of them. Secondly, I argue that even where individuals in deprived circumstances acquire tastes for conditions that we regard as bad, they are typically better off having their acquired preferences satisfied. If they are badly off it is because they cannot get what we and they, would regard as more desirable alternatives.

Preference utilitarianism explains why individuals in such circumstances are badly off whether they have adapted to their deprived circumstances or not. Even if they prefer the conditions of their lives to all other available alternatives, most would prefer alternatives that are not available to them which would, on the preferentist account, make them better off. And that, on the preferentist account, is the basis for a radical critique of unjust institutions that limit people's options and prevent them from getting what they want.

### Subjective Welfarism

As *welfarists*, utilitarians are committed to the doctrine that "the correct way to assess or assign value to states of affairs... [is] welfare, satisfaction, or people getting what they prefer." Preference utilitarians hold that preference satisfaction alone is what matters, thus Harsanyi writes:

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<sup>1</sup> I am grateful to Timothy Hall who commented on an earlier version of this paper at the APA Pacific Mini-Conference on Global Justice where an earlier version of this paper was read, for comments from participants at that session and for comments by anonymous reviewers for this journal.

<sup>2</sup> Nussbaum, Martha (2000). *Women and Human Development*. Cambridge, Cambridge University Press: 116-118.

[P]reference utilitarianism is the only form of utilitarianism consistent with the important philosophical principle of *preference autonomy* ... the principle that, in deciding what is good and what is bad for a given individual, the ultimate criterion can only be his own wants and his own preferences.<sup>3</sup>

Harsanyi notes that for the principle of preference autonomy to yield plausible results the utilitarian must idealize the notion of preference: since this notion has work to do in articulating our concepts of rational choice and the social good, it cannot be understood crudely in terms of either drives or actual choices.

All we have to do is distinguish between a person's manifest preferences and his true preferences. His manifest preferences are his actual preferences as manifested by his observed behavior, including preferences possibly based on erroneous factual beliefs, or on careless logical analysis, or on strong emotions that as the moment greatly hinder rational choice. In contrast, a person's true preferences are the preferences he *would* have if he had all the relevant factual information, always reasoned with the greatest possible care and were in a state of mind most conducive to rational choice...social utility must be defined in terms of people's true preferences rather than in terms of their manifest preferences.<sup>4</sup>

Preference is inextricably linked to choice but, as Harsanyi notes, when it comes to giving a plausible account of welfare in terms of preference satisfaction our choices do not always represent what we prefer in the requisite sense.

First, in order to reflect our true preferences our choices must be informed. Was choosing S good for me? Not if I didn't know what I was getting into. In cases like this I deny that my choice represents a "real" preference: "I didn't really want S—I didn't know what it would be like, I didn't know what the consequences of getting it would be, I didn't know what alternatives were available, I didn't have an accurate picture of the costs, benefits or probabilities."

Secondly, our choices must be free in the broadest sense: they must issue from a state of mind conducive to rational choice. Unreflective or impulsive choices, or choices individuals make when in the grip of an addiction, do not count. In such cases, once again, we deny that our choices reflect what we "really" want: "I didn't really want to do A—I wasn't thinking about it, I did it out of habit" or again "I didn't really want S—I just couldn't resist."

Finally, in addition to the conditions cited by Harsanyi, arguably a plausible account of preference should not ascribe preferences to us on the basis of choices we make in response to feelings of moral obligation. Where we act out of a sense of moral obligation, again, we commonly deny that our actions reflect our desires. People quite often choose to do things that they do not want to do and, given the commonsensical notion of preference we say, without worrying about contradiction or paradox: "I didn't do A because I *wanted* to—I would have much *preferred* that things be otherwise. But I *had* to do it [because I promised, because I put the good of my country ahead of my own, because I put my children's welfare ahead of my own, because it was a religious commitment, because it was my duty, because it was the right thing to do...]"; "I don't really want S but I put up with it because I don't deserve better" or more commonly, "I don't really want S but *you* deserve it and delivering it is going to hurt me even more than it hurts you." In spite of a venerable tradition according to which virtue is good for us and is the state we would

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<sup>3</sup> Harsanyi, J. C. (1982). *Morality and the Theory of Rational Behavior. Utilitarianism and Beyond*. A. Sen and B. Williams. Cambridge, Cambridge University Press: 39-62.

<sup>4</sup> *Ibid.*, p. 55

act to achieve if we were rational and fully informed, common sense suggests otherwise. While some individuals have a taste for virtue and aim to cultivate it, most of us do not and, for us, doing what we believe is the right thing is usually doing precisely what we do *not* want to do. So as a further condition we shall define a person's "true" preferences as those he would have apart from any feelings of moral obligation to do some action or bring about some state of affairs.<sup>5</sup>

These restrictions on what is to count as "true" preferences for the purposes of judging individual welfare handle some of the most troublesome putative counterexamples to preferentism: the choices of individuals who, acting in ignorance or on impulse, wreak havoc on their own lives and individuals who, acting out of a sense of moral obligation, sacrifice their own wellbeing.

Nevertheless, on an informed preference account, even given these restrictions, neither the content nor the origin of preferences matter, but only that they are satisfied. Nussbaum and others argue that this by itself renders preferentism vulnerable to a further range of hard cases posed by the phenomenon of "adaptive preference." Our preferences, they note, are influenced by our perceived options and life circumstances thus, reflecting on the plight of poor women in developing countries, Nussbaum notes, individuals in deprived circumstances scale down their aspirations.

'Quiet acceptance of deprivation and bad fate affects the scale of dissatisfaction generated, and the utilitarian calculus gives sanctity to that distortion'... this makes utility quite inadequate as a basis of social choice.<sup>6</sup>

Satisfying desires distorted by deprivation, she argues, does not contribute to the social good and, indeed consciousness-raising to induce dissatisfaction is in order, particularly where such desires are a consequence of individuals' response to unfair practices.<sup>7</sup>

Nussbaum's case turns upon stories of women in deprived circumstances who she claims, have come to prefer the conditions of their lives to what we should regard as better alternatives and are worse off for having such preferences satisfied. To make her case she has to show that the choices they make reflect their preferences but this she has not done: in her rendition of their predicament, Nussbaum ignores the dispositional nature of preference, the trade-offs and prudential calculations rational agents make which lead them to choose goods that they do not *ceteris paribus* prefer and the distinction between merely manifest and true preferences.

In general, preferentist theories are vulnerable on two counts. Some are implausible because they incorporate inadequate accounts of what preference is. So, accounts that assume preference is strictly "revealed" in choice are unsatisfactory because the notion of "revealed preference," introduced in order to avoid reference to unquantifiable, unobservable, subjective states, is remote from the folk psychological notion of preference.<sup>8</sup> Incorporating the revealed

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<sup>5</sup> Sorting out moral from non-moral motivations may be problematic—see, e.g. Velleman (2002)

<sup>6</sup>Nussbaum cites Sen here. Ibid, p. 139

<sup>7</sup> Nussbaum, M. (2001). Adaptive Preferences and Women's Options. *Economics and Philosophy*, 17, 67-88

<sup>8</sup> For the classic attempt to cash out preference as choice see Samuelson, P. A. (1938). "A Note on the Pure Theory of Consumer's Behavior." *Economica* 5(17): 61-71.

On Harsanyi's account cited earlier, "true" preference, the satisfaction of which contributes to wellbeing does not cash out as choice. Other writers note that the revealed preference account is a non-starter for a variety of reasons. Daniel Houseman, for example, argues that "[c]hoice could not possibly reveal preference, as preference is understood in 'folk psychology', because choice depends on both preference and belief. The binary relation among objects of choice, which is revealed by choice and is misleadingly

preference doctrine into a preferentist account of wellbeing, unsurprisingly, yields counterintuitive results.

All preferentist accounts however are vulnerable to the extent that preference, *however it is understood*, can be pulled apart from welfare—and this is where the argument from adaptive preference is supposed to drive the wedge. To deploy this argument effectively critics need to cite cases where states of affairs that do not contribute to individuals' wellbeing are *clearly and uncontroversially preferred*. If, for example, the cases cited are ones in which individuals count as preferring states of affairs only if we assume the revealed preference doctrine, the argument from adaptive preference loses its force: these are precisely the cases where ascribing preferences for such states is unintuitive.

Now it is not clear from Nussbaum's text whether her adaptive preference argument is specifically directed against preferentist accounts that incorporate the revealed preference doctrine or not. If however it is, her argument from adaptive preference is superfluous and ineffective. It is superfluous because there are compelling independent reasons for rejecting preferentist theories that assume the revealed preference doctrine and ineffective because the revealed preference doctrine undermines the effectiveness of the adaptive preference argument. If it is not, her argument fails because, as I shall show, on any reasonable, intuitive understanding of preference incorporating the conditions suggested above, the poor women whose stories she tells do not have the preferences she ascribes to them.<sup>9</sup>

If arguments from adaptive preference fail this does not get informed preference accounts off the hook. Some of our informed and rationally considered desires, for example, do not involve us in a sufficiently intimate fashion to be pertinent to our wellbeing. Apart from any moral agendas, I may wish for peace in the world or for the wellbeing of a stranger I meet even though I do not benefit from the satisfaction of such desires. More fundamentally, critics of full information accounts of wellbeing suggest that the informed, idealized self of such accounts is, in effect, not the self whose welfare is of interest. David Sobel, for example, notes:

[T]he full information account is not adequate for us because some of the limitations which are idealized away by the full information account play a fundamental role in shaping our capacity to value in the ways that we do. In order to have many experiences one must be a particular kind of person. The idealized self which the full information

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called "preference" by economists is not a satisfactory replacement. Revealed-preference theory is particularly destructive in game theory, where it empties the theory of all predictive and normative content, but in truth revealed-preference theory serves no useful purpose at all and ought to be given up. vide Hausman, D. M. (2000). "Revealed Preference, Belief, and Game Theory." *Economics and Philosophy* 16(1): 99-115.

Hausman, Pettit and others argue also that rejecting the folk-psychological notion of preference in favor of preference understood as choice renders accounts of well-being as preference satisfaction completely implausible: we often make choices that are bad for us, either because we are unaware of the range of our options or the consequences of our actions, or because we believe that in making such choices we are doing the right thing. See, e.g. Philip Pettit, "Preference, Deliberation and Satisfaction" Princeton Law and Public Affairs Working Paper Series Working Paper No. 04-021, Fall 2004.

<sup>9</sup> In fact it is worse: even assuming the revealed preference account and other assumptions of orthodox welfare economics the women whose cases she considers do not have the preferences she ascribes to them. Even apart from information requirements, we assume that preference is a dispositional, that individuals' preferences are complete, that choosing a bundle of goods does not imply that the agent prefers each item in the bundle to any item in any other bundle or that rational individuals making decisions under uncertainty always make choices intended to bring about the states of affairs they most prefer.

theorist recommends in not the kind of person who could have some of the experiences which could be ours.<sup>10</sup>

The current discussion however is not intended to vindicate informed preference accounts of welfare *tout court* but only to defend them against objections that invoke the phenomenon of adaptive preference. I claim that where those choices individuals make as a consequence of adaptation to deprived circumstances do not benefit them it is because these choices do not manifest authentic preferences, and that where those choices individuals make as a consequence of adaptation to their life circumstances manifest authentic, informed and rationally considered preferences, they are better off for having them satisfied. "Adaptation" is irrelevant: if I want something, getting it is good for me regardless of how I came by that desire; if getting what I choose does not benefit me, it is because what I chose is not something that I want.

Martha Nussbaum cites a range of cases in which, she claims, poor women whose desires have been formed through adaptation to deprived circumstances get what they want but are not better off for it insofar as their desires are "deformed." I argue that given an adequate account of preference, even though the women whose stories she tells are reconciled to their life circumstances and do not believe that it would be worthwhile to try for anything better, they do not *prefer* the conditions of their lives to what we, or Nussbaum, would regard as better alternatives. To make this out, let us reflect upon the stories of Jayamma, who stoically put up with poor working conditions and low pay, Vasanti, who endured years of abuse before leaving her husband and Saida, who chose to marry off her daughter at the age of 12 instead of sending her to school.

### Jayamma

"[C]onsider Jayamma," writes Nussbaum, "acquiescent in a discriminatory wage structure and a discriminatory system of family income sharing."

When women were paid less for heavier work at the brick kiln and denied chances for promotion, Jayamma didn't complain or protest. She knew that this was how things were and would be...she didn't even waste mental energy getting upset, since these things couldn't be changed...and she didn't waste time yearning for another way.<sup>11</sup>

"Jayamma," Nussbaum speculates, "seemed to lack not only the concept of herself as a person with rights that could be violated, but also the sense that what was happening to her was a wrong."<sup>12</sup>

Nussbaum does not however produce any evidence to suggest that Jayamma would reject a raise in salary if one were offered or that she would forgo a promotion in order to continue in her current position, viz. hauling bricks. Indeed it seems likely that if she were offered a promotion or a raise she would jump at it since there is no reason to think that she is any different from most people who prefer more money to less money and would rather not spend their days hauling bricks if other options were available. If so then, even though Jayamma does not *experience* frustration, her preferences are not satisfied.

Preference is not an occurrent, qualitative state: a person may prefer a state of affairs without ever experiencing an occurrent craving and often it is only when people get what they

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<sup>10</sup> Sobel (1994): pp. 808-9. See also Rosati (1995).

<sup>11</sup> Nussbaum (2000): p. 113

<sup>12</sup> Ibid, p. 113

prefer that they realize that it was what they “wanted all along.” While people typically prefer to avoid unpleasant qualitative states associated with the thwarting of desires, we cannot assume that agents who cease to feel frustration have ceased to have the desires that are thwarted.

The proverbial fox wants grapes but knows that they are inaccessible. He also prefers serenity to felt frustration.

### Fox’s Utility Function

Grapes + no felt frustration	>>	3
No grapes + no felt frustration	>>	2
No grapes + felt frustration	>>	1

Given that he cannot get the grapes, the best he can do is to extinguish frustration—either by practicing self-deception to persuade himself that he does not want the grapes, by modifying his preferences through, what Jon Elster calls, “character planning,” or by avoiding further rumination on the grape problem.<sup>13</sup>

Elster, who takes the story of the fox to be a paradigm case of adaptive preference remarks that it is characteristic of such cases that the preferences individuals acquire in response to their circumstances are “unstable” – so that if the grapes should come within reach, the fox would jump at them. Give any reasonable dispositional account of preference, however such an “unstable” preference is no preference at all. If the fox is disposed to jump at the grapes as soon as they become available, then we should say that he has wanted them all along even if he has succeeded in extinguishing feelings of frustration and persuading himself that he does not in fact want them: his problem is not adaptive preference but self-deception. What constitute his preference are not occurrent feelings but behavioral dispositions, in particular those determining what he would choose if given the opportunity. The inaccessibility of the grapes has not changed his preferences. Arguably there is no compelling reason to believe that poverty, unfair treatment and bad working conditions have affected the preferences of the poor women whose stories Nussbaum tells either. Nussbaum confuses the absence of occurrent frustration with preference satisfaction. If Jayamma would, as seems likely, jump at a raise in salary and promotion if they were offered then we should say that, although she does not experience feelings of frustration or moral outrage, she would prefer higher wages and better working conditions and that as things stand this preference is not satisfied. Like the fox, Jayamma settles for second best:

### Jayamma’s Utility Function

Better job + no feelings of outrage or frustration	>>	3
Current lousy job + no feelings of outrage or frustration	>>	2
Current lousy job + feelings of outrage and frustration	>>	1

Neither the proverbial story of the fox and the grapes nor the true stories of women in developing countries are, on the most plausible interpretation, cases of adaptive preference. The preference utilitarian therefore has no difficulty in explaining what is wrong with institutions that

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<sup>13</sup> Vide Elster, J. (1983). *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge: Cambridge University Press.] For a contemporary case, consider official US statements regarding the importance of capturing bin Laden — currently, in light of his apparent escape, assigned a significantly lower priority than initially.

support low wages, discriminatory practices and poor working conditions for Jayamma and others like her. Because of such institutions and practices Jayamma cannot get what she most prefers, the state she would choose if it were available and which, on the preference utilitarian account, is therefore what is best for her.

*The moral of Jayamma's story: the absence of felt frustration is not the same thing as desire satisfaction.*

## Vasanti

While preferring a thing is not a matter of the presence, or absence, of feely psychological states it would nevertheless not be quite right to say that choosing  $x$ , or voluntarily doing an action,  $a$ , with the intention of bringing about  $x$ , is tantamount preferring it. First, states of affairs are neither baldly preferred nor baldly rejected by agents -- they are ranked. A person may prefer  $x$  to  $y$  and  $y$  to  $z$  but be perfectly happy to get any one of them even if neither  $y$  nor  $z$  could be understood simply as "what he wants." Secondly, agents rank bundles rather than isolated goods so an agent may choose  $y$  over  $x$  even though *ceteris paribus* he would prefer  $x$ , because  $x$  has concomitants that he wants to avoid. Finally, when rational agents choose which policies of action to pursue they consider not only the utility of the desired outcomes, but the probability of success in achieving them and also the risks and opportunity costs of pursuing their most preferred goals. An agent may pursue  $y$ , a sure thing, in preference to  $x$ , which he would prefer all other things being equal, because the odds of his getting  $x$  are low.

Consider the case of Vasanti who, Nussbaum suggests, stayed for years in an abusive marriage because of "desire-deformation" induced by intimidation, contempt and neglect. Nussbaum writes that

Like many women, she seems to have thought that abuse was painful and bad, but, still, a part of women's lot...The idea that it was a violation of rights...and that *she herself* had rights that were being violated by his conduct -- she did not have these ideas at that time, and many, many women all over the world still do not have them. My Universalist approach seems to entail that there is something wrong with the preference (if this is what we should call it) to put up with abuse.<sup>14</sup>

Nussbaum's construal of Vasanti's motivation is speculative. If however speculation is in order we might, with equal justification understand Vasanti's decision as the result of a utility calculation given a reasonable assessment of her options and the probabilities of various outcomes. Vasanti recognizes that, given her circumstances, staying in an abusive marriage is her best bet if she wants to have a home and basic necessities: even if she would rather avoid getting beaten, she is prepared to take on that cost in order to avoid her least preferred outcome--homelessness and destitution.

### Vasanti's Utility Function

Home and basic necessities + no beatings	>>	3
Home and basic necessities + occasional beatings	>>	2
No home + begging in the street + no beatings	>>	1

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<sup>14</sup> Nussbaum, M. (2001). "Adaptive Preferences and Women's Options." *Economics and Philosophy* 17: 67-88.

Vasanti does not have a preference for abuse: she prefers having a home and being beaten to not having a home and not being beaten because she is more averse to homeless and destitution than to abuse.<sup>15</sup>

Unless there is more to the story than Nussbaum reveals there does not seem to be any reason to assume that Vasanti was in a “slumberous state induced by years of contempt and neglect.” All the evidence presented suggests that she was behaving prudently. Vasanti preferred a bundle of goods that included being beaten up to one that did not include being beaten up. It does not however follow that she preferred being beaten to not being beaten or that she failed to recognize that it violated her rights, or that she suffered from “desire-deformation.”

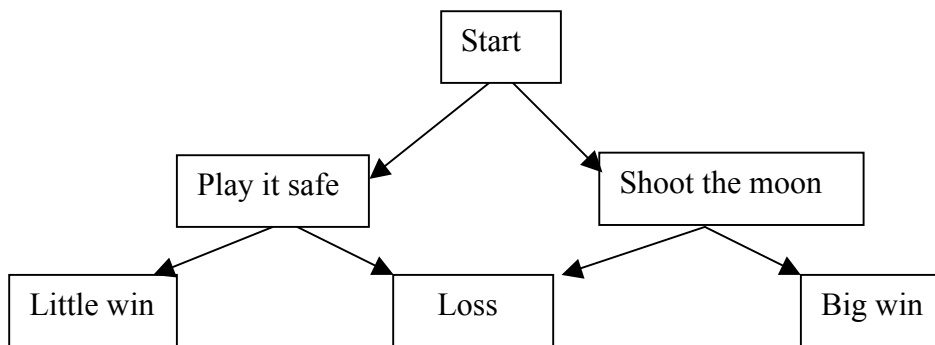
*The moral of Vasanti’s story: preferring a bundle that includes x to one that includes y is not the same thing as preferring x to y.*

### Saida

Neither Jayamma’s story nor Vasanti’s is a hard case for subjective welfarism since there is no reason to read either as a case of adaptive preference. Jayamma knew she had no viable options. Vasanti thought she had no acceptable alternative to sticking with her abusive husband. Making the best of a raw deal when no other alternatives are available is not the same as preferring it.

Moreover, where an individual chooses a given policy of action over others that appear to be available, it does not follow that this choice represents her *ceteris paribus* preference. Even where a person enjoys a better than nil chance of getting her most preferred outcome, x, she may reasonably pursue a less preferred outcome, y, because the likelihood of success in getting y is higher than the probability of getting x, and because she knows that if she pursues x and fails she diminishes her chances of getting y and risks getting z, her least preferred outcome. This is the structure of the game of Hearts. Few players “shoot the moon” -- go for a big win -- not only because success is unlikely but because going for the big win substantially diminishes their chances of getting a little win and puts them at risk of losing outright.

### The Game of Hearts



<sup>15</sup> Women in regions of sub-Saharan Africa where female genital mutilation is the norm are in a position comparable to Vasanti's. In many rural areas, "uncircumcised" girls are unmarriageable and spinsterhood is not a viable option. Even if a woman might prefer that her daughter be uncircumcised and respectably married, that alternative is not, for all practical purposes available so, like Vasanti, she may reasonably opt for second best in to avoid her least preferred outcome: an unmarriageable daughter whose only available career path is prostitution. The literature on FGM is extensive. For discussions that include material on the social circumstances that perpetuate the practice see especially Francis A. Althaus, "Female Circumcision: Rite of Passage or Violation of Rights" in *Family Planning Perspectives* vol. 23, No. 3, September 1997 and World Health Organization Fact sheet No. 241, June 2000.



In the game of hearts,

(1) The probability of getting a little win by playing it safe is higher than the probability of getting a big win by shooting the moon and

(2) The probability of getting a loss if you shoot the moon is higher than the probability of getting a loss if you play it safe.

Often people play it safe, aiming for a less preferred outcome rather than shooting the moon because of the low probability they assign, whether rightly or wrongly, to achieving their most preferred outcomes, and the opportunity costs of actively pursuing the goal they most prefer. This was Saida's policy.

In a recent interview, a group of traditional Afghan women held that formal education was a waste for girls.

Like the others, Saida, 27, received no formal education...Saida says her eldest daughter Nahid, 12, is getting ready for her betrothal to a 26-year-old farmer and does not have much time to spare for morning instruction... Saida teaches her girls the really important things--how to cook, sew and soothe a husband's ego. "Teaching my daughters how to make their husbands comfortable is the most important thing," she says, "because if a husband is not comfortable, then the woman's life is hell."<sup>16</sup>

This is a rational decision given her assessment of the options girls in Afghanistan have and the probability of success in achieving various goals. It is unlikely that any lower-class Afghan girl, or boy, will become a teacher, doctor or engineer. Statistically, the overwhelming likelihood is that a girl will eventually marry and be totally dependent on her husband's good will for financial support and a decent life. So, in the manner of American mothers who, 30 years ago advised their daughters to forgo "unrealistic" career goals that might hinder them in the marriage market, Afghan mothers are "realistic." Such "realism" is not a manifestation of low self-esteem or adaptive preference — it is a matter of rationally playing the odds.<sup>17</sup>

Saida thinks that making a husband comfortable is the most important thing because she believes that the only realistic alternative her daughters have is *falling* to make their husbands comfortable and suffering the consequences. It does not follow that she thinks that marriage at age 12 and domestic servitude is preferable to education and a career. Rather she recognizes that it is highly unlikely that her daughters will be able to achieve any degree of financial independence or have lives significantly different from her own. She calculates that the risk of shooting the moon is unwarranted.

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<sup>16</sup> Richard Lacayo. "About Face for Afghan Women" *Time Magazine* Thursday, January 17, 2002

<sup>17</sup> Vasanti it seems was also playing the odds. Initially she believed, with justification, that the probability of getting her most preferred outcome was low. Most Indian women whose marriages fail are blamed for the failure by their families of origin and rejected. Knowing how things ordinarily worked in her society, she only left after her husband he had a vasectomy (in order to take advantage of the Indian government's financial incentive program for voluntary sterilization). Prior to that she calculated, reasonably, that having children would improve her status and open up the possibility of future financial support from them. So long as the possibility of having children, carrying with it the prospect of improved treatment, was open she did not think it worthwhile to take the risk of entering into negotiations with her family or origin. Once the prospect of improvement disappeared she judged the risk of approaching her family worthwhile and, happily, achieved a good outcome.

*The moral of Saida's story: rational choosers do not just consider the desirability of outcomes; they also calculate the probability of achieving them and the opportunity costs of trying for them. Adopting a policy of action intended to get x rather than one intended to get y is not the same thing as preferring x to y.*

## **Rational Choice**

Nussbaum cites a range of cases in which women voluntarily remain in abusive marriages, work at bad jobs, put up with poor living conditions or otherwise engage in behavior that she regards as undignified or demeaning. She does not however provide any compelling reason to read these stories as cases in which women have come to *prefer* the conditions they tolerate to what she, or we, should regard as better options. Poor women in developing countries do not have these options.

Poor, unskilled women put up with discriminatory treatment at work because they know that regulations forbidding such practices and protecting workers who protest are never taken seriously and that they can be easily replaced. They put up with abusive husbands because they prefer having basic necessities, even at the cost of getting beaten up, to being homeless and destitute. Some may indeed be overly pessimistic about their prospects and only learn, from seeing the benefits that come from the establishment women's co-ops or micro-credit schemes, that efforts to improve their lot could pay off. Their pessimism, however, is the consequence of inadequate information and factual error rather than distorted preference: there is nothing in the anecdotal material Nussbaum provides to favor one reading over the other and maximum charity suggests we regard these women as pessimistic but rational choosers who may adopt more proactive policies given additional information.

Nussbaum also ignores the extent to which feedback effects lock in poverty and bad treatment. Jayamma knows that isolated protests do no good. So long as her co-workers put up with low wages and poor working conditions she knows her best option is to put up with adverse conditions and unfair treatment--because she knows her fellow workers know that that is their best option too given that they know that they are all in the same boat. And their employer knows that they know. The phenomenon is familiar: even where everyone gets what she most prefers given the choices of others, and to that extent what is best for them in the circumstances, everyone might prefer the outcome of everyone's having chosen differently. Second-guessing and feedback effects lock in suboptimal equilibria. And poor women in developing nations are especially vulnerable to being caught in such vicious circles because they are less able to assume risk than individuals who have economic cushions or fallback positions.

There are indeed hard cases for preference utilitarianism of the sort Nussbaum has in mind, for the most part fictional cases where individuals are manipulated through brainwashing, psychosurgery or genetic engineering and their preferences are, by hypothesis, changed. Nussbaum has not however shown that the cases she cites are instances of adaptive preference or that they are hard cases for preference utilitarianism. The preference utilitarian does not claim that what is best for a person *tout court* is his getting what he prefers from amongst available options but that it is the best he can do for himself *from amongst available options*. Where an individual prefers options that are not on offer she holds that it would be better for him if they were.<sup>18</sup> This is what motivates the preference utilitarian's critique of unjust institutions that restrict

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<sup>18</sup> Axiomatic utility theory assumes that individuals' preferences are *complete* such that, for any states of affairs, bundles of goods, or "things" in the world  $x$  and  $y$ , if a person is given a choice between  $x$  and  $y$  then either she prefers  $x$  to  $y$  or prefers  $y$  to  $x$  or is indifferent between the two.<sup>18</sup> This means that the ordering of a person's preferences includes preferences for states, bundles of goods and things that she cannot get as well as those which are available to her, among them states, bundles of goods and things that she may never even have heard of. The completeness assumption is not far out of line with our folk-psychological notion of preference. I give people creative Christmas presents from the "Things You Never Knew Existed" catalogue (<http://www.johnsonsmith.com/website/aspfiles/home.asp>). Even though I'm certain that the

opportunities for desire satisfaction and support for efforts to provide needy individuals with material assistance, rather than rights, self-esteem, dignity or other cheap goods.<sup>19</sup>

### The Ruined Maid

Nevertheless, adaptive preference happens. People who come into money acquire expensive tastes; people in deprived circumstances get used to the conditions of their lives and occasionally come to prefer what we should regard as unfavorable conditions to other available alternatives. Some women used to pink-collar work choose to stick with their accustomed jobs even when what we should regard as better careers become available; some slaves prefer their condition of dependency and servitude to the uncertainties of the labor market; some girls caught in the human trafficking trade opt for careers as prostitutes in preference to poverty, boredom and virtue. I suggest however that individuals who have acquired such preferences are typically better off for satisfying them.

Consider Srey Mom, rescued from a life of vice by Nicholas Kristof, an op-ed columnist for the *New York Times*, while on assignment in Cambodia investigating the human trafficking trade:

"Srey Neth and Srey Mom," Kristof writes, "were stunned when I proposed buying their freedom from their brothel owner."

After some grumpy negotiation, the owner accepted \$203 as the price for Srey Mom's freedom. But then Srey Mom told me that she had pawned her cell phone and needed \$55 to get it back.

"Forget about your cell phone," I said. "We've got to get out of here."

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people on my list have never even thought of the things I give them, I choose things I think they would prefer. The subjunctive idiom does not make any substantive difference: intuitively, we believe that we can rank things people never knew existed among their desiderata. Arguably, when Jayamma chooses to put up with poor working conditions and low wages she is getting what she prefers from amongst her available options and what is best for her given her circumstances and lack of viable alternatives. It does not follow that these conditions are morally acceptable and there is no need to show that her preferences have been "distorted" in order to make the case that her prospects should be improved: she would be better off getting *unavailable* options that she prefers, including options that she has never even thought about.

<sup>19</sup> I am grateful to the anonymous reviewer for this journal who notes: "Nussbaum may also be subtly appealing to Mill's idea of higher pleasures: better to be Socrates dissatisfied than a pig satisfied. If, once one has the idea that one is entitled to human rights, one regards one's former state as degraded, even though one feels more frustration once one recognizes the gap between what one has and what one is entitled to, then arguably it is better to be Socrates dissatisfied."

I am skeptical about the notion of "higher pleasures" and about the idea that rights, self-esteem and "dignity" are inherently good. People who are well off develop expensive tastes and, when their ordinary wants are satisfied, acquire new desires for various psychological goods and intangibles. I do not see why developing such expensive tastes is a good thing. More importantly, I worry when privileged social reformers fuss about providing less privileged people with self-esteem, dignity and other intangibles because these goods are cheap whereas material improvement and changes to the policies and social practices that lock people into lives of poverty and drudgery are expensive and difficult to achieve.

If consciousness-raising and other ploys for giving poor women the idea that they are "disgified persons with rights, entitled to more than they have" is, as the reviewer suggests, "a path to a better future"—a future in which they can get the material benefits they want—then these practices are no doubt instrumentally good. But social action agendas in which they figure as distractions or cheap substitutes for material improvement are vile.

Srey Mom started crying. I told her that she had to choose her cell phone or her freedom, and she ran back to her tiny room in the brothel and locked the door... "OK, OK, I'll get back your cell phone," I told her through the door. The tears stopped.

"My jewelry, too?" she asked plaintively. "I also pawned some jewelry."

So we went to get back the phone and the jewelry... On our return with the phone and jewelry, the family of the brothel's owner lighted joss sticks for Srey Mom and prayed for her at a Buddhist altar in the foyer of the brothel. The owner (called "Mother" by the girls) warned Srey Mom against returning to prostitution. Finally, Srey Mom said goodbye to "Mother," the owner who had enslaved her, cheated her and perhaps even helped infect her with the AIDS virus -- yet who had also been kind to her when she was homesick, and who had never forced her to have sex when she was ill. It was a farewell of infinite complexity, yet real tenderness.

So now I have purchased the freedom of two human beings so I can return them to their villages. But will emancipation help them? Will their families and villages accept them? Or will they, like some other girls rescued from sexual servitude, find freedom so unsettling that they slink back to slavery in the brothels? We'll see.<sup>20</sup>

This appears to be an authentic case of adaptive preference or, at the very least, adaptive ambivalence. Srey Mom, sold into slavery, apparently came to prefer her cell phone, her jewelry and the city lights to life in the poor, rural village from which she was abducted. This is an old story and it is not so clear that the business of rescuing fallen women is an unambiguously good thing, especially when they actively resist emancipation. As Thomas Hardy suggested, there are advantages to being "ruined":

"O 'Melia, my dear, this does everything crown!  
Who could have supposed I should meet you in Town?  
And whence such fair garments, such prosperi-ty?"  
"O didn't you know I'd been ruined?" said she.

"You left us in tatters, without shoes or socks,  
Tired of digging potatoes, and spudding up docks;  
And now you've gay bracelets and bright feathers three!"  
"Yes: that's how we dress when we're ruined," said she...

"I wish I had feathers, a fine sweeping gown,  
And a delicate face, and could strut about Town!"  
"My dear a raw country girl, such as you be,  
Cannot quite expect that. You ain't ruined," said she.

It is not so clear that it would have been better for Srey Mom to go back to her village or get an honest job sewing sneakers. Arguably, we are convinced that Nussbaum's subjects, rejoicing in the independence and empowerment women's co-ops provide, are better off than they were when they were idle and dependent in purdah precisely because they clearly *prefer* their newfound independence and empowerment. They have tried it both ways, enjoy the benefits of working in their co-op and would not choose to go back to their old lives. Srey Mom has tried it both ways too but chooses to be a prostitute: in a later article Kristof laments that, predictably, she returned to the brothel.<sup>21</sup> And it is not a stretch to imagine that she was deliberately

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<sup>20</sup> Nicholas D. Kristof. "Bargaining for Freedom." *New York Times* January 21, 2004

<sup>21</sup> Nicholas Kristoff, "Back to the Brothel," *New York Times*, January 22, 2005

manipulating Kristof into getting her cell phone and jewelry out of hock—manipulating men to extract money is one of her professional skills—that she was fully aware of all her career options (prostitution, sweat shop work, and farm labor) and that even recognizing the danger of contracting AIDS and other occupational hazards preferred prostitution.

It is easy to make the facile assumption that individuals who choose options we think undesirable would not make these choices if they were adequately informed or duly deliberative. Srey Mom may not realize the risk of AIDS or the consequences of contracting the HIV virus; she may be a confused adolescent incapable of making informed, prudential decisions; she may be, as Kristof suggests, so damaged, frightened and emotionally overwrought that she cannot think clearly. It is not however difficult to imagine a Srey Mom so savvy, cynical and hardened that, after cool calculation and with full knowledge of the risk of AIDS, she would *still* choose prostitution over digging potatoes, spudding up docks or working in the rice paddies.

It is a disputed question whether individuals who make such decisions are better off in virtue of having their informed preferences satisfied: the preferentist claims that they are. The assumption that individuals who make choices we think unwise cannot *really* have rational, informed preferences for these options regardless of all evidence to the contrary begs the question— to assume that anyone who chooses such options cannot *ipso facto* be adequately informed or coolly deliberative is to evade the question of whether well-being should be understood as preference-satisfaction and to dismiss putative counterexamples to preferentism. Srey Mom's choice may or may not be an expression of her informed preference—we cannot however assume that Srey Mom's choosing prostitution in and of itself shows that she was not adequately informed or duly deliberative.

The nature of people's choices may be *evidence* for whether or not they are informed and duly deliberative: we know the sort of things most people choose when they have all relevant information—when they make peculiar choices we have some reason to suspect that they are acting ignorantly or impulsively. To address the question of whether well-being should be identified with preference satisfaction however we cannot take the content of preferences to figure amongst the *criteria* for their being informed and duly deliberative: to hold that no one who chooses an intuitively undesirable option, *x*, can *count* as having an informed preference for *x*, is to rule out hard cases for preferentism by fiat—at best a cheap Pyrrhic victory for preferentism.

As for Srey Mom, her behavior, even filtered through Kristof's biased account, suggests that she preferred prostitution to other available options. Arguably, she is better off in the brothel than she would be if she were back in her village where she would likely be ostracized for her unsavory past and most certainly would have to spend her days in soul-destroying drudgery.

Given Nussbaum's stories, we should certainly promote women's coops and micro-credit schemes for impoverished Indian women because once these options are on offer they choose them. Srey Mom however not only actively resisted Kristof's efforts to liberate her: once he was gone she returned to the brothel—with her jewelry and cell phone. By anyone's standards, all of Srey Mom's options are miserable and it is hardly a stretch to recognize prostitution as the least worst of them.

*The moral of Srey Mom's story: We should not go around "rescuing" sex workers who prefer prostitution to other available alternatives unless we are prepared to provide other options that they might prefer to prostitution.*

### **Preference, choice and commitment**

It is an empirical question whether Jayamma, Vasanti, Saida and Srey Mom are best understood as rational self-interested choosers who have few alternatives and cannot afford to assume risk or as damaged individuals who make choices that are bad for them because their

preferences have been “deformed,” whether the choices they make are best explained as rational responses to circumstances in which there are few viable options or as manifestations of a psychological pathology. The principle of maximum charity however requires us to favor explanations that construe behavior as rational and only seek alternative accounts when such explanations are hard to come by or to maintain, and I do not see any compelling reason to do otherwise in the cases cited here. I have argued that Jayamma, Vasanti, Saida and Srey Mom are rational self-interested choosers doing the best they can for themselves in adverse circumstances and suggest, speculatively, that this holds true of most members of traditionally disadvantaged groups who acquiesce to bad treatment and make what may appear to be poor choices.

The rationality assumption thus understood does not rule out irrational behavior a priori or preclude the possibility that some people are habitually irrational. There are indeed individuals who suffer from “preference deformation.” Some affluent individuals with a wide range of viable options habitually make choices that they regret, are chronically dissatisfied but do not take opportunities that are on offer and consume self-help books and therapies looking for a fix. There is however a considerable body of evidence to suggest that most poor women in developing countries are psychologically more robust. When the poor the Indian women, whose stories Nussbaum tells, get the chance to participate in women’s co-ops they opt in. When village women in developing countries get access to loans from Grameen Bank and other micro-credit agencies, they use them to start micro-businesses.<sup>22</sup> The poor cannot afford allergies, back problems or neuroses.

For the preferentist however the philosophically interesting question is not whether most poor women in the developing world are best understood as rational choosers rather than psychologically damaged victims but whether this explanation of their behavior as rational makes it impossible to conduct a radical critique of unjust institutions and undermines the motivation for economic improvement. Nussbaum suggests that it does and so that, insofar as we believe economic improvement and radical critique are in order, we ought to reject this explanation of their behavior and the preferentist’s account of welfare as preference satisfaction. I argue that she is wrong and indeed that is precisely the preferentist doctrine that what is good for people is getting what they want that explains why the conditions under which Jayamma, Vasanti and the rest live are bad for them.

Nussbaum and other members of elites in affluent countries do not fully appreciate how few options most people have, how little they know about even the few options available to them and the extent to which the precarious circumstances of their lives make it difficult for them to assume risk. They are, consequently, inclined to construe rational responses to such conditions as symptoms of “preference-deformation.” I have argued that given a reasonable informed preference account, the choices less privileged people make do not represent their *ceteris paribus* preferences.

First, individuals in adverse circumstances with no economic cushions or safety nets cannot afford to assume risk. All other things being equal, Saida may well have preferred to send her daughter to school: she trained Nahid for domestic servitude because she knew that her chances of a better life even with the schooling available were negligible and that the costs Nahid would incur as an uppity wife, unwilling or unable to make her husband “comfortable,” were too great to warrant the risk. Saida and Nahid do not need their preferences fixed: they need reasonably safe, viable options.

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<sup>22</sup> See, e.g. Muhammad Yunus, “The Grameen Bank” in *Scientific American* vol. 281, no. 5 (November), pp. 90-95 and the Grameen Foundation site at <http://www.grameenfoundation.org/>

Secondly, illiterate rural folk in developing countries are quite often very short on factual information about even the few options they have and the feasibility of pursuing them so their choices do not reflect their true preferences—the choices they would make if they were adequately informed. As Nussbaum herself notes, for example, in spite of laws according men and women equal rights in India, women put up with discrimination and poor treatment because they do not know about these laws or how to go about getting them enforced:

[I]n the absence of programs targeted at increasing female literacy, economic empowerment, and employment opportunities, those rights are not real to them. As a recent report on laws addressing violence against women puts it, 'For the vast majority of Indian women, these statutes are meaningless...Lack of basic knowledge about the law and procedures, delays and insensitivity of the judicial system, the cost involved in getting justice have all contributed to this.'<sup>23</sup>

Even if the “vast majority of Indian women” put up with discrimination, domestic violence and poor living conditions, it does not follow that these choices reflect their “true” preferences. We imagine that if we were in their place we would report abusive husbands, demand clean water and form women’s co-ops to better ourselves. But rural women in Andhra Pradesh do not know that wife-beating is illegal or that their water supply is contaminated and it has never occurred to them to form co-ops. They do not need consciousness-raising or self-esteem enhancement: they need factual information.

Finally, even when we are fully informed, reason with the greatest care and are in a state of mind conducive to rational choice we do not always choose what we most prefer because sometimes we act out of what Sen calls “commitment” rather than out of an interest in promoting our own well-being.<sup>24</sup> Achieving what we believe to be good through our voluntary actions does not always make us better off: the idea of principled, rationally considered *sacrifice* is not incoherent and sacrifice is precisely something the agent knows is *not* good for her but does anyway because she believes that it is right.

Sometimes our commitments are wrong-headed: as Nussbaum suggests some individuals “internalize” oppressive ideologies and come to believe that behavior we regard as morally wrong is legitimate. In many traditional societies, for example, where wife-beating is the norm, both men and women regard the practice as morally permissible.

About 80% of Zambian wives find it acceptable to be beaten by their husbands "as a form of chastisement", according to the latest Zambia Demographic Health Survey. Out of 5 029 women interviewed countrywide, 79% said they should be beaten if they went out without their husband's permission. 61% said a beating was acceptable if they denied their husbands sex, while 45% said a beating was in order if they cooked 'bad' food.<sup>25</sup>

Zambian women live in a society where wife-beating is commonplace and socially acceptable: most believe that in exchange for financial support, or simply in virtue of being female, they are obliged to provide sex on demand and good cooked food, and that it is morally permissible for men to beat wives who fail to perform these duties.

Nevertheless, from the fact that a woman believes that she ought to knuckle under to men and that she and others similarly situated deserve to be beaten if they are remiss in their

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<sup>23</sup> Nussbaum, p. 54

<sup>24</sup> See especially Amartya Sen "Rational Fools: A Critique of the Behavioral Foundations of Economic Theory" in *Philosophy and Public Affairs*, 1977

<sup>25</sup> Lusaka, "Wife-beating in Zambia a 'Natural Consequence'" in *East African Mail and Guardian* December 3, 2003.

duties, it does not follow that she *prefers* to knuckle under or get beaten. Our moral beliefs and commitments do not always reflect our preferences. There is no contradiction in saying that an individual believes that doing an action, *a*, would be the right thing to do and chooses to do *a*, but does not want to do *a*—or even *want to want to do a*.<sup>26</sup>

There is in any case no compelling reason to believe that most Zambian women, whatever their moral convictions, prefer the lives they live either, or even that they would prefer to prefer them. Choosing to do something because we believe, whether correctly or incorrectly, that it is the right thing is not the same thing as preferring it. Zambian women do not need to be cured of “preference-deformation”: they need information about alternative domestic arrangements and moral education.

### **Preferentism and social change**

Life is tough. We rarely, if ever, get what we most want: we settle for second, third and *n*<sup>th</sup> best. We are constrained and the fault is not in ourselves but in our stars: many options are too costly or risky to be worth pursuing; most are just not gettable, regardless of how much we are willing to pay or how much risk we are prepared to assume.

For elite individuals in affluent countries the boundaries of practical possibility are remote and there is room for maneuver. Within the bounds we can make substantial changes in our lives through our own efforts and, at least, satisfice. So, we imagine that individuals whose lives are by our standards profoundly unsatisfactory are also getting what they want and, depending on our politics, either infer that they are getting what is best for them (and what they deserve) or conclude that their preferences are “deformed” and that the satisfaction of such preferences does not contribute to their well-being.

I have argued that there is no compelling reason to believe that the deprived individuals cited by Nussbaum and popular writers like Kristof as victims of “preference deformation” *prefer* the conditions of their lives to what we should regard as better alternatives. Political oppression, social constraints and poverty restrict women like Srey Mom, Jayamma and Vasanti, Saida and her daughter, to a narrow range of options most of which are low on their preference rankings. Their acquiescence is not a consequence of irrational fatalism or low self-esteem but an expression of reasonable pessimism. According to the preferentist account of wellbeing, they would do better if they had a wider range of options and so could get goods that rank higher on their preference orderings, including items of which they are unaware.

That is the basis for the preference utilitarian's radical critique of unjust institutions, which lock in poverty and limit people's options. “Adaptive preference” is a red herring and we do not need to appeal to it or to Nussbaum's list of central human capabilities to explain why the subjects of her stories are badly off. Moreover, unlike Nussbaum who repeatedly suggests that the subjects of her stories are irrational, subsisting in a “slumberous state,” unaware of their rights, beaten down, victimized and psychologically damaged, the preference utilitarian can make

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<sup>26</sup> Arguably, appealing to higher order preferences to explain committed choice is an ad hoc move to back the doctrine that where there is voluntary action or rational choice there is preference lurking somewhere, even if only at one or more removes. Compare cases in which we act out of commitment to those where higher order preferences do seem to be at work. I would prefer to be more fastidious. Being dirty doesn't bother me but I am bothered by the fact that it doesn't bother me. I shower and brush my teeth to avoid social opprobrium but I don't want to. And I am embarrassed about not wanting to: even though I don't want to maintain higher standards of personal hygiene and grooming, I want to want to—such is my higher order preference.

Is moral commitment like this? Do people generally want to be the sort of people who want to do the right thing? I don't. I want to be fastidious, and I want to have good taste but I have no real desire to be dutiful, altruistic, morally upright or virtuous.



the case for improving the conditions of their lives while recognizing that they are rational choosers, coping as best as they can and making the best of a raw deal.

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