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Educating for Autonomy: Liberalism and Autonomy in the Capabilities

Approach

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Martha Nussbaum grounds her version of the capabilities approach in political liberalism. In this paper, we argue that the capabilities approach, insofar as it genuinely values the things that persons can *actually* do and be, must be grounded in a hybrid account of liberalism: in order to show respect for adults, its justification must be political; in order to show respect for children, however, its implementation must include a commitment to comprehensive autonomy, one that ensures that children develop the skills necessary to make meaningful choices about whether or not to exercise their basic capabilities. Importantly, in order to show respect for parents who do not necessarily recognize autonomy as a value, we argue that the liberal state, via its system of public education, should take on the role of ensuring that all children within the state develop a sufficient degree of autonomy.

Keywords: political liberalism; comprehensive liberalism; capabilities; autonomy; children; public education

“Pay 500 rupees today and save 50,000 rupees tomorrow.”

Advertisement for clinic offering sex-selective abortions in India

(The Economist, 2010)

In liberal societies, where the home-life of children can take so many different forms, education clearly has an important role to play in ensuring that children receive the

support they need to develop into competent adult citizens. For the capabilities approach to social justice, however, education plays an especially important role. According to the capabilities approach, the freedom to achieve well-being is morally important, and freedom to achieve well-being is understood in terms of agents' capabilities – their *real opportunities* to do and be what they have reason to value (Robeyns 2006).¹ In this paper, we argue that educating children for autonomy is crucial for ensuring that children have these real opportunities in the future.

But while the capabilities approach, with its emphasis on individual freedom of choice, is clearly a liberal one, it has not always been clear what variety of liberalism the capabilities approach ought to recommend as a basis for that education. Martha Nussbaum, one of the most preeminent architects of the capabilities approach, has explicitly endorsed a *political* account of liberalism in her recent work: in a recent paper she argues that political institutions should embody the kind of political liberalism defended by John Rawls, among others, as opposed to the kind of perfectionist liberalism defended by Isaiah Berlin and Joseph Raz (Nussbaum 2011b). Her central claim is that only political liberalism of this kind can succeed in showing appropriate respect for persons. And on these grounds she makes the further argument that liberal states cannot justifiably endorse comprehensive accounts of autonomy of the kind advocated by Joseph Raz, and may endorse only a more limited form of “political” autonomy. Although Nussbaum does not discuss the capabilities approach

¹ The metaphysical question of what people have reason to value is a notoriously controversial one. See, for instance, Ross 1930; Frankena 1973; Hurka 1993; Wolf 1997. Accordingly, in this paper we focus on the narrower question of what it means to have a *real opportunity* to do or be something, and leave aside the broader and extremely important question of what things we have reason to value.

in this paper, the endorsement of political liberalism that she makes explicit there is reflected in all of her recent work on the capabilities approach.²

In this paper, we argue that the endorsement of political liberalism and the simultaneous rejection of a comprehensive account of autonomy (as advocated by Nussbaum) renders the capabilities approach ill equipped to ground the kind of education that can deliver the approach's greatest pledge: to meaningfully extend the set of things that persons can *actually* do and be.³ We argue that in its most compelling form, the capabilities approach must be grounded in a hybrid account of liberalism: while its ethical justification should remain grounded in political liberalism, its effective implementation in the real world requires an educational emphasis on the development of a kind of autonomy that is normally associated with perfectionist liberalism. Ultimately, we argue that only this hybrid account can justify the kind of public education that will allow for oppressed groups within society to see themselves as truly capable of taking advantage of the capabilities with which society ought to provide them.

Our discussion will be structured as follows: in the first half the paper, we explore Nussbaum's reasons for rejecting a comprehensive account of autonomy in her recent work. We reject her reasons and propose a comprehensive, yet non-perfectionist account of autonomy. In the second half of the paper, we focus on the capabilities approach to show why the acquisition of autonomy, and the role of public

² Most recently, see Nussbaum 2011a; Nussbaum 2006; Nussbaum 2000. Note that we do not engage in this essay with the work of Amartya Sen, the other major architect of the capability approach, because he does not address the connection between liberalism and the capability approach. There are significant differences between Nussbaum and Sen's versions of the approach. For Sen's, see Sen 1980, 1993.

³ For this famous formulation of the capabilities approach's purpose, see Nussbaum 2011, p. x: the capabilities approach "begins with a very simple question: What are people able to do and be? What real opportunities are available to them?"

education in this acquisition, is vital for the development of a capabilities approach that can truly tackle the causes of social oppression in the world as we find it.

On Liberalism

In “Perfectionist Liberalism and Political Liberalism” Nussbaum argues that any account of liberalism must show respect for persons in order to be justified, and that perfectionist liberalism adopted by the state fails to show respect for citizens who do not share a commitment to that perfectionism. We agree with Nussbaum on both of these points; our disagreement arises only when we consider the implications that she takes this commitment to have. Let us begin, however, with our point of agreement.

Nussbaum’s strategy is to show the superiority of political liberalism by contrasting it with the perfectionist liberalisms of Isaiah Berlin (1991) and Joseph Raz (1986) – and since she takes Raz’s ideas to be much more clearly stated than Berlin’s, Raz becomes her primary opponent throughout the article (Nussbaum 2011b, p. 3). To define perfectionist liberalism, we follow Nussbaum in drawing on the work of Charles Larmore: it is a version of liberalism that bases its principles on “ideals claiming to shape our overall conception of the good life, and not just on our role as citizens”, and in so doing, makes controversial claims about “the ultimate nature of the human good” (Larmore 1996, p. 122, 132; quoted in Nussbaum 2011b, p. 5). According to Raz’s version of perfectionist liberalism, autonomy ought to be the core value in a liberal society, and is understood to confer that value comprehensively both in citizens’ public and private lives. For him, it is the exercise of autonomy that constitutes what Larmore refers to as “the ultimate nature of human good.” But since Raz holds that “autonomy is valuable only if exercised in pursuit of the good” (Raz

1986, p. 381), it will only be valuable if we endorse the further claim that moral pluralism is the correct doctrine about the good. Following Berlin, this doctrine expresses the view that "...there exists a plurality of overall accounts of how one should live, all of which are valid or objectively correct" (Nussbaum 2011b, p. 11). According to Nussbaum, Raz does not believe that moral pluralism must be endorsed by the state merely for strategic reasons; instead, he gives it "strong endorsement in its own right" and holds that the state must follow suit in order to justifiably extend autonomy to its citizens (Nussbaum 2011b, p. 13).

Nussbaum rejects both of these aspects of Raz's account – that is, non-strategic state endorsement of moral pluralism, and state endorsement of comprehensive autonomy – on the grounds that they do not equally respect all citizens. On the first point, we agree with Nussbaum: the liberal state ought not endorse moral pluralism, for it seems correct that as a claim about the ultimate nature of human good, moral pluralism is at least as controversial as any religious doctrine that liberalism would clearly reject as a basis for the state. Although a few citizens may hold comprehensive doctrines that take moral pluralism to be true, many of the theistic (and indeed, atheistic!) doctrines out there are taken to be true *to the exclusion* of all others. And as Nussbaum rightly points out, "when the institutions that pervasively govern your life are built on a view that in all conscience you cannot endorse, that means that you are, in effect, in a position of second-class citizenship" (Nussbaum 2011b, p. 35). The phrase "second-class citizenship" is perhaps too strong, since it is usually used to describe situations in which some members of a group are deprived of important constitutional rights – but there is still a sense in which those who believe in the truth of moral pluralism would be privileged by a state that endorses the truth of that doctrine. This privilege would be constituted by the ability

of those in this group to affirm the truth of their comprehensive doctrines in both private and public life, while all other citizens would be forced to tacitly disavow their own comprehensive doctrines every time that they engage in the public domain.⁴ So Nussbaum is right to reject state endorsement of moral pluralism.

We want to argue, however, that state endorsement of comprehensive autonomy need not be equally problematic. This is because it is the perfectionism, rather than the comprehensiveness, of autonomy that makes its endorsement by the state disrespectful. And while Nussbaum treats these two things as coming together in the case of autonomy, we think that they can come apart. After she cites the definition of perfectionist liberalism offered by Larmore, Nussbaum restates the position in her own words: she says that perfectionist liberalisms are “liberalisms that base political principles on some comprehensive doctrine about human life that covers not only the political domain but also the domain of human conduct more generally” (Nussbaum 2011b, p. 5). Yet this restatement, importantly, makes no mention of the claims about “the ultimate nature of human good” that concerned Larmore – and without such a claim about the ultimate nature of human good, the extension of a principle beyond the political realm is much less problematic. We want, then, to make an explicit distinction between a *comprehensive* political principle and a *perfectionist* one: a political principle is comprehensive if it extends beyond the realm of the political. But it is only perfectionist if, in addition, it makes claims about the ultimate nature of human good. When Nussbaum discusses the concept of autonomy in her paper, however, she makes no distinction between comprehensive and perfectionist accounts of the concept.

⁴ Although, of course, this need not be the case in a state that adopts moral pluralism merely as a strategic principle or *modus vivendi*. We thank an anonymous reviewer from raising this important point.

In the next section, we will argue that Nussbaum's rejection of comprehensive autonomy is deeply problematic. For now, we only wish to show that it is unnecessary: in the remainder of this section, we discuss an account of autonomy that is comprehensive without being perfectionist, and that is consistent with the respect for persons that we hold, with Nussbaum, should justify both the capabilities approach and political liberalism more broadly.

As a perfectionist conception, autonomy is no less controversial than the doctrine of moral pluralism: although the claim of autonomy as a perfectionist good may be less expansive than the claim of the truth of moral pluralism, both claims are equally contentious. Comprehensive doctrines which value deference according to age or religious authority may well reject the idea that autonomy is a good in and of itself, and it seems to us correct that the fact that many people sincerely subscribe to these doctrines should give us a reason to take seriously the worries associated with perfectionist accounts of autonomy. So if at least part of respecting persons is respecting their doctrines, we will want to steer clear of perfectionist accounts that see autonomy as a good in any life, regardless of the consequences that it in fact brings.

Autonomy that is comprehensive *without* being perfectionist, however, need not be avoided in the same way. Autonomy will be comprehensively endorsed by the state if it is treated as a general good in the lives of individuals *qua* persons rather than only *qua* citizens. But here it need neither be the case that the value of autonomy will be treated by the state as a matter of moral truth, nor that it will be taken to be a good despite the consequences that it brings.

If we turn to Rawls's own work on political liberalism, we can see why endorsing this kind of comprehensive autonomy might be important. One of Rawls's primary reasons for preferring political liberalism is that it makes a shared just state

possible while still protecting the deep interest that each individual has in having the ability to hunt freely for meaning in her life.⁵ This interest is a deep and abiding one because questions about the good are difficult ones plagued by what Rawls calls “the burdens of judgement”: these are the omnipresent “sources, or causes, of disagreement between reasonable persons ... that (are) fully compatible with, and so (do) not impugn, the reasonableness of those who disagree” (Rawls 2005, pp. 54-58). In other words, the burdens of judgement explain how thoughtful and conscientious human beings can continue to disagree about the good even after much thought and discussion.

Since the burdens of judgement are ubiquitous, autonomy outside of the political realm seems like an important value for a political liberal to endorse. Insofar as it allows persons to better navigate the judgement-complicating factors in the world, this kind of comprehensive autonomy helps the state to serve the purpose that Rawls sets for it. And the state *can* make such a comprehensive endorsement, we think, if it takes the comprehensive value of autonomy to be instrumental rather than intrinsic. If it does so, then no controversial truth claim about the ultimate value of autonomy is made by the state. Indeed, the only value claim made is that each of us has an interest in having the ability to find some meaning in our lives – and this is an uncontroversial claim if ever there was one.

Such an endorsement of a comprehensive value would, admittedly, be out of keeping with traditional political-liberal practice. Political liberals, after all, usually reject any sort of comprehensive value. Rawls, for instance, in his discussion of the freedom and equality of persons, is careful to note that his idea of the person “belongs

⁵ Rawls reminds us that a political conception of justice does not leave aside disputed philosophical, moral and religious concepts because they are unimportant or to be regarded with indifference. Rather, it does so “because we think them too important and recognize that there is no way to resolve them politically” (Rawls 1985, pp. 223-251).

to a political conception” and is “designed for the special case of the basic structure of society” (Rawls 2001, p. 19). One might take this to mean that even ideas as basic as those of freedom and equality are not meant to extend beyond the political realm: only the basic structure must see citizens as free and equal, and citizens must see each other in this way only insofar as they must support laws that ensure that the basic structure does so. And since Rawls’s conception of freedom has much in common with our conception of autonomy, then if this reading of Rawls is correct, he may think that autonomy has no required place in the lives of citizens beyond the political realm.⁶ Why, then, do we argue that this kind of comprehensive ideal of autonomy should be adopted by political liberalism? To answer this question, we turn first to a discussion of education and the capabilities approach in order to show why such a comprehensive conception of autonomy is a necessary part of the latter, and then show how the capabilities approach allows us to make sense of the compatibility of political liberalism and the value of comprehensive autonomy.

Education and the Capabilities Approach

Nussbaum does not reject autonomy all together. Rather, she endorses what she calls a “political” account of autonomy. Although Nussbaum is clear that political autonomy has commitments regarding the “ingredients of good *political* life” (Nussbaum 2011b, p. 37, italics added) she argues that political autonomy is compatible with political liberalism in a way that Raz’s account is not “because no announcement is made by the state that lives lived under one’s own direction are better than lives lived in submission to some form of religious or cultural or military authority” (Nussbaum

⁶ Note that we do not necessarily claim that this reading *is* correct. We think only that it is one possible and plausible interpretation of Rawls’ project.

2011b, p. 36). Yet she claims that political autonomy satisfies all the relevant conditions for autonomy since it protects “the spaces in which people may leave one view and opt for another, and also the spaces in which *children* learn about options so that they can really live their own lives” (Ibid., emphasis added).⁷ Although Nussbaum does not give an explicit account of the content of political autonomy, these comments lead us to believe that her account of political autonomy can be best understood as including two of Raz’s three conditions for autonomy: freedom from coercion and some set of options from among which to choose (Raz 1986, p. 372).

We are sceptical, however, that the above conditions suffice, for we think that something like Raz’s third condition – “the mental capacity” for autonomy (Ibid.) – becomes a vitally necessary component of autonomy as soon as we consider the fact of adaptive preferences and the role of education in the development of the capabilities. Without educating children to be autonomous, the thin “political” conception of autonomy may succeed in providing some set of opportunities to children raised in a liberal society, but it will not succeed in empowering these children to actually take advantage of those options – that is, it will not expand the set of things that people are *actually* able to do and be, as the capabilities approach is meant to do. Instead, we claim that the education of children must emphasize the development of a mental capacity for autonomy that includes the critical and emotional capacity to see oneself as entitled to make certain choices in life, even

⁷ It is important to emphasize here that Nussbaum takes political autonomy to apply to children as well as adults (see Nussbaum 2003; Nussbaum 2011b, p. 36). The importance of this point will become clear as we proceed, but for now, we would like to suggest that in the same way that children have proved to be an excellent “test-case” for theories of rights (see MacCornick, 1982) children should also be seen as a “test-case” for competing theories about social justice. Indeed, we should be highly suspicious of theories that treat childhood as a time of life that can be bracketed out from rigorous philosophical consideration (as if we already came to the world well equipped to pursue our conception of the good), or that do not seriously engage with the question of what children are owed as a matter of justice.

when those choices grate against the social, cultural and religious norms that those children may have been brought up to obey.

Some proponents of political liberalism may initially be highly sceptical of this further condition for autonomy. As mentioned earlier, political liberals usually want to avoid requiring from citizens the endorsement of any non-political value, including that they see themselves in certain ways outside of the limited realm of the political. As Amy Gutmann puts it, “[political liberalism] does not provide us with a comprehensive morality; it regulates our social institutions, not our entire lives” (Gutmann 1985, p. 313). We take this scepticism to be unwarranted and believe that the core commitments of political liberalism can actually be employed to justify the introduction of this further condition for autonomy. It is to this task that we now turn.

Political liberals certainly want to steer away from state endorsement of any account of autonomy that relies on the controversial claim that autonomy, in Nussbaum’s words, “makes lives go better in general” (Nussbaum 2011b, p. 36). They rightly note that this claim fails to respect those citizens whose comprehensive doctrines direct them to allow family members or religious leaders to decide on their behalf what kinds of lives they ought to live. We think, however, that there is a counterpart to this claim that is much less controversial: that possessing all the conditions for autonomy, including the mental capacity for it, makes one’s life *less likely to go badly in general*. While the first claim is a controversial one about excellence in human life, the second is a much less ambitious claim about the tools that make it easier to distinguish between the lives that we do and the lives that we do not value. Our claim, then, is not that autonomy has intrinsic value and makes any life good; rather, we only claim that having enough of it is *instrumentally* valuable. This is because having a *sufficient* degree of autonomy puts citizens in a position in which

they are less likely to miss out on pursuing that which they have reasons to value – including, for some, the full obedience to authoritarian doctrines.⁸

But how can we justify this role of autonomy with the theoretical resources of political liberalism? Political liberalism is committed to the political equality of citizens, and it opposes the oppression of some citizens by others. Defining oppression is a difficult task, but for our purposes, we offer this working definition: a person is oppressed in a political liberal system if she is formally denied the rights or political status extended to her fellow citizens or if, as a result of social circumstances, she lacks the substantive resources to take advantage of the formal rights, or to adopt the equal citizenship status, that are central to the values of the liberal system.⁹ It is clear how oppression follows from the denial of equal rights, but it may be less clear how oppression is related to a person's inability to adopt the same status she affords to her fellow citizens.

Recall that political liberalism is based upon the ideal that a just state must carve out the necessary space for persons to find meaning in their lives. This space includes important liberties precisely in order to ensure that when citizens share a political space, they do not get in each other's way in their individual search for meaning. It is not difficult to see how, absent these liberties, one person's pursuit of her comprehensive commitment could potentially render someone else unable to

⁸ For extended discussion of autonomy as an instrumentally valuable good, see Arneson and Shapiro 1996; Brighouse 1998. For a discussion of autonomy as a sufficiency good, see Archard 2002. For more passing references see Gutmann 1980; Feinberg 1992.

⁹ Note that this definition of oppression is a political liberal one that avoids making claims about those things which it is objectively good for human beings to enjoy and of which they might be deprived. Many will prefer more substantive or far-researching definitions of oppression (see, for instance Young 1990; Hay 2011), and some will even make the stronger claim that liberalism, with its emphasis on individual rights, is itself necessarily oppressive (for such an argument directed specifically at the capabilities approach, see Noonan 2011). We recognize that these are large and important questions, but they, like the related questions of what persons have reason to value, are unfortunately far beyond the scope of this paper. Accordingly, we have adopted a parsimonious definition of oppression. We are grateful to an anonymous reviewer for pushing us on this point and for providing us with fruitful suggestions.

pursue her own. Accordingly, the political liberal system will tolerate oppression if it fails to provide an adequate set of substantive protections for its members. If the state does not provide effective avenues that can be made use of by women, persons of color, those with disabilities, or members of other less powerful groups in order to overcome the substantive institutional prejudices that they face in our imperfect world, then it has enabled their oppression.

There is, however, another way in which a person may find herself unable to adopt the equal citizenship status that is formally guaranteed to her: when she does not in fact believe that she is entitled to undertake her own search for meaning, or access those liberties, in the first place. Think here of a woman “trapped” in a man’s body who was raised in a culture (not unlike our own!) that treats transsexual identity as a distasteful aberration. It would not be surprising if this woman saw the sex industry as one of the only public spaces in which transsexual identity can be accommodated. If, in every other arena, she experiences her sexual identity as a deep source of shame, then she may in a very important sense fail to even be able to conceive of herself as the kind of person who has other options in life: to have a family, to work in an office job, to play group sports and so on. Note that we do not claim that these traditional options are the only ones that ultimately represent valid choices for this woman. Nor do we ignore the fact that she may well face greater social and economic barriers in pursuing these options. Instead, we claim that, all else being equal, her “choice” to work in the sex industry only counts as a meaningful choice if *she can see herself* in a certain way: as equally entitled to choose to work as a sex worker or as an accountant, to have a family or be single, to stay home or to occupy public space – regardless of whether others around her see her as equally entitled to some of the options in this set. And when she has been brought up in a

culture like our own, where she is so likely to lack both role models and communities of support, she is also unlikely to receive encouragement from others to pursue those options. Instead, she needs an education that tells her that, as a person, she is not only legally, but also *morally* entitled to reject the dominant norms that encourage her to see her identity as a shameful one.

Nussbaum would deny that meaningful choice requires the ability to see oneself in this way, since in order for citizens to do so, they must be brought up in an environment in which autonomy is privileged at least to the same extent as other metaphysical commitments. She may also add that this further condition for autonomy fails to acknowledge that parents too must be treated with respect by the state, and that if they are required to educate their children in certain ways, their own ideas about what makes life good may be severely violated. For instance, parents who sincerely believe that homosexuality is an affront to God will find it extremely hard to teach their children to see themselves as morally entitled to lead a homosexual life.

The dilemma can also be put in this way: citizens who are also parents care deeply for their children, and so care deeply that their children access what they take to be deep truths about the world. The difficulty is that these truths may or may not be compatible with recognizing the value of seeing oneself as entitled to make certain choices in life. And since many citizens' conceptions of parenthood are a subset of their broader conceptions of the good, requiring parents to actively foster in their children a sufficient degree of autonomy may prove even more disrespectful than requiring citizens to be governed by moral or religious values that they do not endorse.¹⁰

¹⁰ For extended discussion of the difficulty of balancing the autonomy needs of children with the autonomy rights of parents, see MacLeod 1997; Noggle 2002.

This, then, is the role that formal education, sponsored by the state, must play: if we cannot require parents to treat as morally acceptable those life options that conflict with their own conceptions of the good, then we must shift the burden onto the state and require it, through its public school system, to develop programs in which children are taught to see themselves as genuinely entitled to choose different paths in the future. This could be done in part by simply exposing children to other ways of life, which seems consistent with Nussbaum's political autonomy. But it will also require the state to emphasize, even when some comprehensive doctrines flatly deny it, that the choice of these alternative lifestyles deserves respect. And it will require as well that schools aim to foster in children the kind of self-esteem that is required to truly see oneself as a person who can choose such an alternative course of life even when the doctrines in which they have been raised teach them to abhor those courses.¹¹ Note that this account does not require the state to encourage children to accept the truth of moral pluralism, as Raz's perfectionist liberalism might. But neither does it focus solely on toleration of different cultural practices. The point is not only one about how children see other possibilities – instead, it is a point about how they see themselves *in relation* to those other possibilities. Public schools, then, need to foster a sufficient degree of self-esteem and critical capacity in children so they come to truly recognize that just like other citizens, they are morally entitled to lead the lives they value, irrespective of whether this involves endorsing or rejecting the doctrines they have been raised to support.

Nussbaum, and political liberals more generally, could potentially reject our proposal by claiming that the fostering of autonomy at school, even if only as

¹¹ Clearly, the items on this list of alternative lifestyles will have to be limited in some ways. For instance, lifestyles which necessarily cause harm to others, or that denigrate others, should not be represented as deserving the same level of respect (although political protections should perhaps nevertheless remain at least for those in the latter category).

something we value instrumentally, violates the commitment of political liberalism to state neutrality. She could argue that this more comprehensive role of the state could not be justified to those citizens who see no value in the mental capacity for autonomy for either instrumental or intrinsic purposes.

The validity of this objection depends again on what we mean by state neutrality. If we mean that the state cannot endorse any value, then neither this conception of autonomy nor Nussbaum's political autonomy will be justified. But if we understand state neutrality as the requirement that one specific perfectionist doctrine may not be privileged over others, than the mental capacity for autonomy may still be endorsed by the state as an instrumental good for agents who subscribe to any doctrine, even authoritarian ones. For instance, a gay teenager who seems himself as genuinely capable of choosing to live openly can still, at the end of the day, choose to "stay in the closet" so as not to defy religious or social norms he cares deeply about. In this way, conformity to traditional perfectionist norms will not be precluded by the state's commitment to comprehensive autonomy. The state will only seek to prevent a situation in which a more conservative norm is endorsed solely because citizens lack the capacity to see themselves as entitled to make an alternative choice in the first place.

Let us emphasize that this sort of education is not strictly necessary for individuals to see themselves as entitled to make choices about their lives. We all see ourselves as entitled to make at least some choices. And similarly, we are all constrained by our circumstances in such a way that some other potential choices do not even arise for consideration. But while it is true that we are all constrained by our circumstances, we must recognize that we are not all *equally* constrained. So while some individuals can and do make courageous and socially unacceptable choices

against overwhelming odds, we should not make the mistake of assuming that *all* individuals have the innate capacity or social support to do so. Suggesting that schools be charged with the promotion of autonomy is one way of trying to make sure that pupils receive this kind of support, so that the ability to choose unpopular options for themselves is not a matter of moral luck of either character or circumstance.

We hope that the previous line of argument will be convincing to all liberals. To adherents of Nussbaum's version of the capabilities approach, however, concerned as they are with what people are *actually* able to do and be, we think that these conclusions are unavoidable. As we know, Nussbaum puts forth a list of ten basic capabilities that she deems constitutive of normal human functioning, and that for this reason, must be guaranteed by all governments in the world.¹² These capabilities include the capability for life, bodily health, and integrity, among others. But Nussbaum does not want the adoption of a list of central human capabilities to be an exercise in cultural and philosophical liberal imperialism. For this reason, she adopts the distinction between capabilities and functioning, where the former is required but the latter is not. To ensure respect for persons, citizens must be able to forgo functionings that conflict with their comprehensive doctrines, so long as they still affirm the right of others to exercise the same capabilities if they so wish. If we go back to the example of our gay teenager, then, the capabilities approach would want to secure his capability for sexual satisfaction (ensuring public non-discrimination, and so on), while still accepting that he may choose not to engage in sexual acts at all.

We argue that it is precisely here, in the context of the capabilities/functioning distinction, that the importance of the mental capacity for autonomy becomes explicit.

¹² For various versions of the list, see Nussbaum 2000, pp. 86-88; Nussbaum 2006, pp. 76-78; and Nussbaum 2011a, pp. 33-34. For an earlier version of the list, that precedes her commitment to political liberalism, see Nussbaum 1992, p. 222.

Clearly, an individual must *have* a capability before she can choose not to exercise it. And it seems to us that functioning forgone because one fails to see oneself as entitled to function in that way is, in an important sense, not merely the forgoing of *functioning*, but rather the *absence* of capability. If we are concerned with capabilities in any meaningful sense, then, we must be equally concerned with those power relations that rob citizens of their basic capabilities. In other words, we must be concerned with the problem of “adaptive preference”.

The idea of adaptive preference is effectively the idea that persons raised without access to certain valuable opportunities may cease to value those opportunities as a kind of coping mechanism that prevents the constant disappointment that comes from having unfulfilled hopes and desires. This idea played a central role in Nussbaum’s early motivation for the capabilities approach (Nussbaum 2000, p. 135-166), and although she has not yet discussed the implications of political autonomy for the problem of adaptive preference, neither has she denied the importance of adaptive preferences in her recent work on the capabilities approach (Nussbaum 2011a, p. 83-84). But we argue that the recognition of adaptive preference is both one of the capabilities approach’s greatest contributions to political philosophy, and the reason that the approach – and indeed political liberalism more generally – cannot do without a commitment to education that seeks to develop comprehensive autonomy in its citizens.

To clarify the idea of adaptive preference, consider the case, which Nussbaum offers in *Women and Human Development*, of widows and widowers in Calcutta asked to rate their health in the aftermath of the Great Bengal Famine (Nussbaum 2000, p. 139). Although the two groups were objectively in similar positions of health, the men asked tended to rank themselves as much less well-off than the women. There

seem to be two problems involved here, both of which the capabilities approach seeks to answer. First, men and women alike clearly lacked the resources to properly nourish themselves in this situation. The capabilities approach, then, seeks to offer a list of capabilities (among them, proper health and adequate nourishment) on the basis of which these undernourished persons could appeal to their government as a matter of justice. But the disparity in answers between the gender groups points as well to a second problem: women seem to have become much more inured to their circumstances than have men, and seem to have developed an adaptive preference for their situation, despite its objective inadequacy.

Although the capabilities approach rightly wants to maintain space for pluralism, it should question whether capabilities are indeed meaningfully possessed if choices favouring this sort of objective inadequacy are consistently made along otherwise morally arbitrary lines like gender, race or sexuality.¹³ It is here that comprehensive autonomy becomes important: these Indian women seem to lack not only the resources to be adequately nourished, but seem as well, on the basis of their gender, to see themselves as *less deserving* than the men around them of being adequately nourished. And as we noted above, if a person does not have the cognitive resources to see the functioning associated with a capability as a live option, then she does not really have that capability to begin with. So while the capabilities approach offers grounds for the demand of external resources needed for central human functioning, it must also require that choices made in relation to those functionings be free of coercive pressure and preference deformed by either our surroundings or our

¹³ Or indeed choices to forgo the exercise of other capabilities or rights, or to refuse the status assigned to all citizens in non-political life.

pasts. But in order to do so, we argue that it requires comprehensive autonomy.

Consider the case of Polly:

Polly is a member of a religious community which holds the belief that, while rape is a real and serious problem, rape cannot occur within marriage. Specifically, community members believe that the role of marriage is to be fruitful and multiply and that the male head of household holds this responsibility most centrally. After giving birth to several children, Polly is tired, and wants to control her further pregnancies. However, her husband continues to want to engage in intercourse. Because of her religious commitments, Polly does not feel that birth control is an option, and does not protest it when her husband completes sex acts with her, even without her consent. In light of this, we think that Polly can now be said to lack the adult capabilities both to be free from sexual assault and to exercise choice in matters of reproduction. But note that if one agrees with Nussbaum that political autonomy suffices, then Polly must be said to possess both of those capabilities, although she has chosen not to exercise the functionings that correspond to them: she has options in the form of legal protections that exist against marital rape in her state, and she would face no threat from her community if she undertook legal action.

But is Polly really in a position to access these protections? We think not. Given the tradition in which she was raised, Polly does not see herself as morally entitled to take advantage of the protections that exist. As far as she is concerned, the moral facts are such that the legal options available are unacceptable ones for her. Of course, if she had attended a public school where she was consistently told by her teachers that questions of morality are difficult ones, and that she was as morally entitled as anyone else to make her own choices in important non-political areas of life, she might still affirm the same moral facts – but she would at least be better

equipped to *decide* whether to take advantage of the formal legal protections that allow her to refuse unwanted sexual intercourse in adult life, rather than accepting as a matter of course that she is not. Similarly, she would be more likely to see herself as entitled to use birth control, or even to abort an unwanted pregnancy. We assume that all liberals would support the sorts of laws that protect women against rape, and provide them legal access to contraception. Given the importance of these issues, however, we think that liberals should not be satisfied with formal legal protections alone. If liberals support important legal rights, then they should also support those things that are necessary to their exercise – and seeing oneself as entitled to the protections that exist in the legal system is surely a part of enjoying meaningful protection. Of course, seeing oneself as entitled to a protection is consistent with forgoing it, and therefore consistent with the capabilities approach and political liberalism more broadly. In the end Polly may not use birth control or refuse her husband’s sexual advances, but as long as she sees herself as entitled to do so, her situation is far less problematic. Autonomy, then, should act like any other capability: only after the capability is meaningfully possessed can a person choose not to exercise it. We certainly want our public schools to emphasize that the state does not endorse autonomy as a perfectionist value – but if the state wants to protect citizens’ rights in a way that is not purely formal, then it should use its public school system to emphasize this fact *alongside* the encouragement of comprehensive autonomy, and not in its place.

Concerning the appropriate role of education, it is Nussbaum’s position that “teachers in public schools should not say that argument is better than faith as a general way of solving all problems in life, [and that to] say that is to denigrate students who are members of nonrationalist religions (Nussbaum 2011b, p. 39).” To

be sure, if the question is put in this way, teachers would seem advised to remain silent. But what if a female student asks her teacher if contraceptives are acceptable? Or whether marital rape can occur? Should the teacher remain silent so not to offend nonrationalist religions? Or should she say that rape can occur within marriage, that women should be able to use contraceptives if they want more than motherhood from their lives? Should she be able to tell the student that this is an area in which she is morally entitled to reject the tradition in which she was raised? If the teacher should not be allowed to respond in this way – if political liberalism really wants to remain silent when a young woman asks those kinds of questions at school – then it seems to us that the doctrine will be forever incapable of tackling those power relations in the real world that place less powerful members at the mercy, effectively if not legally, of the comprehensive doctrines of the more powerful.

Nussbaum seems to briefly recognize this problem when she acknowledges the objection that so many comprehensive (and especially religious) doctrines in society are so profoundly sexist that the only way of doing away with this pernicious sexism is for the state to endorse a perfectionist doctrine of sex and gender equality in all areas of life (Nussbaum 2011b, pp. 40-41). Nussbaum ultimately rejects this possibility, but in response to it she does say something that sounds rather peculiar given her other philosophical commitments. She says that “one should insist that the public realm (including public schools) will itself be entitled to use rational argument to undermine demeaning stereotypes” (Nussbaum 2011b, p. 41). It is not, however, clear why this should be justified if a state commitment to rationalism risks denigrating dissenting citizens. She might say that the formation of gender relations is one particular enterprise in which the state may endorse the use of rational argument over faith. But why should this be so? True, saying this is not the same as saying that

reason is better than faith in all areas of life. But this question of gender equality is surely one of the most contentious social issues that there is – if the state is meant to display neutrality on divisive questions, then this must be the *last* place that the state should take a stand.

We argue that Nussbaum’s concession here, rather than the general thrust of her anti-comprehensive autonomy argument, is on the right track. But this should lead her to rethink her rejection of comprehensive autonomy – endorsement of political autonomy and constitutional commitment to the capabilities approach will simply not be enough. The constitutions of India and South Africa, which Nussbaum offers as exceptional examples of political liberalism, are indeed admirable, but when we consider South Africa or India, it is easy to see that constitutional guarantees are not enough. Consider India. In the last census, it was revealed that the ratio of girls to boys under the age of six continues to fall and is now lower than it has ever been. Although prenatal sex tests are illegal, female foetuses are nevertheless being aborted at higher rates than they ever have before. This explains the epigraph with which this paper began: “Better 500 rupees now than 50,000 rupees later” means that it is better to spend 500 rupees now aborting a girl child than 50,000 rupees later when you must provide her with a dowry. In the case of India, at least, a commitment to the equality of citizens in their capacity as participants in the political realm has resulted in a situation that any liberal should be horrified by. Citizens may be assured the same legal rights regardless of their gender, but if women are seen by society to have so little value that they might as well not be born, then it is hard to imagine that all citizens, regardless of their gender, see themselves as equally entitled to take advantage of those rights.

Of course, no political theory, when applied to the real world, is a panacea. While we might wish that all individuals should endorse gender equity, this may prove impossible – we may never be able to get all men to see women as their equals, or get all women to see themselves as equal to men. Educating children in a way that promotes their autonomy is not the same as brainwashing people into endorsing gender equality, and we cannot rule out the possibility that some autonomous decisions may be deeply sexist. After all, a family that wishes to save money is rational in at least one sense when it opts for an expense of 500 rupees over an expense of 50,000. But there are very good reasons to think that girls are not any less valuable than their brothers, and if we encourage children to see themselves as morally entitled to consider and to choose for themselves how they ought to live their lives, then we can hope that as adults they will find reasons for gender equality more compelling. And we must at the least be sure that a generation of mothers do not abort their future daughters only because they feel entitled to do nothing else.

If the state endorses political liberalism, then it should do so only insofar as it uses all of the resources at its disposal to teach less powerful members of society that they are entitled to decide for themselves whether to take advantage of all of the legal protections meant to allow them to direct the course of their lives. At the end of the day, respecting persons might mean giving people the space to follow a sexist or homophobic doctrine in their personal lives – but truly respecting them *certainly* requires the state to do what it can to ensure that no future citizen lacks the ability to see herself as capable of choosing otherwise.

Conclusion

In this paper, we have argued that the capabilities approach must be grounded on a hybrid account of liberalism. This means that the approach must follow political liberalism in showing appropriate respect for persons by remaining neutral on divisive and controversial metaphysical questions, but still pay tribute to comprehensive liberalism by endorsing a robust account of autonomy. Moreover, we have suggested that the approach must meet a third condition for autonomy, one based on how people actually see themselves in relation to their life options. And while we have accepted that it would be deeply problematic to require parents to foster a sufficient degree of autonomy in their children, we have sought to justify shifting this burden onto the state, given the privileged role of public education. Ultimately, if the capabilities approach is seriously committed to ensuring that our opportunities for doing and being are meaningful ones, then it must make good use of its most powerful tool: public education. But in order to justify the use of public education in transformative ways, it must go further than a merely political account of autonomy as defended by Nussbaum and follow our comprehensive, and yet non-perfectionist account of autonomy.

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