

**Just Trying to Relate:**

*Exploring a Potential Middle Ground Between Relational and Distributive*

*Egalitarian Theories*

**By:**

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**Submitted in partial fulfillment of the requirements for the degree of**

**Master of Arts.**

**Dalhousie University**

**Halifax, Nova Scotia**

**August 2016**

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## **Abstract:**

In this thesis, I explore the possibility of an egalitarian theory that reconciles distributive and relational approaches. Although I will not advance a complete and unified theory of equality, I will discuss the advantages of both approaches in some detail in order to offer what I call a *relational-capabilities egalitarian approach*, which provides a plausible reconciliation of both approaches into a broader and more complete theory of justice. In the first chapter of this work, I will explain the general egalitarian project and discuss in detail a few of the more influential recent distributive egalitarian approaches. I argue in favour of a *capabilities* metric of justice, as advanced by Sen, Nussbaum, Wolff, and de-Shalit. In Chapter Two, I will discuss some of the important feminist criticisms and advancements made to distributive egalitarian theories. I will argue that Elizabeth Anderson's sufficientarian conception of democratic equality is best for combining feminist concerns about group-based oppression, with the distributive arrangements necessary for guaranteeing equal democratic standing for all. In the third chapter I will introduce the relational methodology, and contrast it with the distributive approaches that I discuss in the first and second chapters, in order to show that relational egalitarians raise serious and considerable challenges to the distributive approach. In Chapter Four, I will advance my own view of relational-capabilities egalitarianism, as a program for reconciling distributive and relational theories of equality. Finally, in Chapter Five, I will consider some objections to my view, and briefly discuss some of the more fundamental disagreements between relational and distributive egalitarians. Ultimately, I intend to offer a programmatic illustration of how relational and distributive egalitarian approaches may be united in a much broader, fully formed egalitarian theory.

## **Acknowledgements:**

This thesis is the culmination of perhaps the most enthralling – and grueling – year of my life. I am forever indebted to Dalhousie University and to its incomparable philosophy faculty and staff – Mike Hymers, Chike Jeffers, Letitia Meynell, Stephanie Kapusta, Peter Scotch, Eli Diamond, Darren Abramson, Andrew Fenton, Tyler Hildebrand, and of course, Gayle Quigley-Smith and Michele Edgerton – I couldn't have hoped for a more welcoming, supportive, and brilliant group of people from whom to learn. I would also like to recognize my fantastic colleagues: Katie Stockdale, Emily Bingeman, Jamaal Hyder, MacGregor Malloy, Bethany Hindmarsh, and Annie Haider. It was an honour to spend my years at Dalhousie with all of you. I would like to give special thanks to Kirstin Borgerson –whose guidance and kindness got me through my honours thesis as well– and to Duncan MacIntosh. Thank you both for reading this thesis and for providing generous and thoughtful feedback.

But most of all I would like to thank my advisor, Greg Scherkoske, for his endless patience and his uncanny ability to clarify my scattered, half-formed thoughts as he slogged through the more unreadable drafts of this thesis, and for his unwavering kindness and support at every stage.

To my friend Patrick Canner, who passed from this world in June of this year, your memory will always remain, for me, in these pages.

To my brothers, Jeff, Brett, and Mark, and to my sister Becky, I would like to dedicate this highly winsome piece of hard evidence that I am not only the best looking and coolest Potter, but also the smartest. Neener neener.

To my girlfriend Melanie, whose bright and caring nature has kept me sane even – and perhaps especially – when we have been a great distance apart. I couldn't have done this without your support.

Most importantly, this work is dedicated to my parents who, despite expert testimony to the contrary, always knew that I could be more than I was. To my father, whose unfailing guidance, encouragement, and generosity has made all things possible for me, and to my mother, whose boundless love, ardent sacrifices, and indomitable strength inspired every single word.

## **Chapter I: Introduction**

### **1.1: Introduction to Chapter One**

There has been a significant amount of recent discourse, both in academic literature and in popular media, regarding the need for more and better social equality. Issues ranging from poverty, racism, and sexism, to civil exclusion, inform the popular maxim *equality for all!* But what is less clear in popular discourse is precisely in what *respects* people should be equal, and whose responsibility it is to make them that way. All egalitarians agree that there is some important good (or goods) that all persons in a just society must have, and though the specific nature of these goods is frequently debated, egalitarians will also agree that it is a matter of justice that a state treat all of its citizens – in some important respect – *as equals*. Distributive egalitarians, who receive considerable attention in this thesis and in the philosophical literature, believe that the way for a state to treat its citizens as equals is to establish some fair scheme of material distribution (of money, resources, institutional access, and other things of this nature), so that (in a general sense) each member of society will be equally well-off.

Relational egalitarians, on the other hand, believe that what is most fundamental to justice are the relationships that exist between individuals within society, and especially within and between certain social groups along lines such as race, gender, and ability. For relational egalitarians, there are two proper egalitarian aims, both positive and negative. The positive goal of relational equality is to ensure that all citizens stand in relationships of equal respect and dignity with one another. The negative goal of relational equality is to eliminate all systemic forms of oppression, such as domination,

subjugation, marginalization, violence, and others. For this reason, the distribution of resources is, for relational egalitarians, of secondary (or instrumental) importance.

In this thesis, I explore the possibility of an egalitarian theory that reconciles distributive and relational approaches. Although I will not advance a complete and unified theory of equality, I will discuss the advantages of both approaches in some detail in order to offer what I call a *relational-capabilities egalitarian approach*, which provides a plausible reconciliation of both approaches into a broader and more complete theory of justice. In the first chapter of this work, I will explain the general egalitarian project and discuss in detail a few of the more influential recent distributive egalitarian approaches. I argue in favour of a *capabilities* metric of justice, as advanced by Sen, Nussbaum, Wolff, and de-Shalit. In Chapter Two, I will discuss some of the important feminist criticisms and advancements made to distributive egalitarian theories. I will argue that Elizabeth Anderson's sufficientarian conception of democratic equality is best for combining feminist concerns about group-based oppression, with the distributive arrangements necessary for guaranteeing equal democratic standing for all. In the third chapter, I will introduce the relational methodology, and contrast it with the distributive approaches that I discuss in the first and second chapters in order to show that relational egalitarians raise serious and considerable challenges to the distributive approach. In Chapter Four, I will advance my own view of relational-capabilities egalitarianism, as a potential program for reconciling distributive and relational theories of equality. Finally, in Chapter Five, I will consider some objections to my view, and briefly discuss some of the more fundamental disagreements between relational and distributive egalitarians. Ultimately, I intend to offer a programmatic illustration of how relational and distributive

egalitarian approaches may be united in a much broader, fully formed egalitarian theory. Importantly, I only seek in the context of this thesis to establish the desirability of a third option (such as relational-capabilities egalitarianism), rather than to fully describe the numerous details of how such a theory would ultimately work.

## **1.2: Why Equality, and Equality of What?**

I will begin this thesis by discussing a few of the more influential recent forms of distributive egalitarian thinking. Initially, however, it is important to discuss what it means to be an egalitarian, and what kinds of equality are to be of importance. Following Ronald Dworkin, it is important to draw a distinction first between, on the one hand, treating people equally with regards to a specific resource, commodity, or institution, and on the other hand, treating everybody *as equals*.<sup>1</sup> While the former, some may argue, could be done by simply granting full and open access for all to a particular institution, or even by dividing the total amount of certain resources by the total number of individuals in a state, the latter involves the far trickier task of determining both what the most equal scheme of distribution might be, as well as what specific moral principles dictate the nature of equality.

Amartya Sen, who has written extensively on this topic and from whom I will draw extensively in later sections, frames this issue nicely by posing the questions *Why Equality*, and *Equality of What?*<sup>2</sup> That is, if it can be established that there is something that justice requires all people to have – and to have in equal amounts – then what might that thing be? What is the *metric* by which a state could measure equality, and why is

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<sup>1</sup> Dworkin, Ronald. “What is Equality? Part 1: Equality of Welfare.” *Philosophy and Public Affairs* 10.3 (1981): pg. 185.

<sup>2</sup> Sen, Amartya. “Equality of What?” *The Tanner Lecture on Human Values*. Stanford University, Stanford. 22 May, 1979. Lecture.



equality important for justice? My focus in the work that follows will be largely on the metric of equality (the question of *what*, as opposed to *why*) because, following Sen, we cannot answer the question of ‘why equality?’ before we understand what kind of equality we are talking about.<sup>3</sup> Egalitarianism is an extremely large, diverse, and multi-faceted topic, and it would be impossible for me to outline every unique perspective. Therefore in the section that follows, I will outline only a few of the major positions that various recent egalitarians have taken on this subject, in order to provide some background for my later discussions.

### **1.3: A Few Different Ways to be Equal**

As is often the case, the most obvious positions in a field of study are those at each extremity. For example, one might take the position of *pure egalitarianism*,<sup>4</sup> which is the idea that equality is at all times a good in and of itself, such that more equality is always better, and less equality is always worse. On this view, justice requires that – to the greatest extent possible – everyone should have precisely the same amount of whatever good (or goods) we determine to be most fundamentally important. This is, however, deceptively simplistic, since the kinds of goods we are after will dramatically change our approach. For example, many people would readily accept the idea that every human is equally deserving of some amount of basic dignity or respect, and that the best possible distribution of this good would be for everyone to have equal amounts. On the other hand, fewer people would readily accept the idea that everyone ought to have the

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<sup>3</sup> See Sen, Amartya. *Equality Reexamined*. New York: Russell Sage Foundation, 1992, Loc. 216. To quote Sen, “We cannot possibly answer the first question [why equality?] without addressing the second [equality of what?].”

<sup>4</sup> The term “pure egalitarianism” is outlined by Derek Parfit. To quote Parfit, “If we cared only about equality, we would be *Pure* Egalitarians.” His emphasis. See Parfit, Derek. “Equality and Priority” *Ratio* 10.3 (1997): pg. 205.

same amount of money, or the same amounts and kinds of material goods (for example, if everyone were paid the same salary, and required to drive a blue Volkswagen Jetta).

The reasoning behind pure egalitarianism, however, is initially very attractive and plausible. Pure egalitarians start with the proposition that no one human being is any more or less deserving of goods than another, and so any scheme of distribution that results in some people having more good than others is a scheme that is, for pure egalitarians, less good than one in which everyone has equal goods.<sup>5</sup> However, it should be clear that this idea brings with it some immediately visible problems. For instance, those who sympathize with the notion of moral desert – that some people, by virtue of their actions, are more or less deserving of certain goods than others – might object to the idea that everyone is entitled to the exact same kind and amount of goods. Surely a person who is driven, clever, and successful deserves to reap greater rewards than one who is lazy, imprudent, or who engages in immoral or criminal activity. Indeed, it seems almost viscerally wrong to suggest that a convicted multiple-murderer is entitled to the exact same quality and kinds of goods as, for instance, the parents of her victims.

It seems reasonable, then, to suppose that the actions people take must play a key role in determining what kinds and amounts of goods justice requires people to have. This brings us to the other extremity of this discussion, *desert egalitarianism*, whose supporters posit that people are entitled to all and only those goods that they deserve or, if you like, that they have *earned*. As such, justice only requires that all people are equally free to succeed or not succeed by virtue of their own merits, and to claim without impediment their just rewards, as well as pay the costs of their actions. Most

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<sup>5</sup> It should be noted that although inequalities are bad things for pure egalitarians, there are often reasons for pure egalitarians to allow some to have more than others. See Parfit (1997), pgs. 204-205.

sophisticated readings of this view, however, will not be so hard-nosed, and will concede that certain things, such as the circumstances of a person's birth, are (among other things) morally arbitrary and therefore not the kinds of things that are subject to discussions of desert. Clearly nobody deserves to be born into a climate of disease or poverty, or to be absent of parents, limbs, or support.

These two extreme positions may, therefore, be bridged by the proposition of *starting-gate equality*. Both positions can accept the famous axiom that all people are, by nature, equal. If no person enters their life any more or less deserving of goods than another, then it may be suggested that justice requires (again, to the greatest extent possible) that all people start off with an equal chance for success. As long as everyone begins in fair and equal standing to one another – and no one is treated unjustly along the way – all future inequalities (stemming, for instance, from fair individual successes and failures) will be just. It may be helpful to describe this idea with an analogy to a board game like Monopoly. It is clearly true that fairness dictates that all players must begin on equal footing: from exactly the same starting position, with exactly the same resources, and all having agreed to follow exactly the same rules. After this initial starting point of equality, things like chance, effort, skill, and ambition will determine the success of the players, and in this way any subsequent inequalities in position and resources will be fair (assuming that the rules continue to be followed). In this way, starting-gate equality may effectively bridge both the idea that no person is any more or less deserving of goods than another, and that justice requires that action and desert be taken into account.

However, the idea of starting-gate equality is not without its obvious drawbacks either, not the least of which (there are many other issues as well) being a certain degree

of practical impossibility. As noted by Locke, Rousseau, Rawls, Sen, and many others, it is simply not the case that humans exist as equal abstract units (like player tokens). Real individuals are unequally endowed, may agree to very different kinds of rules regarding law, organization and conduct, and do not enter into society from anything like the same starting point or with the same kinds of skills or resources. In other words, human society is too dissimilar to a board game for any such comparison to be helpful. One's life chances are heavily influenced from the start by a great number of factors, such as affluence, race, gender, class, caste, mental and/or physical ability, harshness of geographical location, isolation, parental reputation, individual preference, mental and physical health, political participation, social affiliation and so on. It is not clear how (if at all) a state could eliminate, or even mitigate, these natural and circumstantial differences, and it is also unclear whether state intervention on any number of these factors would be at all effective or desirable.

#### **1.4: Utilitarianism**

These conceptions of equality may be contrasted with some different egalitarian views supported by *Utilitarianism*.<sup>6</sup> According to utilitarians, political, economic, natural, and other kinds of goods (resources, affluence, political participation, health, etc.) are not goods in and of themselves (*intrinsic* goods), but are rather *instrumental* in achieving some other more fundamental good. However, there are many different competing conceptions of what is fundamentally good. For simplicity, I will focus on what is perhaps the most famous conception of utility, which says that the only good in-itself is the experience of pleasure, satisfaction or enjoyment. Likewise, the experience of pain,

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<sup>6</sup> This discussion of utilitarianism is informed by many sources, though I am specifically indebted to Will Kymlicka. See Kymlicka, Will. *Contemporary Political Philosophy*. 2<sup>nd</sup> Ed. Oxford: Oxford UP, 2002.

suffering and dissatisfaction is, in itself, bad. The best method of distribution will therefore be the one that maximizes overall pleasure and minimizes overall pain. This is usually referred to as the *principle of utility*; where pain and pleasure may be thought of as units of positive and negative utility (hypothetical units measured in terms of individuals, or across an entire population). In this sense the best scheme of distribution will be the one that causes the highest possible amount of positive utility (pleasure) as well as the least amount of negative utility (pain) across the whole population of a state, such that any further distribution would not either improve positive utility or decrease negative utility.

Importantly, utilitarians may be said to be egalitarian in the sense that, since the overriding goal of a society is to maximize the overall pleasure experienced by all persons, every individual unit of utility has the same value, no matter to whom it corresponds. In this way, utilitarians may capture the intuition that no person is any more or less deserving than another, as well as introduce the highly attractive proposition that the best course of action is always the one that most improves the lives of the most people.

However, some issues may arise with this kind of utilitarian thinking, because while utilitarianism certainly places each individual person at equal *value*, it in no way advocates for a system of equal *treatment*. For those who want to remain true to the idea that what matters most in egalitarian theory is to determine how to treat everybody equally, this will be problematic. In order to illustrate why this is, I suggest that we

imagine two individuals.<sup>7</sup> One of them, Purvis, is a greedy snoot whose fussy constitution at all times permits nothing less than fine foods and constant entertainment. The second person is a young and desperately impoverished orphan girl named Beulah who, despite her dismal situation is elated with only her meager possessions and her imagination. Now Purvis, having grown weary of cognac and puppy parades, is abysmally bored, even to the point of having difficulty emerging from his enormous bed in the morning. Beulah, meanwhile, has for her birthday received a job in a dungeon owned by Disney World, painting the signs that read “The Happiest Place On Earth,” and she works every day overjoyed simply to paint and to imagine the ostensibly marvelous place to which her signs are destined to go. Since this new bump in pay is more than Beulah needs to live a blissfully happy life, it is possible that the principle of utility will require Beulah to sacrifice some of her wages to Purvis, if doing so will help to provide him with some brief new entertainment and therefore increase his positive utility. We might imagine furthermore that it would make Beulah very happy indeed to give of herself, and as such, the best possible scheme is one in which Beulah happily donates her extra earnings to Purvis in order to sate his need for new amusements.

This surely goes against many deeply held intuitions. While it remains an attractive idea to assert that the best course of action is the one that will benefit everyone the most, many people also have the intuition that there are some things that people deserve to have, which would be conceptually prior to any calculation of utility. There is some good, it seems, that Beulah is lacking but that justice requires her to have in equal measure to Purvis. Although the principle that both Purvis’s and Beulah’s utility are of

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<sup>7</sup> The following is my own variation on the common *Tiny Tim* example. See Kaufman, Alexander “Introduction.” *Capabilities Equality: Basic Issues and Problems*. New York: Routledge 2006, pgs. 1-2.

equal value seems to be a good one, it does not seem to be enough, especially if it allows for a scheme that can take such advantage of Beulah's gift for finding happiness in squalor. To put it a bit differently, the worry is that the principle of utility may allow Beulah to be treated unfairly in some important way, resulting in her being taken advantage of, for the benefit of Purvis. As such, what is needed is to determine the more fundamental principles of justice, in accordance with which all citizens (such as Beulah and Purvis) will be treated fairly, and with equal respect.

### **1.5: John Rawls and the Difference Principle**

It is this task to which John Rawls sets himself. He is interested in determining the fundamental principles of justice that will inform both the ideal metric of equality as well as the ideal scheme of distribution, to ensure that everyone in a society is treated fairly. Rawls rejects the utilitarian project because he believes that utilitarian thinking cannot properly respect the dignity and rights of individuals.<sup>8</sup> People, for Rawls, are not a moral collective, and the good of one cannot always be expressed by the good of the whole, as utilitarian thinking attempts to do. Therefore, Rawls presents a contractualist<sup>9</sup> notion of an initial state of affairs wherein any group of rational people could agree upon the terms and principles of a just society. Rawls refers to this initial state of affairs as the *Original Position*; a hypothetical and pre-political set of circumstances, in which free and equal citizens establish by agreement the fundamental principles of a fair and just democratic state. The original position is essentially characterized by Rawls's *veil of ignorance*, behind which are similarly hypothetical representatives of citizens who have no knowledge whatsoever of their place in the society in question. That is to say that a

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<sup>8</sup> See Kymlicka (2002), pg. 53.

<sup>9</sup> Contractualists assert that all moral actions must be willingly agreed to by every rational agent involved, in order to be permissible.

person behind the veil does not know the class, position, social status, fortune in the distribution of natural assets and abilities, intelligence, strengths, or even the particular psychological propensities or conceptions of the good, of those whom they represent.<sup>10</sup> As such, nobody in the original position has any knowledge that could allow them to design principles in their own favour, and they may therefore choose only principles that *all* would agree to, regardless of their future place in society when the veil is finally lifted. Put simply, since there is an unknown chance that when the veil is lifted one may find oneself among the very worst-off members of society, each agent behind the veil will, out of self-interest, ensure first that the prospects of the worst-off are as good as they possibly can be.

The primary goal, therefore, of the representatives behind the veil of ignorance, is to determine the moral principles that will inform and constitute the basic structure of a just society. As such, their focus must be on the major institutions that are to be put in place in order to foster this just and equal society for all of its members. These institutions distribute and uphold fundamental rights and freedoms, as well as determine the division of advantages brought about from social cooperation. Such institutions, for Rawls, will certainly include formal economic, legal, educational, and political arrangements, competitive markets (which may or may not allow for the private ownership of means of production), and others of this kind. Rawls submits that these kinds of institutions must be the primary subject in a discussion of justice because of the profound effects that they have on the life chances, powers, abilities and choices of citizens. This is to say that the basic structure is, for Rawls, inextricably linked to the

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<sup>10</sup> Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971, pg. 12; and *Justice as Fairness: A Restatement*. Ed. Erin Kelly. Cambridge, MA: Harvard UP, 2001, pg. 82.



kinds of things that people can want and aspire to do and be. Since the basic structure of a society acts as the initial starting point for all citizens, inequalities that occur as a result of the basic structure cannot be justified by merit or desert. Therefore, the basic structure of a society must be, in the first place, just.<sup>11</sup>

In order to begin the task of social justice, those behind the veil of ignorance must be regarded both by themselves and by each other as free and equal citizens with two specific moral powers:

- i.) “One such power is the capacity for a sense of justice: it is the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of social cooperation.
- ii.) The other moral power is a capacity for a conception of the good: it is the capacity to have, to revise, and rationally to pursue a conception of the good. Such a conception is an ordered family of final ends and aims which specifies a person’s conception of what is of value in human life or, alternatively, of what is regarded as a fully worthwhile life. The elements of such a conception are morally set within, and interpreted by, certain comprehensive religious, philosophical, or moral doctrines in the light of which the various ends and aims are ordered and understood.”<sup>12</sup>

It is Rawls’s position that rational peoples who are regarded as free and equal, and who possess these moral powers, will be best suited to agree of their own individual accord (that is, free from coercion, manipulation, etc.) to the principles of justice established

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<sup>11</sup> See Rawls (1971), pg. 7. Note: The reasons for which Rawls focuses on the basic structure of society echo in many ways the Marxist tradition, connecting the socio-historical material conditions to aspects of individual personhood. See Kymlicka, (2002), pg. 88, 167.

<sup>12</sup> Rawls (2001), pgs. 18-19.

behind the veil of ignorance. In other words, this is Rawls's way of imagining rational and moral persons in the most general sense, who nonetheless have no *specific* moral or rational convictions. As a result, these rational agents would be able to generate the fundamental principles of justice that will underlie and support any other (permissible) sets of particular ends, and will structure the basic institutions of a society that is just, according to the principles of justice as fairness.

Representatives behind the veil of ignorance are not only lacking in knowledge of the particular moral and individualistic convictions of those whom they represent, but are also ignorant of the particulars of the society whose basic structure they are constructing. Rather than knowledge of particulars, the representatives behind the veil have very general knowledge of human societies and what Rawls refers to as the *circumstances of justice*. These circumstances include situations of moderate scarcity, the necessity of social cooperation, and the existence of numerous permissible yet incommensurable conceptions of the good, which Rawls calls the *fact of reasonable pluralism*.<sup>13</sup> Rawls also assumes that individuals behind the veil will have other kinds of general understanding, such as of "political affairs and the principles of economic theory...the basis of social organization and the laws of human psychology."<sup>14</sup> The reason that representatives behind the veil would have these kinds of knowledge is because these things are not mere historical conditions of some society or group, but rather they are facts that will obtain in any human society, and are permanent features of the public culture of democracy.<sup>15</sup>

It is Rawls's contention that the parties behind the veil of ignorance will establish what he calls the *Two Principles of Justice*:

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<sup>13</sup> Rawls (2001), pg. 84.

<sup>14</sup> Rawls (1971), pg. 137. See also Rawls (2001), pgs 33-34, 101.

<sup>15</sup> Rawls (2001), pgs. 33-34.

- (a) “Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
- (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity, and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).”<sup>16</sup>

It is important to note that the first principle (a) is lexically prior to the second (b). That is, the first principle (a) is of greater fundamental importance to justice, such that (a) must be fulfilled before (b) can be. Similarly, there can be no permissible good resulting from (b) that is gained at the expense of (or traded off against) the basic liberties enshrined in (a). With these two principles, the representatives behind the veil of ignorance will guarantee a socio-economic system that makes sure that the greatest benefits always go to the least advantaged members of society, where ‘least advantaged’ is defined, for Rawls, in terms of *Primary Goods*. In Rawls’s terms, “these [primary goods] are various social conditions and all-purpose means that are generally necessary to enable all citizens adequately to develop and fully exercise their two moral powers, and to pursue their own determinate conceptions of the good.”<sup>17</sup> Importantly, Rawls draws a distinction between *social primary goods* (any goods that can be provided and distributed by the institutions of the basic structure), and *natural primary goods* (natural and personal endowments such as intelligence, talent, etc.). Rawls’s metric of equality, however, will be *social primary goods*, since these things may be affected by the basic structure of society, while

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<sup>16</sup> Other versions of this statement may be found in Rawls’s various works, but I use this one from *Justice as Fairness*, (pgs. 42-43), since it is Rawls’s latest revision of the statement.

<sup>17</sup> Rawls (2001), pg. 57.

natural endowments cannot be (i.e. the basic structure cannot guarantee that people are born without mental or physical afflictions). For simplicity, Rawls assumes that a short list of social primary goods will include a set of basic rights and liberties (freedom of thought, movement, sustenance, rest, etc.), choice against some background of various opportunities, powers (some level of responsibility or authority), income or wealth (as a kind of all-purpose means to achieve ends), and finally, the social bases of self-respect.<sup>18</sup>

We now see that Rawls's approach to equality lies in the creation of a basic structure informed by the principles of justice, from which said institutions will then distribute goods fairly. As such, Rawls will measure equality not according to social groups like race or gender, but rather according to each individual's set of, or access to, social primary goods. With Rawls's above *difference principle* in mind, we can see that if any inequalities arise between, for instance, men and women, such that men (as has historically been the case) have greater opportunities than women, then said inequalities are only permissible insofar as they are to the benefit of women. Since such inequalities (at least historically) have not been, on balance, to the benefit of women (and women, as un-coerced free and equal moral persons, would certainly not agree to such inequalities), Rawls's principles can show clearly why sexist forms of inequality are not justified.<sup>19</sup> Rawls admits that his theory largely omits consideration of existing issues of gender and race, but does so simply because his work is engaged in the prior issue of establishing the general fundamental principles of justice, and it is only after this is done that particular problematic cases may be addressed. As it stands, however, Rawls is confident that his theory can in fact give an extensive account of the social, legal, and political principles as

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<sup>18</sup> Rawls (1971), pg. 62; and Rawls (2001), pgs. 58-59.

<sup>19</sup> Rawls, John (2001), pgs. 65-66.

well as the basic structural institutions essential for securing the equality of all citizens, including women and minorities.<sup>20</sup>

### **1.6: Some Critical Responses to Rawls**

Rawls's theory is, beyond any doubt, one of the most influential contributions to egalitarian thought in the history of the subject. Nonetheless, many have pointed out some flaws in Rawls's theory. Some thinkers, such as Ronald Dworkin, G.A. Cohen, Will Kymlicka, and others, have identified a problem with the fact that Rawls's theory focuses on the social primary goods (resources, money, etc.) that can be transferred and redistributed by institutions, but very little is said by Rawls about *natural* primary goods. These natural primary goods are facts about a person (their abilities both physical and mental, their personal attributes, some of their preferences, etc.) that no institution could plausibly distribute, but that nonetheless play a huge role in determining an individual's life chances. Indeed, two people with very different natural endowments could be given the same bundles of social primary goods and access to institutions, and as such they would be, by Rawls's standards, treated equally. However, it seems clearly to be the case that what they are able to *do* with those social primary goods could differ significantly.

A related problem with Rawls's theory, identified by Charles Mills (and also by relational theorists, as we will see later on)<sup>21</sup>, is the fact that Rawls's work is one of *ideal theory*,<sup>22</sup> and as such it does not take into account the currently existing injustices that are based on factors such as race, gender, and sexuality. These are examples of natural

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<sup>20</sup> Rawls (2001), pg. 66.

<sup>21</sup> See Pateman and Mills (2007), Elizabeth Anderson (2010), and many others.

<sup>22</sup> Ideal theory involves the task of generating the abstract principles of justice, assuming the full moral compliance of citizens to these principles, and no history of systemic social injustice (such as legal slavery, racism or sexism, genocidal colonization of indigenous lands and peoples, etc.). See Pateman, Carole, and Charles Mills. *Contract and Domination*. Cambridge: Polity, 2007, pgs. 232-234.

primary goods – facts of a person’s birth – that in today’s society dramatically affect a person’s ability to secure and to use their bundles of social primary goods. Therefore, it seems to be the case that Rawls’s metric of equality – one’s distribution of, and access to, social primary goods – is at best incomplete, in the sense that the bad luck of being born with certain natural endowments, or into a socially subjugated group, can have a profound effect on one’s life chances. These objections are, I believe, of particular importance, and I will discuss them in greater detail in later sections.

There are still further ways that people have disagreed with aspects of Rawls’s theory. As mentioned, a person’s bad luck in terms of natural primary goods can negatively affect their lives in ways that social primary goods cannot always correct. There are also, however, important issues of *desert* and *responsibility*. According to Rawls, any differences that arise between people’s access to social primary goods are only permissible if they work to the advantage of the least well-off. But we can easily imagine someone who was born naturally disadvantaged (for instance, someone with severe learning disabilities, or with missing appendages), but who nonetheless manages to work hard enough to overcome their adversity in order to become among the most successful members of society. There is surely an intuition in such circumstances that this person would deserve the success they have, and would therefore deserve to reap all the extra benefits for which they have worked so hard. It is, however, not clear that Rawls’s views are consistent with an individual’s ability to claim maximal rewards for their work, especially if their success causes large inequalities in income.<sup>23</sup>

Similarly, one may be born with a predisposition for irresponsible and foolish decision-making, either as a result of factors such as bad upbringing, pre-natal

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<sup>23</sup> Kymlicka (2002), pgs. 59-60.

mistreatments, or simply due to their own poor choices. Some of the worst-off members of society may be that way because they, for whatever reasons, made poor bets with their money, invested their efforts and assets irresponsibly, squandered their opportunities and potential, or even perhaps because they are simply disposed to laziness. According to the difference principle, the former individual (the disadvantaged person who chose to work her way to the top) may only benefit from her success insofar as doing so sufficiently benefits the latter individual (who is predisposed to be imprudent). Intuitively, this seems unfair.<sup>24</sup> Therefore, thinkers such as Dworkin (and many others) have criticized Rawlsian theory in order to reconcile principles of justice with individual responsibility and desert. These issues inform what is known as *Luck Egalitarianism*.

### **1.7: Luck Egalitarianism**

Fundamentally, luck egalitarians believe that any inequalities that occur between people as a result of morally arbitrary happenstance are unjust. Also fundamental to luck egalitarianism is the belief that personal responsibility and desert should play a key role in the distribution of goods. To put it differently, inequalities that occur as the results of certain kinds of choices (such as calculated gambles or prudent behaviours) are permissible in egalitarian thought, since egalitarianism is consistent with the idea that individuals must bear the responsibility of their choices (at least under certain fair conditions). Morally arbitrary occurrences, like the circumstances of one's birth (one's race, gender, sex, ability, parents, health, and so on, and for some theorists even some preferences, desires, skills, and goals) are things for which individuals should not be expected to take full responsibility. Therefore, luck egalitarians believe that the basic structure of a just society ought to be set up so that individuals are protected from morally

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<sup>24</sup> Kymlicka (2002), pgs. 72-74.

arbitrary harms, but are also responsible (able to receive benefits and/or pay costs) for the right kinds of actions.

Ronald Dworkin's luck egalitarian theory – so called *equality of resources* view – proposes a different kind of equal distribution of resources from Rawls, but which intends to fulfill three fundamental aims that are also among the aims of Rawls's project:

“...respecting the moral equality of persons, mitigating the arbitrariness of natural and social contingencies, and accepting responsibility for [one's] choices.”<sup>25</sup> Dworkin begins by proposing that we imagine a group of shipwreck victims who wash up on the shore of an island, on which there are abundant but limited resources, and from which no rescue will be likely for many years. Beginning with the assumption that no individual is antecedently entitled to, or deserving of, any of the resources currently available on the island, some system will have to be put in place that will distribute claims to the resources fairly. To this end, Dworkin suggests what he calls the *envy test*. In Dworkin's words, “no division of resources is an equal division if, once the division is complete, any [islander] would prefer someone else's bundle of resources to his own bundle.”<sup>26</sup> Perhaps the most obvious method of fair distribution for Dworkin's islanders would be simply to divide the total amount of resources by the number of individuals, such that each person would receive precisely the same amount of resources as every other.

However, not all preferences, tastes, or needs are the same. Even if all the resources on the island could be equally divided (or at least divided in some way that all bundles would be, if not identical, then at least equivalent to one another), there may be

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<sup>25</sup> This is Kymlicka's reading of both Rawls's and Dworkin's project. See Kymlicka (2002), pg. 75.

<sup>26</sup> Dworkin, Ronald. “Equality of Resources” *Social Justice*. Ed. Matthew Clayton and Andrew Williams. Malden: Blackwell, 2004, pg. 111.



some who will be deeply unsatisfied with the kinds of food they now have to eat, the kinds of materials they now have to build with, and so on. An islander who despises the texture of bananas might indeed be envious of another islander's bundle, if hers contains more coconuts and fewer bananas. For this reason, Dworkin imagines that an auction scheme might be implemented, where some equal amount of tokens (for instance clam shells) could be divided amongst the islanders, which would correspond to some agreed-upon value equivalent to their individual equal share of the resources available. The islanders may therefore fairly bid for resources based on their own preferences, thus satisfying the envy test.<sup>27</sup> It is important to note here that the envy test is an interesting and elegant solution to one of the problems that Rawls encountered. By setting up a scheme of equal division, while also allowing for individual choice and preference satisfaction, Dworkin offers a fair way for some people to have different kinds and amounts of things than others – only as long as nobody is envious of the initial distribution (via fair auction).<sup>28</sup>

It may be objected, however, that even with a fair auction, instances of luck may cause inequalities in the outcomes of distribution that would not satisfy the envy test. For instance, some islanders may enjoy certain kinds of work, or possess predispositions to skills that make otherwise mundane resources significantly more valuable. Similarly, instances of bad luck could cause certain people to either be especially dissatisfied with the kinds of things they must do on the island, or to have what resources they do have diminish in value (perhaps from the effects of a storm). A person who, try as they might, cannot build a shelter as well as another person – even with the same bundle of resources

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<sup>27</sup> Dworkin (2004), pgs. 112-113.

<sup>28</sup> Kymlicka (2002), pg. 75.

– would be (perhaps) justifiably envious of a neighbour whose shelter keeps both themselves and their resources well protected. Once again, if we are committed to the idea that inequalities caused by luck must be eliminated or mitigated by a just system of distribution, then it is unacceptable that a person’s natural talents, preferences, desires, or interactions with the weather, could result in such inequalities.

In order to answer these objections, Dworkin differentiates between two different kinds of luck. *Option luck* is determined by the outcomes of choices and calculated risks. For example, if one islander decides to dangle her fishing line in waters where there are known to be fish that are larger, but harder to catch, while another decides to try for smaller fish who bite more reliably, then their outcomes will be a matter of option luck. The one who took the risk might be successful, such that the islander who played it safe would be envious of the amount of fish their counterpart has; just as that same fisher’s gamble might have failed, such that she would then find herself envious of even the little fish caught by the one who played it safe. On the other hand, *brute luck* occurs apart from any deliberate risks or gambles. Were lightning to strike an islander’s shelter (in the absence of foolish risks like lightning rods) and destroy the supplies contained within it or cause personal injury, this would be an outcome of brute bad luck.<sup>29</sup>

Recalling the previous issue with Rawls – the problem of unequal and morally arbitrary distributions of natural primary goods – endowments of birth, intelligence, preferences, talents, and destructive acts of nature would undoubtedly fall under the category of brute luck, since there is no element of choice or responsibility on the part of the individual, and the results of brute luck are therefore morally arbitrary. As a solution for how to fairly answer for these kinds of cases, Dworkin proposes a fair scheme of

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<sup>29</sup> Dworkin (2004), pg. 117.

insurance. This concept offers a solution to the problem of natural endowments in that a reasonable scheme of insurance actually allows everyone to convert (if insurance is purchased) their instances of brute luck into instances of calculated option luck. For example, if it is known that electrical storms are frequent, islanders might buy insurance against lightning strikes. The existence of this option, however, makes it the case that by not buying insurance, any damages incurred by lightning would be instances of option luck (as the consequences of a calculated risk). As long as the relevant insurance is equally available to each islander, and affordable given their initial scheme of distribution (as well as the rest of their everyday needs, such as a reasonably good choice of food, water, shelter, materials, etc. after the purchase of insurance), then all such inequalities that arise from instances of good or bad luck may be just.<sup>30</sup>

One final problem might still arise, however, from the brute bad luck of prior disabilities or accidents that result in significant disadvantages. It is Dworkin's position, however, that a fair scheme of insurance may simply be corrected or amended to account for these things. Initially, Dworkin maintains that one's abilities, intelligence, and so on, are not the same kinds of resources as those with which distributive egalitarians are concerned.

“Though powers are resources, they should not be considered resources whose ownership is to be determined through politics in accordance with some interpretation of equality of resources. They are not, that is, resources for the theory of equality in exactly the sense in which ordinary material resources are. They cannot be manipulated or transferred, even so far as technology might permit. So in this way it misdescribes the problem of handicaps to say that equality of resources

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<sup>30</sup> Dworkin (2004), pgs. 117-119.

must strive to make people equal in physical and mental constitution so far as this is possible.”<sup>31</sup>

In other words, Dworkin will submit that it is a mistake to suggest that such things are within the reasonable concerns of institutional egalitarianism. However, although this is not overly practical, it is still in principle possible to imagine a scheme of insurance against which (assuming that all have an approximately equal chance of having such things befall them) individuals may invest. This may be done either within the hypothetical auction process, or even perhaps within a practical kind of scheme involving something like taxation, that would cover people against such risks.<sup>32</sup>

Interestingly, what Dworkin has actually done with this theory is, in a sense, re-imagine Rawls’s original position behind the veil of ignorance with the mind to compensate for Rawls’s purported neglect of natural primary goods, as well as to allow for greater satisfaction of individual preferences. In Dworkin’s version, each person behind the veil is given an equal share of the overall assets and is allowed to bid for the best share of the resources that they can get, as well as to buy certain forms of insurance as a calculated gamble. When the envy test is passed (when nobody would prefer anybody else’s package of goods to their own) then a just scheme of distribution has been reached that accounts for both individual responsibility, as well as the potential for bad brute luck (such as in unequal natural endowments).<sup>33</sup> Once again, like Rawls’s approach, these conclusions are largely hypothetical, but could plausibly be converted into real-world equivalents that would be based on just principles.

### **1.8: The Capabilities Approach**

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<sup>31</sup> Dworkin (2004), pgs. 122-123.

<sup>32</sup> Dworkin (2004), pgs. 123-125.

<sup>33</sup> Kymlicka (2002), pgs. 76-77, 79.

Egalitarian principles such as these discussed by Rawls and Dworkin have been hugely influential to recent egalitarian discussions, and provide among the most widely accepted bases for determining social justice and equality. Other recent theorists, however, have disagreed with some of these ideas, especially with the notion that things like money, resources and economic growth are the main determinants of people's equality. Measuring equality in terms of resources and insurance (Dworkin) or in terms of social primary goods (Rawls) is for many recent theorists, an inadequate metric for tracking numerous kinds of disadvantage. Amartya Sen is one such theorist, who offers a *capabilities approach* as a critical response to Rawls's conception of equality as the fair distribution of social primary goods (among other things), as well as a different solution from Dworkin's, to the problem of unequal natural endowments. I will move now to expand upon Sen's capabilities approach and its importance to the overall discussion of luck egalitarianism.

One of Sen's major contributions to the discussion is his claim that economic growth, measured in bundles of primary goods or envy-tested and insured packages of resources, does not adequately account for marginalized, oppressed, or otherwise subjugated groups of people. It seems clearly to be the case that many such people do not typically enjoy the wealth of a nation to nearly the same extent as those born with larger degrees of privilege. Identical bundles of goods, in the hands of two different people, will often yield very different freedoms to pursue their individual conceptions of a good and fulfilling life.<sup>34</sup> For Sen, a focus (as per Rawls and Dworkin) on economic resources and growth merely tracks the *means* to freedoms that individuals can have, rather than

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<sup>34</sup> We may recall the previous example of Purvis and Beulah, for whom very different kinds and amounts of goods are required to make life enjoyable.

tracking the *extent* to which people are capable of being free to live fulfilling lives (within the framework of reasonable pluralism). Sen believes the latter to be of more fundamental importance to justice and equality:

“The importance of the contrast...turns on the fundamental diversity of human beings. Two persons holding the same bundle of primary goods can have very different freedoms to pursue their respective conceptions of the good (whether or not these conceptions coincide). To judge equality – or for that matter efficiency – in the space of primary goods amounts to giving priority to the *means* of freedom over any assessment of the *extents* of freedom, and this can be a drawback in many contexts. The practical importance of the divergence can be very great indeed in dealing with inequalities related to gender, location, and class, and also to general variations in inherited characteristics.”<sup>35</sup>

Especially for various subjugated groups (such as, for instance, women and non-white minorities) the availability of various means will not be sufficient to describe what kinds of freedoms they are actually *capable* of enjoying. For example, a First Nations woman who has the resources to run for federal office may find that other social factors, such as racism, will hinder her true capability.

Similarly, a more utilitarian or welfare-centric framework which tracks how people feel about their lives (their satisfaction or dissatisfaction) will not adequately answer the problem of adaptive preferences caused by systemic inequalities. A woman, for instance, who occupies a subordinate role to the men around her, may nonetheless feel perfectly satisfied with the way her life is going and might even strongly prefer her subordinate lot in life to a more empowered one, even though her circumstances would

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<sup>35</sup> Sen, Amartya. *Equality Reexamined*. New York: Russell Sage Foundation, 1992, Loc. 186-192.

doubtlessly be unjust. What is, according to Sen, most fundamentally important for justice (and this informs, in a pervasive way, his metric for tracking equality) is the extent to which each person has the genuine freedom to do and to be the things that they value doing and being. If by adapting their preferences a person comes to enjoy a subjugated position, her subjugation is still unjust.<sup>36</sup>

As such, Sen proposes that distributive egalitarian theory should instead track individuals' capabilities to achieve certain important *functionings*. Functionings can range from the basic elements of survival, such as being well nourished and sheltered, and avoiding premature mortality; to rather more complex achievements such as a genuine feeling of self-respect, having a positive social role within a community, or participating actively in political and economic institutions. Obviously resources (or primary goods) will play an instrumental role in securing an individual's functionings, but Sen's major contribution to the discussion is to make clear the importance of understanding what individuals are actually capable of doing, which is a very different kind of project than simply tracking the kinds and amounts of resources that are available to individuals.

“It is important to distinguish capability –representing freedom actually enjoyed – both (1) from primary goods (and other resources), and (2) from achievements (including combinations of functionings actually enjoyed, and other realized results). To illustrate the first distinction, a person who has a disability can have more primary goods (in the form of income, wealth, liberties, and so on) but less capability (due to handicap). ...To illustrate the *second* distinction, a person may have the same capability as another person, but nevertheless choose a different

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<sup>36</sup> See Kaufman (2006), pgs. 3-4, 7; and Sen (1992), Loc. 158-172.

bundle of functionings in line with his or her particular goals. Furthermore, two persons with the same actual capabilities and even the same goals may end up with different outcomes because of differences in strategies or tactics that they respectively follow in using their freedoms.”<sup>37</sup>

As Sen illustrates, the resources that a person has may still not allow them certain freedoms, and similarly, a person’s resources may not be in line with what they desire to do. Furthermore, how one uses resources (i.e. strategy) will change what they are capable of doing with the resources. It is important to note that Sen is not suggesting here that any of these examples necessarily indicate injustice, but rather he is showing that primary goods (and other kinds of resources) are not an adequate metric for an individual’s actual capabilities. For these reasons (and others), Sen posits that development is not tracked by economic growth.

Sen’s capabilities approach to equality has been, both for Sen and for other theorists, especially promising for feminist projects about gender-based injustice. As both Sen and Martha Nussbaum note, some differences between individuals are simply physiological, such as a pregnant person needing different kinds and amounts of resources than a non-pregnant person, in order to reach the same levels of functioning. But there are also significant social differences at work that the capabilities approach purports to track more successfully than the previously discussed theories. In circumstances where, for example, Aboriginal peoples are neglected by, and discouraged from educational pursuits, it will take more resources connected both with necessary structural capabilities (school facilities, travel to and from, etc.) and the necessary social capabilities (availability of teachers with appropriate Aboriginal knowledge, language,

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<sup>37</sup> Sen (1992), Loc. 959-967.



the communal desire and value for education, and so on) in order to bring Aboriginal people to the same levels of educational functioning as others in society. This is similarly the case for any number of marginalized groups, such as women, the elderly, or those with disabilities.<sup>38</sup>

From a feminist perspective, Martha Nussbaum has been a highly influential critic and supporter of Sen's ideas, and proposes some necessary additions to the capabilities approach. Sen's work is largely non-committal with regards to what sorts of functionings should be considered the most vitally important or necessary, and Nussbaum attributes this lack of detail to Sen's commitment to democratic deliberation. Basically, Sen's assertion is that different groups of people – in varying circumstances, environments, cultures, etc. – should have the ability to determine these things for themselves.<sup>39</sup> However, for Nussbaum, the capabilities approach will not be fully useful for the pursuit of sex equality unless a substantive (yet revisable) list of the most necessary and fundamental functionings can be given.<sup>40</sup> For both Sen and Nussbaum, the notion of capabilities has extremely close ties with those of *human rights*, and many feminists have criticized theories of human rights for being too male-centric, and for ignoring many of the fundamental entitlements, needs, abilities, and opportunities that are necessary for women's struggle for equality to be successful. Nussbaum gives examples such as freedom from domestic violence, workplace harassment, the right to bodily integrity and

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<sup>38</sup> Here I will quote from Nussbaum's discussion: "...in a nation where women are traditionally discouraged from pursuing an education it will usually take more resources to produce female literacy than male literacy. Or to cite Sen's famous example, a person in a wheelchair will require more resources connected with mobility than will the person with 'nominal' mobility, if the two are to attain a similar level of ability to get around." See Nussbaum, Martha C. "Capabilities as Fundamental Entitlements: Sen and Social Justice." *The Global Justice Reader* Ed. Thom Brooks. Malden, MA: Blackwell 2008, pg. 600. Note: Nussbaum also cites Sen (1980).

<sup>39</sup> Nussbaum (2008), pg. 606.

<sup>40</sup> Nussbaum (2008), pg. 600; and Kaufman, (2006), pg. 10.

control, as only some of the kinds of things that feminist thinkers have asserted to be lacking in the broader discussion of human rights.<sup>41</sup>

For Nussbaum, however, the language of capabilities is more precise for the project of equality than that of basic human rights. Importantly, the capabilities approach is significantly more precise regarding its method of measuring and securing equality, as well as the motivations behind its overall goal of equality:

“Regarding fundamental rights, I would argue that the best way of thinking about what it is to secure them to people is to think in terms of capabilities. The right to political participation, the right to religious free exercise, the right of free speech – these and others are all best thought of as secured to people only when the relevant capabilities to function are present. In other words, to secure a right to citizens in these areas is to put them in a position of capability to function in that area. To the extent that rights are used in defining social justice, we should not grant that the society is just unless the capabilities have been effectively achieved.”<sup>42</sup>

The important distinction to which Nussbaum is pointing here is really the purported existence of rights as they appear on paper, as opposed to the actual effective measures that must be taken to ensure that a group of people truly has the capability to function in the relevant ways. Capabilities, therefore, may be seen as a more accurate way of describing rights. For any given right, it is important to clarify what sorts of functionings and freedoms that right is meant to secure, and the capabilities approach tracks exactly this.

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<sup>41</sup> Nussbaum (2008), pg. 601.

<sup>42</sup> Nussbaum (2008), pg. 601.

Nussbaum therefore offers a list of ten capabilities, which she believes to be among the most basic and central requirements for a life to be lived with fully human dignity. I will list them here, but I will not go into any significant detail regarding their definitions, both because of want for space, and because I will go into more detail in the context of some revisions to Nussbaum's list below. Here, then, is Nussbaum's list of the central human capabilities:<sup>43</sup>

- 1.) Life (free from a premature end, and lived in whatever way preferred)
- 2.) Bodily Health (access to medicine, nutrition, exercise, etc.)
- 3.) Bodily Integrity (freedom from undue bodily harm, the most complete possible spectrum of bodily parts and functions, etc.)
- 4.) Senses, Imagination, and Thought (education, the fullest possible range of senses, the means and encouragement to explore the mind's potential, etc.)
- 5.) Emotions (the ability to experience the full range of human emotional activity)
- 6.) Practical Reason (drawing from Kant, this is the capacity to be a setter of human ends)
- 7.) Affiliation (with social groups, family, political participation, etc.)
- 8.) Other species (being able to live with and in respect of non-human animals)
- 9.) Play (the resources, encouragement and contexts necessary to have fun)
- 10.) Control over one's environment (political efficacy, the capacity for illocutionary and perlocutionary success, the means and access to live, move, speak, and interact with surroundings how, where, and in what ways one desires, etc.)

Importantly, both Sen and Nussbaum emphasize that capabilities-language must imply choice. For Nussbaum, any society that does not guarantee at least a minimum threshold

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<sup>43</sup> Nussbaum (2008), pgs. 604-605. Note: Nussbaum does not consider this list to be exhaustive.

of the above listed capabilities must therefore fall short of the requirements of justice. However, neither Nussbaum nor Sen are claiming that a state must push capabilities on its citizens in order to attain justice, but rather that justice requires a state to *make available*, at the very least capabilities such as these ten enumerated by Nussbaum.<sup>44</sup>

One of the major upshots of Nussbaum's list is that it helps to justify both the kinds of freedoms that must be guaranteed in the name of justice, as well as those which need to be *limited*, for the purposes of eliminating various forms of oppression.<sup>45</sup> For instance, in order to be successful, gender justice requires that some of the freedoms enjoyed by men (those that rely on the subordination of women) must be curbed. In order to properly pursue a reasonable account of egalitarian justice, a society must first evaluate and compare certain freedoms in order to determine which are of critical importance and which are lesser, as well as which freedoms are potentially oppressive, and to whom.<sup>46</sup> As such, Nussbaum's list is meant to describe the capabilities that people must necessarily enjoy in order for their circumstances to be just, and without which one would not be guaranteed freedom from various forms of social subordination.

### **1.9: Disadvantage, and Some Further Amendments to the Capabilities Approach**

To briefly recap and consolidate the discussion thus far, we continue to be engaged with two fundamental questions: Why is equality important to the topic of justice, and what is the best metric of equality? The former question is one that we have not yet fully explored and which will be covered in some detail in sections below. We have, however, seen numerous answers to the latter question (overall utility, primary goods, resources, and finally the capabilities to freely achieve important human functionings). We are

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<sup>44</sup> Nussbaum (2008), pgs. 603-604.

<sup>45</sup> Nussbaum (2008), pg. 600.

<sup>46</sup> Nussbaum (2008), pgs. 607-608.

currently attempting to determine whether or not the capabilities approach can serve as an adequate metric to both track and describe the kinds of goods that justice requires all people to have in equal measure.

With this in mind, I will discuss one final amendment to the capabilities approach that I believe to be of some significance, as suggested by Jonathan Wolff and Avner de-Shalit. The main purpose of their amendment concerns the need for a greater focus on risk and *vulnerability*:

“...the capability approach does not capture one significant and pervasive aspect of disadvantage: that very often people are disadvantaged because they are exposed to risks which they would not have taken had they the option, or are forced to take risks that in one way or another are bigger than others are being exposed to or take.”<sup>47</sup>

Wolff and de-Shalit intend to amend the capabilities approach with the purpose of qualifying it in terms of *genuine capabilities*, and *secure functionings*. I will briefly explain the nature and significance of each new qualifier in turn.

Wolff and de-Shalit note a certain kind of vagueness in the concept of ‘capability.’ If capabilities are thought of as the opportunity to achieve certain functionings, then this will normally require, on the part of the agent in question, the performance of some kind of act – even if such an act is only to speak – in order to turn said opportunities into actual functionings. The varying nature of such acts, however, is the subject of Wolff and de-Shalit’s criticism. The performance of certain acts quite often comes with associated risks or costs, even if they are very minor or merely informed by preferences. With this in mind, a distinction must be drawn between cases in which an

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<sup>47</sup> Wolff, Jonathan, and Avner de-Shalit. *Disadvantage*. Oxford: Oxford UP, 2007. Loc. 958.

agent lacks an opportunity, and those in which an agent had an opportunity, but for whatever reason, *failed to make use of it*.<sup>48</sup>

In a world that is rife with various forms of inequality, it may easily be the case that certain individuals have opportunities for functionings but do not act to secure them, either because they do not feel they should, or do not feel they can. To use an example given by Wolff and de-Shalit, a single mother who rejects an offer for full-time salaried work at a distant location in order to remain closer and more available to her children, could be said to have simply failed to seize an opportunity to better her station, but this kind of response may not be entirely fair. Instead, Wolff and de-Shalit propose that the important question to ask in such circumstances is *whether it is reasonable to expect someone to act one way rather than another*. Obviously the answer to this question will vary dramatically depending on the potential for consequences to certain functionings, and if acting to secure a certain opportunity will involve undue costs and risks to other functionings (such as that of functioning as a close and devoted mother), then it may not be said that such an opportunity was truly *genuine*.<sup>49</sup>

Similarly, Wolff and de-Shalit are concerned about the potential effects of risks associated with having and preserving certain functionings. Put succinctly, "...what matters for an individual is not only the level of functionings he or she enjoys at a particular time, but also their prospects for *sustaining* that level."<sup>50</sup> For example, even if a person has achieved the functioning of proper shelter, if she believes that she may be evicted at any moment, then her functioning is insecure, and this insecurity (whether real or not) very much threatens her ability to continue enjoying that functioning. Not only is

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<sup>48</sup> Wolff and de-Shalit (2007), Loc. 1112.

<sup>49</sup> Wolff and de-Shalit (2007), Locs. 1144-1170.

<sup>50</sup> Wolff and de-Shalit (2007), Loc. 179. Emphasis mine.

it the case that, if the functioning was truly at risk a person may lose their functioning entirely, but it is also the case (regardless) that the increased stress, anxiety and emotional anguish of such insecurity will negatively affect her ability to continue enjoying other functionings as well.<sup>51</sup> A person who lives in fear of eviction, for example, will not readily make other investments (to the soundness of their home, for example, or to nearby social circles, or to new opportunities of employment when transportation at any further distance would be an obstacle) and this in turn causes other opportunities for that person to be no longer genuine. In this way, insecure functionings cause significant disadvantage, and in some cases (such as the insecure functioning of bodily safety) they can *themselves* be disadvantages. It is therefore Wolff's and de-Shalit's position that the capabilities approach must be amended to include the conditions of *genuine* opportunities for *secure* functionings.

Wolff and de-Shalit will also respond with revisions to Nussbaum's list, and their revisions will be prompted by empirical research gained from experts (either in the sense that they work professionally with the disadvantaged members of society, or that they are themselves among the most disadvantaged) in order to refine Nussbaum's list down to the functionings that they (the experts) deem to be the very most fundamental. They come to six total functionings, which I will enumerate here:<sup>52</sup>

- 1.) Life
- 2.) Bodily Health
- 3.) Bodily Integrity
- 4.) Affiliation (more often described as 'belonging')

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<sup>51</sup> Wolff and de-Shalit (2007), Loc. 995.

<sup>52</sup> Wolff and de-Shalit (2007), Loc. 1531.

5.) Control Over One's Environment

6.) Sense, Imagination, and Thought.

Wolff and de-Shalit present this list in no way arguing that these six functionings are lexically prior to any others, but simply that as a result of their research, these six functionings seem to weight relatively higher than the several others, both on Nussbaum's list, and those they suggested themselves.

Wolff and de-Shalit, having offered their revisions to the capabilities approach, further propose a method of both empirically identifying the worst-off members of a society, and of developing practical solutions to the problematic inequalities that cause disadvantages. Most basically, for Wolff and de-Shalit, inequalities are unjust if they cause some groups of people to have significant undue advantages or disadvantages relative to others. It is their position that the project of egalitarian theory should be to eliminate disadvantage until it is no longer possible to tell who in society is indeed the worst-off.<sup>53</sup> As discussed above, certain kinds of disadvantages (such as insecure functionings) cause other functionings to become themselves less secure. These kinds of disadvantages Wolff and de-Shalit refer to as *corrosive*, since having one such corrosive disadvantage greatly increases the chances suffering other disadvantages.<sup>54</sup> Conversely, there are some functionings, such as that of affiliation (I will discuss this in significantly more detail below), the securing of which will improve or even eliminate other forms of disadvantage. These are called *fertile* functionings.<sup>55</sup>

Wolff and de-Shalit posit that the worst-off members of society may – for practical purposes, including policymaking – be determined by locating the social groups

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<sup>53</sup> Wolff and de-Shalit (2007), Loc. 2106.

<sup>54</sup> Wolff and de-Shalit (2007), Loc. 201.

<sup>55</sup> Wolff and de-Shalit (2007), Loc. 202.



wherein disadvantages *cluster*. The concentrations of clustered disadvantages will determine which groups are worse-off than others. It is important to note here that Wolff and de-Shalit (as well as myself) are not attempting to actually identify which group(s) would be considered the very worst-off, but rather are trying to suggest the theoretical means by which this would be done. The actual work of identifying groups would be done empirically. By identifying the worst-off members of society and (recalling Rawls's difference principle) devoting prioritized resources to them, Wolff and de-Shalit assert that equality may be effectively secured through institutional means. The elimination of disadvantage (with priority to the worst-off), then, is fundamental to the project of egalitarianism.

According to Wolff and de-Shalit, disadvantages may be mitigated or eliminated in one or both of two ways: the introduction (through both the redistribution of resources and social and institutional focus) of fertile functionings, and the elimination (by the same kinds of means) of corrosive disadvantages. Wolff and de-Shalit give some suggestions as to what sorts of fertile functionings would be appropriate and how they might be introduced, as well as what sorts of disadvantages might be especially corrosive and how they might be eliminated, but I will go into greater detail regarding these suggestions in later sections. What is important for now is this general outline of the project of egalitarianism, and to establish the most plausible metric – genuine opportunities (capabilities) to achieve secure functionings – of equality. This therefore concludes part one. In part two, I will explore in more detail some feminist responses to distributive egalitarian thought, in order to engage more deeply with the first and not yet adequately explored of our two most fundamental questions: *Why equality?*

## **Chapter II: Feminist Criticisms**

### **2.1: Introduction to Chapter Two**

It may be clear that the progression of theory and thought outlined so far is leading us increasingly into an exploration of systemic disadvantage. As we delve critically deeper into our discussions of equality, we will see in more detail the importance of examining extant and current forms and patterns of injustice. In the following sections I will examine feminist responses to distributive egalitarian theory, which criticize the focus thus far on distribution, suggesting instead that egalitarian theory must focus primarily on relationships of power and oppression. After examining these feminist claims, I will argue that Elizabeth Anderson's sufficientarian conception of democratic equality offers a compelling approach for understanding how distributive schemes could work in favor of feminist concerns.

### **2.2: Some Feminist Criticisms of Egalitarian Theory**

Feminism has a long and complicated relationship with and to egalitarian thinking. To say, for instance, that what feminists want is for women to have the same freedoms and privileges as men, is both misleading and perhaps simply false. Most feminists seem to advocate for some manner of equality, but what kinds of equality are the important ones? How should distributive egalitarians characterize women and their relationships both with men and with other women, in terms of social justice?

In the egalitarian theories we have discussed so far, there has been a strong focus on social institutions. Specifically to the extent they are just, these are to be set up in such a way as to fairly distribute goods like resources or opportunities, so that everyone will be

treated as equals. Iris Marion Young, however, questions this distributional focus.<sup>56</sup> It is unclear in what ways a society can be said to ‘distribute’ things like opportunities, rights, or certain kinds of treatment, as if they were ‘things’ in the same way that things (such as possessions) are.

“We may mislead ourselves by the fact that in ordinary language we talk about some people having ‘fewer’ opportunities than others. When we talk that way, the opportunities sound like separable goods that can be increased or decreased by being given out or withheld, even though we know that opportunities are not allocated. Opportunity is a concept of enablement rather than possession; it refers to doing more than having. A person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them.”<sup>57</sup>

Although Young (as we will see in more detail below) is quite skeptical of the efficacy that concepts of distribution – in the light of oppressive relationships – can have for true opportunities, some may argue that by making laws and policies that are gender-neutral, or that guarantee open access to certain institutions and to certain resources, a society can in a very real sense distribute opportunities, as well as convey equality of respect and concern. Similarly, recalling the capabilities approach, as long as a society provides the necessary means to guarantee genuine opportunities for secure functionings of the most important kinds, then capabilities may also be distributed in this way. As a result, some may argue that it is unclear how such conceptions of distributional egalitarianism could fall short of fair considerations to women, people of colour, or the

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<sup>56</sup> Young, Iris Marion. *Justice and the Politics of Difference*. Princeton NJ: Princeton UP, 1990, pgs. 25-27.

<sup>57</sup> Young (1990), pg. 26.

disabled, especially when gender, race and ability are not the metric with which the theory deals.<sup>58</sup>

In answer to this question, Catherine MacKinnon will suggest that egalitarians must differentiate between, on the one hand instances of *difference*, and on the other, instances of *dominance*.<sup>59</sup> I will discuss the difference approach first. In many cases, as suggested above, equality (in the context of gender) is purported to result from things like the establishment gender-neutral laws, hiring policies, job requirements, necessary work-hours, and so on. For example, if the law states that all Canadian citizens have the right to run for public office, then it should not matter in the slightest whether the Canadian citizen in question is a woman or a man. Recalling previously discussed Rawlsian theories, there has been a great emphasis in egalitarian theory on creating institutions that purport to treat everyone fairly by not taking any arbitrary factors – such as gender – into account. Simply, if there is no difference in institutional treatment of gender, then there is no institutional gender discrimination.

MacKinnon, however, disagrees with this position. When unjust background conditions are taken into account, it may not be at all desirable for institutional policy not to take gender into consideration. There may be gender-neutral wording in a job description, for instance, but MacKinnon will argue that the social background assumptions that make possible the hours and commitments of the highest paid jobs will reveal the ways in which even gender-neutrality can be sexist. If one is the primary caregiver of children, for example, then it will be difficult or even impossible to work

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<sup>58</sup> This criticism will be discussed in considerable detail in Chapter Three. See MacKinnon's notions of *Difference and Dominance* in Saul, Jennifer Mather. *Feminism: Issues and Arguments*. Oxford: Oxford UP, 2012, pgs. 7-13; and in Kymlicka (2002), pgs. 379-385.

<sup>59</sup> Catherine MacKinnon as presented in Saul (2012), pgs. 7-13; and in Kymlicka (2002), pgs. 379-385.

lengthy hours, relocate frequently, or be at all times on call and available to deal with new challenges. Since women remain statistically far more likely than men to be the primary caregivers of children, women are less able to meet the qualifications for high paid and prestigious careers.<sup>60</sup> As long as it is clearly and demonstrably the case that some social groups are significantly more likely to shoulder – disproportionately – these kinds of social burdens (child rearing, childcare, elder care, household maintenance, etc.), the gender neutrality of laws and institutional policies simply distracts from subtler and more ingrained social inequalities. It is therefore at best false, and at worst, harmful to assert that because social positions are presented gender-neutrally, there is equal treatment, respect, or concern for genders.

For these kinds of reasons, MacKinnon believes that such issues as sexism are better tracked in terms of *dominance*. As described by Saul, “This approach focuses not just on discrimination as traditionally understood, but more generally on the distribution of power in society, and on ways in which this power distribution is maintained.”<sup>61</sup> The purpose of the dominance approach is to show that unequal distributions of power may exist between men and women (and of course between other groups) both despite egalitarian laws and institutions, and indeed, sometimes even *as a result* of them. Using several examples such as reproduction, workplace structures, family, marriage, divorce, and economic dependence, MacKinnon will argue that the basic structure of society has been, and continues to dominate women for the benefit of men.<sup>62</sup>

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<sup>60</sup> MacKinnon in Saul (2012), pgs. 7-8; and Kymlicka (2002), pgs. 380-381.

<sup>61</sup> Saul (2012), pgs. 11-12.

<sup>62</sup> Catherine MacKinnon as presented in Saul (2012), pgs. 12-13; and Kymlicka (2002), pgs. 383-385.

Similarly, in their collaborative work *Contract & Domination*, Carole Pateman and Charles Mills identify more problems with the idealized Rawls-inspired egalitarian theories previously discussed, and argue that the basic structure of society – as it exists currently – ought to be identified as a “racial patriarchy.”<sup>63</sup> A myriad of deeply ingrained and historically situated prejudices and disadvantages have conspired to maintain and perpetuate the supremacy of both white people and men, and this white-male supremacy shows itself within our basic structure. The recognition of these current, staggering imbalances of power are, for Pateman and Mills, necessary for the project of egalitarianism. Without the recognition of systemic dominance and oppression, as noted also by MacKinnon, attempts to establish equal treatment will often perpetuate (or even possibly worsen) extant inequalities.

It may also be the case that equal treatment is not the sort of thing feminists should be after in the first place. Recalling a distinction that I made briefly above, there are key differences between receiving equal treatment and being treated as equals. Indeed, the pursuit of equal treatment may involve treating some groups very differently than others, such as providing more resources, different kinds of opportunities, and so forth.<sup>64</sup> Furthermore, some of these issues are obscured by intersecting identities that result in unique and irreducible identities (such as that of *black woman*) with their own unique sets of challenges and needs. Indeed, even our, as yet, binary talk of men and women is problematic. It would be a mistake to suggest that any of the issues so far discussed are suffered only by women, or that there are not significant differences within groups of both men women themselves.

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<sup>63</sup> Pateman and Mills (2007), pg. 169.

<sup>64</sup> Phillips, Anne. *Feminism and Equality*. New York: New York UP, 1987, pgs. 7-8.

With all of these highly complicated factors in mind, it is difficult to see exactly where feminists do stand, and where feminists should stand, with regards to egalitarianism.<sup>65</sup> Perhaps bell hooks captures these difficult issues best, when she asks: “Since men are not equals in white supremacist, capitalist, patriarchal class structure, which men do women want to be equal to?”<sup>66</sup> This is, of course, a very large question. However, hooks’s deeper, more urgent point will be that asking this question is, in many ways, to miss the point. If men are systemically advantaged by the subordination of women, then it is not necessarily the case that women ought to endeavor to be equal to men in this regard. Zillah Eisenstein echoes this thought, saying that for women, “...equality does not mean to be like men, as they are today, or to have equality with one’s oppressors.”<sup>67</sup>

It is with all of these things in mind that hooks defines feminism as “a struggle to end sexist oppression.”<sup>68</sup> This is important because it shifts the focus from the pursuit of principled equal treatment, and towards “...eradicating the cultural basis of group oppression.”<sup>69</sup> Similarly, Alison Jaggar submits that feminists are united by the common commitment to eliminating the subordination of women.<sup>70</sup> Therefore, the point of feminism for hooks, Jaggar and perhaps all other feminists is to identify and to eliminate current instances of systemic injustice. A distributional scheme for resources will clearly have a role to play in this endeavor, and similarly, the language of capabilities (amended, for my purposes, to specify genuine opportunities for secure functionings) and the

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<sup>65</sup> I wish to note, however, that I do not use this language to homogenize feminist views. There are numerous rich and different kinds of feminism, defended by various feminists.

<sup>66</sup> bell hooks, in Phillips (1987), pg. 10, 62.

<sup>67</sup> Eisenstein as presented in Kymlicka (2002), pg. 384.

<sup>68</sup> bell hooks in Phillips (1987), pg. 69.

<sup>69</sup> bell hooks in Phillips (1987), pg. 70.

<sup>70</sup> Alison Jaggar in Kymlicka (2002), pg. 377.

clustering of disadvantages may yet be a good way of tracking the cultural basis of group oppression. I will, however, consider this in more detail below. For now, I will move to discuss in more detail the ways in which hooks's, Jaggar's and similar interpretations of the feminist project have any significant aims both at odds and in common with distributive forms of egalitarianism.

### **2.3: Domination and Oppression**

In opposition to talk of schemes of just distribution in the Rawlsian tradition, Iris Marion Young rejects conceptions of justice that are modeled exclusively after the distribution of things like wealth, income, or material goods. As well as the various prior sexist structures outlined by the feminist thinkers I have just discussed, Young argues that many if not most of the current public calls for better justice do not involve (at their core) a focus on the distribution of goods to individuals. Young offers examples such as big businesses abruptly leaving small towns whose populations they largely employ, or of communities protesting the construction of hazardous waste treatment sites near their homes, Young argues that a major site of injustice is powerlessness, or the inability to affect decisions that greatly impact one's life. A more recent example in Canada might be oil pipelines in British Columbia that are running through communities, both residential as well as ceded aboriginal territories. Exposing a different site of (non-distributional) domination, Young argues that it is frequently the case that ethnic groups are depicted disrespectfully in media, and that this fact both is itself unjust treatment, and causes further injustice to their groups. The moral injustices in these situations are not merely



distributional, but instead, according to Young, they involve unjust, racially and sexually biased decision-making powers and procedures.<sup>71</sup>

These examples show only a few of the ways in which classes and people may be dominated. It is, of course, the case that the decisions of wealthy people (where they do or do not invest their capital, the political, legal, and economic ramifications of their acts, the preferences they can effect, etc.) inform how these injustices manifest. This, in a certain sense, makes such occurrences of injustice appear to stem from distributional decisions that unjustly benefit the wealthy at the expense of the less well-off. It is, however, Young's contention that the heart of these issues lies in the social rules, rights, procedures, and influences that structure unequal powers of decision making.<sup>72</sup> For this reason, Young argues that the focus of egalitarians on distributional paradigms is misleading, because reducing these injustices to unequal distributions of wealth reifies what are actually functions resulting from social rules and relationships between people. Importantly, for Young, the *processes* by which decisions are made and by which goods are distributed, are often left out of distributive theories of egalitarian justice, which focus primarily on the end-states of distribution patterns.<sup>73</sup>

The sheer size and scope of Young's important and influential work is not possible to survey here, so my discussions will very selectively focus on only some of Young's reasons for concluding as she does. For these reasons that I have outlined, and others, Young will posit that the scope of justice is significantly wider than simply determining who gets what kinds of things under what circumstances. Equality, for Young, will instead be an expression of social relationships:

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<sup>71</sup> Young (1990), pgs. 19-20.

<sup>72</sup> Young (1990), pg. 21.

<sup>73</sup> Young (1990), pg. 25.

“The idea of justice here shifts from a focus on distributive to procedural issues of participation in deliberation and decisionmaking. For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just, it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs.”<sup>74</sup>

We can see that Young’s conception of justice is a social, and not a distributional conception. For Young, ‘the good life’ may be reduced to two important values, which are (i) developing and exercising one’s capacities and expressing one’s experience, and (ii) participating in determining one’s action and the conditions of one’s action.<sup>75</sup> As such, following in many ways the feminist perspectives that I outlined above, Young will argue that injustice is therefore best defined in terms of *domination and oppression*, where domination is the institutional constraint on self-determination, and oppression is the institutional constraint on self-development.<sup>76</sup>

Young’s project requires that we be able to track domination and oppression in society, and as such she outlines *five faces of oppression*. As I do not have the space here to illustrate the full breadth of Young’s ‘five faces,’ I will simply list them with brief descriptions.

1.) *Exploitation* occurs, following Marx, when the labours and capacities of human beings are used by others, for the good of others, and at the expense of the exploited. This kind of oppression describes the steady process of the transfer of

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<sup>74</sup> Young (1990), pg. 34.

<sup>75</sup> Young (1990), pg. 37. Note: As I will argue in more detail in later chapters, we will also see that Young’s conception of justice is importantly relational.

<sup>76</sup> Young (1990), pg. 37.

goods, labours, and the exercising of capacities from an exploited social group for the benefit and profit of a dominant social group. An important example of this kind of exploitation lies in the ubiquity of unpaid women's labour, in both domestic and public spheres.<sup>77</sup>

2.) *Marginalization* is a form of oppression that expels and ignores groups of people from consideration in public social life. This often results in the material deprivation of those who are marginalized, as well as ignorance on the part of the dominant groups, both of the existence of such oppression, and of the sorts of things needed by marginalized groups. Marginalization is perhaps most pronounced in those whose needs are dependent on others' care, especially the elderly and the differently-abled, who are treated as if they have no legitimate or contributing role to play in society.<sup>78</sup>

3.) *Powerlessness* is a clear and ubiquitous form of oppression, which is suffered by those who are in a position of needing to *take* orders from others, but who are rarely, if ever, capable of *giving* them. Powerlessness occurs when a person or group is dominated by another in such a way as to force their cooperation and labour without any potential for reciprocation. Quite simply, powerlessness renders the oppressed unable to affect decisions regarding their lives and environments.<sup>79</sup>

4.) *Cultural Imperialism* is the experience of having one's group culture, values, and social meanings rendered meaningless by the dominant groups. Those in positions of social power universalize their social meanings, procedures, values, and so on, and in doing so the value of other cultures is made to be (often

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<sup>77</sup> Young (1990), pgs. 48-53.

<sup>78</sup> Young (1990), pgs. 53-55.

<sup>79</sup> Young (1990), pgs. 56-58.

significantly) lesser. This becomes perhaps most problematic because non-dominant identities are defined from the outside (from popular perspective, stereotypes, etc.) and this takes away one's ability to self-identify and self-determine. Cultural imperialism creates the designation of social *otherness*.<sup>80</sup>

5.) *Violence*, perhaps the most straightforward, is a form of oppression where a person is dominated by the threat of harm. Systematic violence may occur on multiple levels, from physical to psychological, and is most pernicious not as a result of the individual acts, but by the systemic relationships that forgive, or at times even encourage such violence. A very stark example of systematic violence that has been forgiven and encouraged is spousal or child abuse. Although today these things are not socially encouraged or forgiven, they nonetheless occur frequently. More recently, examples will include violence against LGBTQ people (in the form of emotional abuse or physical assaults) and against black people in particular at the hands of police officers (in the USA), whose violence is often condoned by, at times, a disturbingly large percentage of the public.<sup>81</sup>

A critical reader may reject the accuracy or importance of certain aspects of Young's five faces, or may assert that significantly more must be added in order to accurately capture the nature of dominance and oppression in current society. However, by my view and the views of many others egalitarians, it remains that as long as these dynamics exist – where some groups and individuals have the power to systematically dominate others, by these or any other means – then such oppression and domination *must* be the primary focus of egalitarian justice.

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<sup>80</sup> Young (1990), pgs. 58-61.

<sup>81</sup> Young (1990), pgs. 61-63.

Although I will not explicitly continue to use Young's terminology in the sections that follow, the importance of recognizing that inequality occurs in terms of power that is held by some over others cannot be understated. The political aims of an egalitarian project, as informed here by Young's important work, will take further shape in sections below. For now, however, I will move to discuss some other important conceptions of inequality, which will have significant importance to further feminist efforts in egalitarian projects.

#### **2.4: (In)Equality, So What?**

We have seen so far that feminists have good reason to demand more than simply fair distribution of resources and gender-neutral principles of justice. In the previous chapter we established that genuine opportunities for secure functionings was the most promising metric of equality, but is equality in this regard really something that feminists are (or should be) after? To put it another way, can genuine opportunities for secure functionings be distributed by a society in such a way as to eliminate the social bases of women's subordination to men? It is not clear furthermore, that removing the social bases of women's oppression will necessarily result in the kinds of equality I have been discussing thus far, which track transferrable goods that have bearing on the kinds of things that individuals in society are free and capable to do and be. It seems, however, that some theorists, and feminists in particular, may be arguing at a different sort of level. In a world that is rife with systemic oppression, and in which there are commonly identifiable social groups whose basic needs are often unmet and whose lives are profoundly undervalued by society, what is most important for justice is perhaps to make

sure that these groups' needs are sufficiently met, and that their lives are held at equal value to all others.<sup>82</sup>

This assertion of the need for *sufficiency* – the idea that no one ought to be in the position of not having enough of a fundamental good or goods – is in some ways at odds with the project of egalitarianism as it has been discussed so far. Put simply, it is perhaps indicative of the privilege experienced by some egalitarian authors whose focus is on policy, institutions, and practices, all of which can operate (consciously or unconsciously) to the detriment, and at the expense, of marginal and subjugated groups. The hugeness of the task of theorizing equality for all (by whatever metric) distracts, it seems, from the more lucid (and perhaps prior) task of securing *sufficient* goods, specifically for those whose goods are insufficient.

A fervent proponent of this kind of sufficiency view is Harry Frankfurt, who asserts that focusing on all the inequalities of the world is misleading. Perhaps surprisingly to some, Frankfurt first establishes his position by arguing that both equality and inequality – by themselves – do not have any necessary moral value. Put simply, equality is not a good in itself, because people could be very badly off, though *equally* badly off, and the situation would nonetheless be bad. Conversely, there is nothing about inequality that is wrong in-itself either. If everyone has more than what they need to live a full and happy life, then it needn't be problematic for one person to have more than another. It is with this in mind that Frankfurt suggests that egalitarians should instead focus on establishing *sufficiency* for all.

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<sup>82</sup> Without actually engaging with the issue itself, recent discourse surrounding the movement 'Black Lives Matter' and its woefully misled opposition 'All Lives Matter' might illustrate the ways in which basic needs like the need for sufficiently valued lives must receive priority focus.

“To focus on inequality, which is not in itself objectionable, is to misconstrue the challenge we actually face. Our basic focus should be on reducing both poverty and excessive affluence. That may very well entail, of course, a reduction of inequality. But the reduction of inequality cannot itself be our most essential ambition. Economic equality is not a morally compelling ideal. The primary goal of our efforts must be to repair a society in which many have far too little, while others have the comfort and influence that go with having more than enough.”<sup>83</sup>

For Frankfurt, the popular focus on equality as something like a moral ideal on its own distracts from what he thinks is a far more important project, which is establishing a workable theory of sufficiency, or of *having enough*.

As we have seen before, providing someone with more of a certain resource or thing does not necessarily make that person any better off. Especially for those below a certain threshold (the threshold of sufficiency), the important thing is not giving them *more* of something, so much as it is seeing to it *that* they cross the threshold.<sup>84</sup> Although I do not believe that I can credit Frankfurt as a feminist thinker, his suggestion is one that has some good application for feminist egalitarian theorizing. It may not necessarily be the case that making sure women have a larger or more equal share of the wealth and goods in society will be effective to remove women from various positions of subordination to men. As such, focusing merely on distributional equality may distract from the more difficult issue of determining what precisely is needed to elevate women out of oppression, and past the threshold of sufficiency. Put another way, the problem faced by women (and similarly so for people of colour, and others) is not a material

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<sup>83</sup> Frankfurt, Harry. *On Inequality*. Princeton, NJ: Princeton UP, 2015, pg. 5.

<sup>84</sup> Frankfurt (2015), pg. 39-40.

inequality with men, it is an *insufficiency* of some good or goods without which one may be marginalized or dominated.

It may be argued here that the problem of sexism does not stem from women ‘lacking something’ that men have, but rather from men in society actively subordinating the needs of women to the needs of men, commodifying and incurring upon women’s bodies, and undervaluing feminine labour and traits. These things may certainly be the case, but while men may be actively responsible for the goods that women lack (financial independence, the social bases of self-respect, bodily autonomy, freedom from violence, etc.) it is still the case that women lack them and that this insufficiency is morally wrong. As such it must be this insufficiency that is our focus, and not the inequalities *caused* by insufficiency.

Elizabeth Anderson also adopts a sufficientarian approach to justice, but as we will see, she will arrive at conclusions that go beyond Frankfurt’s, and that are principally similar to Young’s. In her brilliant piece *What is the Point of Equality?* Anderson argues that much of egalitarian theory misses something fundamental about what egalitarianism strives to accomplish. Specifically, Anderson targets luck egalitarians in her criticisms, and argues that the point of equality is to establish a community of people who are at all times in equal, democratic moral standing to one another. Importantly, in order to do so, it is not necessary that all goods be evenly distributed, or that all people are held to proper account for the risks they take or for the opportunities they do or do not seize. These are surely important projects – especially insofar as they are instrumental to equal democratic standing – but they are not, according to Anderson, the real point of egalitarian theory.<sup>85</sup>

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<sup>85</sup> Anderson, Elizabeth S. “What is the Point of Equality?” *Ethics* 109.2 (1999): pg. 289.



Following the important criticisms that above I attributed to thinkers like bell hooks, Allison Jaggar, and especially Iris Marion Young, Anderson posits that the fundamental project of egalitarian justice is to end socially imposed power structures that subordinate some groups of people to others:

“The proper negative aim of egalitarian justice is not to eliminate the impact of brute luck from human affairs, but to end oppression, which by definition is socially imposed. Its proper positive aim is not to ensure that everyone gets what they morally deserve, but to create a community in which people stand in relations of equality to others.”<sup>86</sup>

Much like Young, Anderson argues that what is most morally important for egalitarians should be the ability for individuals to exercise self-determination from positions of equal standing. Accordingly, all persons must have enough of their basic needs (importantly, both material and social) met in order to independently self-determine their lives, and their social relationships (including but not limited to political, legal, economic, etc.) must be such that each person receives the respect, attention, and esteem necessary to participate equally in a democratic society. This is what Anderson calls democratic equality.<sup>87</sup>

Anderson’s notion of democratic equality may be compared favourably to Young’s considerations, in that the fundamental task of egalitarians is to remove any relationships where the power of dominant parties unjustly oppresses others, such that they are no longer in equal standing with one another. Similarly, Anderson will agree with thinkers like Frankfurt (and as we will see shortly, with Sen, Nussbaum, Wolff and

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<sup>86</sup> Anderson (1999), pgs. 288-289.

<sup>87</sup> Anderson (1999), pgs. 313-314.

de-Shalit) in her position that part of what is required to do this is to determine how to get everyone's goods past a certain threshold such that everyone will have *enough*. Although this position will involve the establishment of certain important distributive paradigms, democratic egalitarians are fundamentally concerned "with the relationships *within which* goods are distributed, not only with the distribution of goods themselves."<sup>88</sup> Therefore, what is most important to egalitarians must be to establish social conditions (sufficiency, social relationships, power dynamics, etc.) that allow every member of a democratic society to participate in equal standing. With specific reference to Young, Anderson's project must involve the elimination of systemic oppression and domination:

"Equals are not subject to arbitrary violence or physical coercion by others. Choice unconstrained by arbitrary physical coercion is one of the fundamental conditions of freedom. Equals are not marginalized by others. They are therefore free to participate in politics and the major institutions of civil society. Equals are not dominated by others; they do not live at the mercy of others' wills. This means that they govern their lives by their own wills, which is freedom. Equals are not exploited by others. This means they are free to secure the fair value of their labor. Equals are not subject to cultural imperialism: they are free to practice their own culture, subject to the constraint of respecting everyone else. To live in an egalitarian community, then is to be free from oppression to participate in and enjoy the goods of society, and to participate in democratic self-government."<sup>89</sup>

We may now see more clearly the importance of a more relational direction for our egalitarian project, and how Anderson's conception of democratic equality can offer an

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<sup>88</sup> Anderson (1999), pgs. 313-314. Emphasis mine.

<sup>89</sup> Anderson (1999), pg. 315.

effective approach to this end. However, now I must refer back to my discussions in Chapter One, in order to determine what kind of metric is best suited to this task put forth by Young, Anderson, and the others. Specifically, we must determine how to measure sufficiency (what goods are the important ones, and how will we know when everyone has enough?), as well as how to measure the extent to which people stand in relationships of democratic equality.

### **2.5: Democracy, Sufficiency, and Capability**

In Chapter One, I outlined Sen's capabilities approach, as well as the additions and amendments offered by Nussbaum, Wolff, and de-Shalit. I concluded that Wolff and de-Shalit's suggestion of the metric 'genuine opportunities for secure functionings' was an excellent candidate as a metric for equality. Anderson also adopts the language of capabilities, and I believe that the capabilities approach, especially with the qualifiers given by Wolff and de-Shalit, is instrumental for Anderson's project and the project of egalitarianism more broadly.

As we have seen, Anderson (as well as Frankfurt, Nussbaum,<sup>90</sup> and others not mentioned here) adopts a sufficientarian standard in her metric of egalitarian justice, which means that all citizens are entitled at least to some minimum threshold of opportunities and holdings, such that they may be said to have enough.<sup>91</sup> However, this will immediately raise questions concerning exactly what amounts and kinds of opportunities and holdings will constitute a 'minimum threshold.' That is, sufficientarian theorists must determine what functionings citizens must be capable of, in order to be sufficiently equal. As discussed briefly in Chapter One, Nussbaum's list of the most

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<sup>90</sup> As read by Anderson, in Brighouse, Harry, and Ingrid Robeyns, eds. *Measuring Justice: Primary Goods and Capabilities*. Cambridge: Cambridge UP, 2010, Loc. 1152.

<sup>91</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1147.

important functionings was intended to be such a list, describing the bare minimum functionings each individual must be capable of performing in order to live in a just society.<sup>92</sup> A common and effective criticism of this kind of view, even one as detailed as Nussbaum's, is that the account given of what constitutes the minimum levels and kinds of functionings is still too vague to be useful for establishing a threshold for sufficiency.<sup>93</sup>

Anderson, as we have seen, advances a further sufficientarian theory that she calls democratic equality, which asserts that "citizens have a claim to a capability set sufficient to enable them to function as equals in society (assuming they have the potential to do so)."<sup>94</sup> Exactly what will count as a 'sufficient amount' of goods and holdings will, for Anderson, depend on the particular features, practices, and standards, of a given society. However, Anderson believes that her account will be able to meet the vagueness objection.<sup>95</sup> For Anderson, the minimum threshold for sufficiency of capabilities will be a capability set sufficient for full participation in a democratic society, in equal standing with all others. Any vagueness that this position retains, suggests Anderson, will result from the empirical particulars<sup>96</sup> of the society in question, and not from theoretical incompleteness.

Three modifications are necessary, according to Anderson, for her view of democratic equality to be fully cogent as a sufficientarian scheme of distributive justice (in the metric of capabilities). First, Anderson notes that children lack the maturity to be

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<sup>92</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1158.

<sup>93</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1158.

<sup>94</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1163.

<sup>95</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1163.

<sup>96</sup> These particulars, according to Anderson, will include things such as technological complexity, general levels of education and cultural norms. To paraphrase Anderson's example, in a society with a highly educated general population, a higher standard of articulate discourse will be necessary to elicit a respectable hearing. As such, the level of education that constitutes *enough* will depend on social particulars. See Anderson (2010) Locs. 1163-1172.

fully autonomous decision-makers, and so the standard of justice for children must be measured in functionings and not in capabilities. Genuine opportunities, Anderson argues, have very little value for children, unless the adults responsible for their care convert those genuine opportunities into secure functionings. Similarly, in order to have a sufficient set of capabilities as adults, children must enjoy sufficient levels of functioning as children.<sup>97</sup> Anderson's second caveat is that democratic equality requires a standard for education and job opportunities beyond the minimal threshold. The reason for this is that a society that guarantees a minimum level of opportunity for everyone, but relegates the better opportunities only to members of social groups above that minimum, would not be a society of equals.<sup>98</sup> And third, Anderson asserts that her view of democratic equality "...does not offer a comprehensive theory of distributive justice, but locates the role of equality in a theory of justice for democratic societies."<sup>99</sup> The further specifications of a distributive scheme must, once again, be established in accordance with the particulars of the democratic society in question.

I will now expand briefly on some of the reasons that Anderson favours the capabilities approach in her view. First, Anderson argues that some kinds of injustices are not measurable or rectifiable by distributional schemes of resources alone:

"Certain kinds of injustices, such as group stigmas and stereotypes, oppressive discursive norms, and *de facto* group segregation caused by shunning, interfere with individuals' abilities to stand as equals in society. These kinds of injustices are neither constituted nor remediable by particular distributions of resources to individuals. Consider, for example, the norm of 'closeting' adopted by gays and

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<sup>97</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1174.

<sup>98</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1174.

<sup>99</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1180.

lesbians to shield themselves from contempt. This injustice cannot be directly addressed by redistributions of resources. No matter how rich a gay person is, or how highly positioned he is in the hierarchy of offices, he still faces the threat of exposure to hostile and unjust contempt in civil society that, due to the guaranteed basic liberty of freedom of speech, cannot be directly regulated by the state. While there is no unjust distribution of resources in this case, this person faces an injustice, recognizable in the metric of capabilities: the inability to appear in public (under his identity as gay) without stigma.”<sup>100</sup>

Citing several other examples, Anderson argues forcefully that these and many similar (easily identifiable and all-too-common) injustices are undemocratic aspects of (perhaps every) civil society that are not always able to be solved by any direct regulation of the state. As such, the capabilities approach is preferable since it can track the ways in which informal social norms and behaviours of individuals can affect citizens’ abilities to convert their resources into the kinds of (secure) functionings necessary to function in a position of democratic equality.<sup>101</sup>

I believe that Anderson’s theory of democratic equality, in the metric of capabilities, is the best candidate for feminist egalitarian pursuits, as well as any project aimed at eliminating the systemic domination and subjugation of certain groups to others. As I will argue in later chapters, this relational conception of equality will also be best suited for guiding distributive egalitarian theories, as they must be able to track and address various relationships of group-based oppression in order to be complete. Here I will conclude the second chapter. In the chapter that follows, I will introduce and explore

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<sup>100</sup> Anderson in Brighouse and Robeyns (2010), Loc. 1245.

<sup>101</sup> Anderson in Brighouse and Robeyns (2010), Locs. 1245 – 1261.

in some detail some key methodological aspects of feminist relational theories of equality, and contrast them against the recent distributional theories that I outlined in Chapter One.

## **Chapter III: Comparing Relational and Distributive Methodology**

### **3.1: Introduction to Chapter Three**

In this chapter I present a feminist relational egalitarian approach to social justice as an alternative to the distributive approaches with which we have thus far been engaged. I will outline some of the salient methodological and ideological differences between the two approaches as a way of setting up a few fairly major criticisms against some of the major distributive theories of justice, which I will discuss in Chapter Four. I hope to show, in this chapter, that the relational methodology offers epistemic insight into the nature of group-based injustices that is not visible from purely distributive approaches.

To begin I will lay out in very general terms some distinguishing features of the distributive and the relational approaches to theorizing about justice, respectively. Put very concisely by Young,

“The distributive paradigm defines social justice as the morally proper distribution of social benefits and burdens among society’s members. Paramount among these are wealth, income, and other material resources. The distributive definition of justice often includes, however, nonmaterial social goods such as rights, opportunity, power, and self-respect. What marks this distributive paradigm is a tendency to conceive social justice and distribution as coextensive concepts.”<sup>102</sup>

We therefore see that those who embrace a distributive approach to justice, recalling the theories I expounded in Chapter One, conceive of social justice as the circumstances under which no further redistribution of (distributable) social goods would leave anyone with a reasonable complaint against society’s basic structure and institutions. This may

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<sup>102</sup> Young (1990), pg. 16.



be contrasted with the relational approach in a few important ways outlined cogently by Anderson:

“On the common distributive conception, inequality consists in patterns of unequal distribution of goods such as income and educational opportunities among individuals, considered as such, apart from any social groups to which they belong. On the relational conception, inequality consists in hierarchical social relations among people, organized along lines of group identity such as race, class, and gender. Relational inequality has several modes, including hierarchies of *standing* (where a group is denied standing to make complaints against another group, or to hold it accountable for its conduct), of *command* (where members of one group monopolize positions of authority, which they exercise over members of other groups), and of *esteem* (based on publicly dominant invidious comparisons of some groups with others). It is propagated through various unjust practices of social interaction between dominant and subordinate groups, including violence, exploitation, segregation, discrimination, and stigmatizing speech.”<sup>103</sup>

Anderson outlines some key aspects of the relational approach, which contrast with distributive accounts of justice. She notes the focus in distributive accounts on individuals taken in abstraction from their social relationships, which contrasts with the relational focus on social groups and hierarchies, and she notes the various ways in which the relational approach will focus on the kinds of treatments used to both cause and perpetuate injustices along group lines. The basic difference between the two approaches may therefore be glossed in this way: where a distributive approach to justice is

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<sup>103</sup> Anderson, Elizabeth S. “Toward a Non-Ideal, Relational Methodology for Political Philosophy: Comments on Schwartzman’s ‘Challenging Liberalism.’” *Hypatia* 24.4 (2009): pg. 132. Her emphases.

concerned primarily with what individuals have, a relational approach is concerned primarily with how people stand in relation to one another, often by virtue of participation in certain social groups. With this in mind, I will now explore further methodological differences between relational and distributive egalitarian theories, by reference to four broad but illustrative categories: individuals and interdependency; care, need, dependence, and power; ideal and non-ideal theory; and difference and dominance.

### **3.2: Individuals and Interdependency**

In much of the distributive egalitarian theory, the basic units of any society are taken to be autonomous, rational, adult individuals.<sup>104</sup> The ideal within most liberal egalitarian theories is one of self-sufficiency, such that each individual in equal standing can plan their lives out of rational self-interest and realize those plans autonomously, assuming the full responsibility for both the costs and the benefits of doing so. This is evident in Rawls's veil of ignorance, behind which he imagines a scheme of rational individuals without any knowledge at all of the particulars of their lives. Similarly, Dworkin's auction scheme allows the individuals to satisfy their own particular preferences and needs, but the envy test nonetheless applies specifically to individual agents and their bundles of goods.

Relational theorists criticize individualistic theories of equality (such as the distributive theorists I have described in previous chapters) for a specific methodological reason: real people, they argue, are fundamentally social beings, and *interdependent*. A relational approach therefore conceives of societies as consisting of people within complex networks of social groups and social interactions, such that individual identity is

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<sup>104</sup> See Koggel, Christine M. *Perspectives on Equality: Constructing a Relational Theory*. Lanham, MD. Rowman & Littlefield, 1998, pgs. 127-131.

principally informed by the various relationships in which one participates. As Young observes, the social ontology of distributive approaches to justice

“...presumes that the individual is ontologically prior to the social. This individualist social ontology usually goes together with a normative conception of the self as independent. The authentic self is autonomous, unified, free, and self-made, standing apart from history and affiliations, choosing its life plan entirely for itself.”<sup>105</sup>

Conversely, a relational approach will assert that relationships are in an important sense prior to individuals. As Christine Koggel argues,

“People are social beings whose actions and interactions take place, are shaped by, and have meaning in particular social practices and political contexts. People deliberate and make decisions in the context of planning a life in response to and in relationships with members of a community.”<sup>106</sup>

Fairly simply, the relational approach differs from more classical distributive conceptions of justice because its primary focus is on the relationships *between* individuals instead of on the individuals themselves.

Why, however do relational theorists insist that the focus of egalitarian theory should be on relationships? There are many answers to this question, and I will only be able to give some of the reasons in the context of this paper. Koggel (and relational theorists more generally) will assert that understanding the relationships – especially, but not only, those of need, care, power, and subordination – in which people exist in society, as well as the standards and practices that inform them, is necessary for any theory of

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<sup>105</sup> Young (1990), pg. 45.

<sup>106</sup> Koggel (1998), pg. 39.

justice to be complete. To put it the opposite way, the claim made by relational theorists such as Koggel is that a theory of justice that does not focus on relationships will certainly miss some fundamentally important aspects of what it means to be a person, and therefore they will be improperly equipped for determining how to treat people with equal concern and respect.

According to relational theorists quite broadly, people ought to be thought of as being in complex relationships throughout their whole lives such as those of need, support, families and friendships. Furthermore, the availability and quality of these kinds of relationships can impact one's capabilities. But if it is true that the relationships in which a person is situated can affect their capabilities, then relationships of all kinds inform in an important sense the metric by which citizens may be equal or unequal. As Koggel articulates this point:

“Moral personhood, the kind of equality at the base of the view that all people are equal and deserve equal concern and respect, is intended to capture the idea that people are unique and creative social beings who act and interact in relationships of all kinds, of compassion, care, power, and oppression; relationships that can promote as well as hinder autonomy and opportunities.”<sup>107</sup>

When we contrast this approach with a distributive model that does not consider interpersonal relationships to be a fundamentally important factor for the metric of justice, we will see that relational theorists (that I have examined thus far) undertake a project that is not (necessarily) subversive to the distributive project, but one that intends to *reconceptualize* it in terms of both the complex relationships between individuals, as

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<sup>107</sup> Koggel (1998), pg. 65.

well as the individuals themselves.<sup>108</sup> What is basically important for both approaches is that all people stand equally in society, but conceiving of (or aspiring to) a society as being constituted of autonomous and (at least roughly) equal individuals is very different from conceiving of society as a complex network of relationships of equal respect and regard.

An example here will illustrate the ways in which a focus on relationships intends to reconceptualize the distributive egalitarian project. In distributive schemes such as Rawls's or Dworkin's, people are protected against natural forms of brute bad luck, such as natural and physical impairments, by distributional favour from the basic institutions (Rawls) or from a calculated insurance payoff (Dworkin). In these theories, natural endowments cannot be regulated by the basic structure of society, so they are instead mitigated, to whatever extent they can be, by a fair redistribution of resources aimed at eliminating the disadvantages brought on by the disability. In this way, individuals with various mental and physical impairments will have the best chance at achieving their life goals that the basic structure can provide. However, relational theorists will argue that there are crucial elements missing from this story. Information regarding the ways that people with disabilities are *treated*, as well as to whom they have the opportunity to have *inclusive relationships*, will greatly impact the things that a person with disabilities is able to achieve. For instance, how are people with disabilities usually treated in the society in question? Does this person have friends, or a group from which they can draw support? Do disabled people feel included or alienated from others? Are disabled people respected and heard, or reviled or ignored? The answers to these questions are central to the good of the individual, but none of them have anything to do with the distribution of

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<sup>108</sup> See Koggel (1998), pgs. 65-67.

social goods. For reasons like this, relational theorists will insist that what goods an individual has is sometimes less important than how that person is treated and how that person sees themselves.<sup>109</sup> As such, relational theorists posit that a focus on distributions to distinct and autonomous individuals is fundamentally lacking in many respects and instead, the primary focus should be on how individuals in a society relate to one another.

### **3.3: Care, Need, Dependence, and Power**

Another way in which distributive theories differ from relational ones is the extent to which relationships of need and care enter into consideration. As I outlined in the previous section, relational theorists will claim that distributional theories of equality not only ignore relationships (such as of care and dependency) in order to focus on individuals, but they also mistakenly assume that individuals are usually – or even sometimes ever – fully autonomous and independent. According to Nussbaum,

“Real people begin their lives as helpless infants, and remain in a state of extreme, asymmetrical dependency, both physical and mental, for anywhere from ten to twenty years. At the other end of life, those who are lucky enough to live on into old age are likely to encounter another period of extreme dependency, either physical or mental or both, which may itself continue in some form for as much as twenty years. During the middle years of life, many of us encounter periods of extreme dependency, some of which involve our mental powers and some our bodily powers only, but all of which may put us in need of daily, or even hourly, care by others. Finally, and centrally, there are many citizens who never have the physical and/or mental powers requisite for independence. ...In short, any real

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<sup>109</sup> See Schwartzman, Lisa H. *Challenging Liberalism: Feminism as Political Critique*. University Park, PA: Pennsylvania State UP, 2006, pgs. 43-44.

society is a caregiving and care-receiving society, and must therefore discover ways of coping with these facts of human neediness and dependency that are compatible with the self-respect of the recipients and do not exploit the caregivers. This is a central issue for feminism since, in every part of the world, women do a large part of this work, usually without pay, and often without recognition that it is work. They are often thereby handicapped in other functions of life.”<sup>110</sup>

For Nussbaum, this issue of need and care is of central and special importance for women, whose caregiving functions are often exploited and used to both perpetuate and justify women’s subordinate roles in society. But it is not only women for whom these kinds of relationships are important. Although (historically speaking) women assume a disproportionately large burden of care labour, dependency knows no gender. Relational theorists therefore take seriously claims such as Nussbaum’s – that people in any society are in asymmetrical relationships of need and dependence as often as they are independent – in ways that distributional theorists tend to ignore.

So why is it important for justice that relationships of dependency, need, and care are tracked, examined, and treated? For Nussbaum, the simple answer is because it is a vitally important aspect of any human society, which is overlooked as a result of, to use her phrase, the *fiction of competent adulthood*.<sup>111</sup>

“Care for children, the elderly, and the mentally and physically handicapped is a major part of the work that needs to be done in any society, and in most societies it is a source of great injustice. Any theory of justice needs to think about the problem

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<sup>110</sup> Nussbaum (2004), pg. 74.

<sup>111</sup> Nussbaum (2004), pg. 73.

from the beginning, in the design of the most basic level of institutions, and particularly in its theory of the primary goods.”<sup>112</sup>

Here Nussbaum shows that need and labours of care are ubiquitous in any human society, and that the distribution of this care labour is woefully disproportionate. This is especially true when we consider that such care labour is not often accorded high value and status, and is in many cases unpaid.

But is it the case that distributive theories of justice do not design their basic structures and theories of primary goods in ways that can answer this charge? Rawls’s theory in particular requires (as we saw above in Chapter One) that inequalities are impermissible unless they also work to the advantage of the least well-off. Extreme dependency is especially problematic because the very needy are often unable to secure their own goods and opportunities, and as such someone else must do so for them. Rawls thinks it necessary that significant resources in such cases be allocated to dependents so that they may afford care that would meet their needs and maintain their dignity, and in this way, even those who are dependent on others for their good will have the best life chances they can have.

However, a relational approach will insist that the whole story of care and dependency is not being told in terms of distributional schemes and primary social goods. The relationship between the needy and the needed is, instead, only part of a vast and subtle network of social relationships. A person with severe disabilities may be extremely wealthy, but in a situation where average people treat them as inferiors (they might recoil from appearance, infantilize, ignore, mock, or bully) and for the disabled person this will be extremely alienating. If disabled people are *treated* like inferiors (and also *feel* like

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<sup>112</sup> Nussbaum (2004), pgs. 75-76.



inferiors), then even with a considerable bundle of primary social goods, that person has significantly less chance for success at their job. Furthermore, the performance of such care is seldom either desired or respected by others, and relational theorists will attach significant importance to both of these things: the feeling of being a burden on the part of the needy, and the feeling of subordination and inferiority on the part of those who enact the 'dirty jobs' of care labour.

Similarly, from a feminist standpoint, relationships of *expectation* are also considered by relational theorists to be an important aspect of understanding injustice. In a nuclear family with elderly grandparents, heterosexual spouses may have comparable jobs, but if (as has historically been the case) there is a greater social expectation for the woman to perform elder care, then it is significantly more likely that she will do so, and will therefore have less time and energy for her job. One way that distributional theories will differ from relational ones is by focusing on the *choice* involved in such a scenario. As free and autonomous adults, a couple can make informed and reasoned choices regarding the care of their elderly parents in multiple different ways. A relational approach, on the other hand, will give priority to the relationships not only between those who care and those who are cared-for, but also between expectations of care and those who are in relationships of expectation. The fact that a woman may be expected to shoulder more care labour, while not a distributional issue, has bearing on her overall capabilities.

### **3.4: Ideal and Non-Ideal Theory**

One fairly fundamental theoretical difference between many of the recent classical distributive theories and current feminist relational theories is the extent to

which each approach idealizes social structures. Rawls in particular offers an ideal theory of justice, in that he omits any detailed discussion of currently extant social conditions. Recall that behind Rawls's veil of ignorance, the principles of justice are determined by consensus agreement of rational agents who do not know anything about the social positions they will occupy once the veil is lifted. Only after an ideal conception of justice has been chosen, claims Rawls, does it make sense to attempt to ask which principles to adopt under "less happy conditions."<sup>113</sup> For this same reason, Rawls does not consider the notion that the citizens of his society would not act justly and do their respective parts to uphold just institutions. This is because Rawls is concerned with *ideal theory* and *strict compliance*, as opposed to being concerned with corrective measures to deal with existing forms of injustice.<sup>114</sup> These latter pursuits (i.e. of non-ideal theory and partial compliance) must be considered, suggests Rawls, *only* after the ideal principles have been established.<sup>115</sup>

Other distributive theorists do not idealize to the same extent as Rawls. Dworkin, for instance, allows that the people participating in his auction can be who they genuinely are, in that they can know their own preferences, goals, desires, (current) abilities, and so on, and he allows this knowledge to inform the package of goods and insurance that each individual would choose for themselves. However there is still a fairly considerable extent to which Dworkin idealizes in his model of justice, and this idealization happens, for one thing, because he imagines the auction in a pre-social context. Put differently, the islanders know what they individually like, desire, and can do, but they do not know

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<sup>113</sup> Rawls (1971), pg. 245.

<sup>114</sup> To quote Rawls, "The other limitation on our discussion is that for the most part I examine the principles of justice that would regulate a well-ordered society. Everyone is presumed to act justly and to do his part in upholding just institutions." See Rawls (1971), pg. 8.

<sup>115</sup> Rawls (2001), pg. 66.

anything about what their society will look like once it begins running. Dworkin is interested primarily in establishing the conditions under which a distributive scheme would be just, and he does this by deference to his envy-test (a distributional scheme is just if over time no person would prefer another's bundle of goods to their own), but his theory still abstracts from the reality of the islanders' (future) lived situations. For both Rawls and Dworkin, the principles behind just distribution are of prior importance than any issues that arise within lived society, for the principles of justice and a fair overall distribution must be established, they argue, before any conceptual work may be done for correcting current social injustices.

In other words, the project with which both Rawls and Dworkin are engaged is fundamentally a forward-looking one, concerned with the *first principles* of a just society, and while Rawls admits that there is surely value in a backwards-looking, corrective theory of justice, agreement upon fundamental principles must be established prior to any backwards-looking theory. This is because justice (for Rawls) requires that one first know what sorts of circumstances would be contractually agreed to by *any rational person whatsoever*, and one can only look backwards towards corrective justice once these principles have been established.

Many relational theorists, however, disagree with this approach. Elizabeth Anderson, for instance, rejects the Rawlsian ideal-approach outright. We do not need to know what is *most* ideal, thinks Anderson, in order to be able to make real improvements to a society that is both currently and historically rife with injustice. Rawls, suggests Anderson, "...misunderstands how normative thinking works. Unreflective habits guide most of our activity. We are not jarred into critical thinking about our conduct until we

confront a problem that stops us from carrying on unreflectively. We recognize the existence of a problem before we have any idea what would be best or most just.”<sup>116</sup> Anderson, as well as many other theorists, asserts that any discussion of social justice must necessarily be able to track pervasive and egregious forms of systemic social injustice and oppression that disproportionately disadvantages certain groups under others. Failing to take these things under consideration is therefore to overlook both large groups of subjugated people, as well as to misunderstand the fundamental construction of current society. As such, relational theorists are concerned primarily with *non-ideal* theory, and therefore attempt to track and treat injustices beginning from the world *as it is*, rather than Rawls’s and Dworkin’s method of beginning from an imagined ideal circumstance in order to discover abstract principles of justice.

Anderson argues that there are three distinct reasons to begin political philosophy from non-ideal theory. First, Anderson argues that the principles of social justice need to be tailored to the particular psychological and motivational capacities of ordinary people – those who will be responsible for putting in place and upholding said principles. Following Rousseau, Anderson thinks that it is important to begin by treating people *as they are*, and not as perfectly compliant, entirely (and homogenously) rational beings.<sup>117</sup> Second, Anderson asserts that ideal-theory puts us at risk of jumping to the conclusion that the problems we see in society are directly related to the ideals that we espouse. For example, if one holds that an ideal society will be ‘colour-blind’ and therefore constructs institutions with this in mind, it would be analogous to a doctor treating a patient presenting with headache, fatigue and insomnia, by prescribing Aspirin and sleeping

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<sup>116</sup> Anderson (2010), pg. 3.

<sup>117</sup> Anderson (2010), pgs. 3-4.

pills. Closer empirical investigation into the *causes* of these problems, suggests Anderson, would be needed, so as not to perpetuate (or leave unchecked) some deeper, more pernicious ills.<sup>118</sup> Finally, Anderson argues that beginning from ideal circumstances may prevent us from recognizing certain problems in our actual society. For instance, since the representatives behind the veil of ignorance in Rawls's theory are not representatives with race, and since racial positions do not exist (as such) in Rawls's ideal society, Rawls's theory can say nothing about racial injustice as it is manifest in a circumstance where there *are* racial positions and injustice.<sup>119</sup>

Similarly with regards to Dworkin's island, Lisa Schwartzman argues that the pre-social parties on the island are actually assuming models of society based on the ones we currently use, but do not address the relationships of injustice that are caused and upheld by those institutions. As many feminists argue, Schwartzman suggest that many social institutions basic to our society (the structure of the average workplace, political offices, etc.) foster unjust hierarchies based on class, sex, race, and ability, and that Dworkin assumes but does not answer for these relational hierarchies in his theory.<sup>120</sup>

In a similar vein, Charles Mills also rejects the Rawlsian-style ideal framework, but not to the same extent as does Anderson. Mills thinks that many of Anderson's worries may be addressed by a revision of the traditional Rawlsian thought experiment (the veil of ignorance) and as such, Rawls's overall framework may still be in some ways

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<sup>118</sup> Anderson (2010), pg. 4. For example, racist beliefs, practices, and behaviours can persist within and behind a 'colour-blind' basic social structure.

<sup>119</sup> Anderson (2010), pgs. 5-6. It is worthy of note, however, that this point may be unfair to Rawls. In *Justice As Fairness: A Restatement*, Rawls makes clear that although the representatives behind the veil of ignorance will not know anything of racial and sexual injustice, we (political philosophers) are perfectly capable of using information about current racial and sexual injustice to inform the principles of justice that will be available to those behind the veil. See Rawls (2001), pg. 45.

<sup>120</sup> Schwartzman (2006), pgs. 43-45.

preserved.<sup>121</sup> Mills believes, however, that Rawls's theory may only be rescued by approaching it from a non-ideal theoretical approach. As such, his project largely consists of revisionary and descriptive accounts of the various 'contracts' that underlie, and exist within, society *as it is*.<sup>122</sup> As such, Mills is interested not in preemptive measures to prevent injustice, but in *corrective* measures to rectify injustices that have already occurred.<sup>123</sup>

Mills argues that what Rawls (and Dworkin) is truly doing, by idealizing the circumstances and principles of justice, is conveying an *ideology*. The particular normative standards that Rawls treats as universal ideals are actually, suggests Mills, the (subconscious) ideological complex of ideas, values, norms and beliefs representative of upper-class, educated, heterosexual, and otherwise privileged white males.<sup>124</sup> Mills accounts for this subconscious ideology in Rawls by reference not only to what principles Rawls favours, but also the kinds of principles and considerations that Rawls omits:

“The contractors behind Rawls's veil are supposed to be sex-less heads of households, but in the range of problems they consider, and – more important – do not consider, they reveal themselves as actually male. Even more obviously, it can be argued, they reveal themselves as white, since they have no concern about such

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<sup>121</sup> See Mills, Charles W. “Retrieving Rawls for Racial Injustice?” *Critical Philosophy of Race* 1.1 (2013), pg. 22, footnote 5. Mills seems to be suggesting that he is interpretable (by Anderson) as fully rejecting Rawls's framework, but he seems not to identify his project as fully doing so.

<sup>122</sup> It is fair, I think, to characterize 'society' for Mills, as Western democracy, with specific consideration given to the current (21<sup>st</sup> Century) United States.

<sup>123</sup> Mills (2013), pgs. 2-3.

<sup>124</sup> See Mills, Charles W. “Ideal Theory as Ideology.” *Hypatia* 20.3 (2005), pg. 172. Note: The categories 'educated' and 'heterosexual' are not mentioned here explicitly by Mills.

issues as affirmative action, reparations, land claims, the legacy (and continuing subtler incarnations) of white supremacy, and so forth.”<sup>125</sup>

In this way, Mills tries to show that while Rawls submits that all citizens are free and equal full-contractors, the hidden ideology within the *Theory of Justice* implicitly extends full moral status only to white men, with women and minorities being treated truly as sub-contractors<sup>126</sup>

Mills identifies a common problem amongst recent distributive egalitarian theories – specifically a problem with Rawls’s theory – that relational theorists also find important. Oppressive ideologies are hidden, they will argue, within all kinds of social structures and attitudes, which will go unchecked unless a much more significant emphasis is placed upon understanding how social groups relate to one another.

### **3.5 Difference and Dominance**

Another final way in which relational theorists differ from their distributive counterparts may be summed up nicely by MacKinnon’s difference and dominance model. Recall in Chapter Two, I described the difference between these two approaches as one that is concerned, on the one hand, with what goods a person has available to them *formally* (i.e. on paper, in the law, in their bank account, etc.) and on the other, what goods a person has in terms of social hierarchical *relationships*. For distributive theorists like Rawls and Dworkin, the only kinds of things that institutions can guarantee for its citizens are formal kinds of goods, such as laws that guarantee sex and race-blind treatment, equal access to important institutions and resources, and the ability to agree as (in Dworkin’s case, non-envious) rational equals to the broad circumstances of their lot in

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<sup>125</sup> Mills and Pateman (2007), pg. 176.

<sup>126</sup> A sub-contractor is someone who has less than fully equal voice and treatment to full contractors. Similarly, a non-contractor is someone who has no voice at all in the social contract.

society. A relational theorist, however, will assert (as we have seen) that these goods do not always guarantee that certain parties will not be dominated or marginalized by others. For this reason the difference approach, adopted widely by relational theorists, will be necessary.

An example will help elucidate another methodological difference between distributive egalitarians, who are interested in the formal goods that underlie difference, and relational egalitarians who are interested in how hierarchical social relationships manifest in terms of dominance. Currently (although these issues are very much historically situated) the activist group *Black Lives Matter* is protesting the relationship of hostility with which the police and members of the black community appear to be engaged.<sup>127</sup> Both distributive and relational theories would agree that there is injustice, since members of the black community have disproportionately fewer and less secure goods, such as full access to institutional justice, freedom from undue bodily harm, and so on, within the current climate of police brutality that is exercised disproportionately against black people. A distributive theorist might attempt to fix this problem by allocating more goods and resources to members of black communities (for better education, eliminating conditions of poverty, etc.) until no further distribution would make black people a disproportionate target for assumptions of crime and violent altercations.

Importantly, a relational theorist will not deny that these measures are important to justice. She will claim, however, that the distributive theorist has missed an important aspect of the injustice: the hostile relationship *itself*, a relationship of dominance, which

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<sup>127</sup> Let us restrict this discussion to the context of the USA, where these problems most clearly manifest.



continues to have a powerful effect on the capabilities of all members of the black community, even with redistributive measures. A wealthy, educated black person who has never so much as received a parking ticket, still participates on the bad side of a relationship of hostility with members of the police, which has an effect on (to use Wolff and de-Shalit's language) both the extent to which some of her opportunities are *genuine*, and the extent to which her functionings are *secure*. By currently existing within relationships of disproportionate power and abject hostility, members of the black community do not need to experience any actualized victimization to nonetheless be treated in unequal standing. This relationship of unequal standing, however, is not adequately described or addressed by a purely distributional view.

It is therefore necessary for a complete understanding of the way injustice functions in our societies to adopt a relational methodology, with which to recognize the significant and unequal relationships between various social groups. The main point to be taken from this example is that an individual's goods, life prospects, capabilities, and otherwise, are not always formal. Once again, a member of the black community may be formally endowed with the same set of rights and goods as anyone else –and it may also be the case that her capabilities are fully actualized as a result– but we will not be able to tell the whole story of her capabilities and social position without examining how her network of subtle relationships manifests. There need be no formal difference for there still to be dominance.

I hope in this chapter to have elucidated a few of the major ways in which relational approaches differ methodologically from distributive forms of egalitarianism, and that relational theoretical concerns pose important and serious complications for

distributive theories. In the chapter that follows I will expand first on some of the criticisms against distributive equality that are generated by these differences, and why some theorists believe that distributive egalitarians have no hope of overcoming them. I will then expand on some of my reasons for thinking that this claim is false, and instead that distributive theories may be bolstered epistemically by taking seriously the claims of relational feminists. In other words, I will claim that distributive egalitarian theories are not false, but are rather incomplete, and that a relationally motivated distributive theory (a pluralist view) may be able to correct this incompleteness.

## **Chapter IV: Towards a Relational and Distributive Middle Ground**

### **4.1 Introduction to Chapter Four**

In the first part of this chapter I intend to discuss in some detail a few of the reasons that relational theorists might reject some strains of recent distributive egalitarian thinking— in particular the theories of Rawls and Dworkin – for being inadequate to the purposes of identifying existent and pervasive inequalities, and for being unable to give appropriate guidance for remedying systemic forms of group-based oppression. I will discuss three broad but key objections to distributive views of egalitarian justice. These three categories will be as follows: i.) Relationships of hostility and exclusion, ii.) Relationships of expectation and adaptive preferences, and iii.) Individualism and autonomy. Although these are only three of many possible areas of objection for relational theorists, due to the limitations of this paper, in what follows I will explore only these three in any detail.

In the second part of this chapter, I will discuss some of the ways that it may be possible for a relational methodology to work, in conjunction with a capabilities metric, in order to inform a distributive egalitarian theory that can stand up against these three broad objections. Put another way, I intend to show that a relational approach need not be opposed to distributive conceptions of equality, and that the relational approach is best thought of as an epistemic methodology that can inform a sophisticated distributive theory of social justice, which will be capable of overcoming the objections that I raise in this chapter. This relational-capabilities egalitarian approach<sup>128</sup> can, if I am right, work coherently with Anderson’s sufficientarian theory of justice, taking seriously the claims of relational feminists while also maintaining the fundamentals of a distributive

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<sup>128</sup> This appellation was chosen for its accuracy and not for its elegance.

egalitarian framework. I do not, however, claim this relational-capabilities egalitarian approach to be anything like a natural kind within egalitarian thinking, so much as a programmatic description offering a potential middle-ground between relational and distributive egalitarian thinking.

#### **4.2: Relationships of Hostility**

The first objection that I will consider is the claim that people within certain racial and gender groups often experience hostility and dominance at the hands of others, which causes unjust disadvantages and cannot be tracked by a theory that focuses only on the distribution of social goods. Through the use of examples I will show why it may be the case that recent distributive egalitarian thinking does not account adequately for hostile systemic relationships as a social determinant of advantage and disadvantage.

Recall that social advantage and disadvantage, for Rawls and Dworkin, is explained in terms of individuals' natural endowments (i.e. natural talents, abilities), and in terms of individuals' considered and prudential behaviour (the costs and rewards of decisions, investments, etc.).<sup>129</sup> For both Dworkin and Rawls, the unavoidable degrees of variation between individuals in their natural endowments will cause certain kinds of inequalities (i.e. in ability, in success, in opportunity, etc.), and this will explain (to a large degree) why it is that some occupy the worst-off positions in society. It is for this reason that their focus will be on mitigating the extent to which brute bad luck in natural endowments will affect an individual's access to important (social) goods. However, as Schwartzman argues:

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<sup>129</sup> In Dworkin's language, we may think of natural endowments as brute luck, and considered prudential behaviour as option luck.

“While Dworkin is surely correct to point out that individuals in the real world have differing degrees of natural talent and brute luck and that these differences can lead to inequalities, it nonetheless seems odd that they are identified by him as the main (if not the only) sources of inequality aside from initial resource distribution. What exactly does Dworkin think falls under these categories? Are individuals who inherit large sums of money simply ‘lucky?’ And are those who are born into racial and ethnic groups that are subject to discrimination and economic subordination merely unlucky?”<sup>130</sup>

Schwartzman is pointing here to the fact that what theorists like Dworkin identify as inequalities stemming from luck or merit are better explained by social hierarchies that subordinate some – and elevate others – according to group identity. However, rather than attempting to understand these social hierarchies, Dworkin’s solution is simply to ask what method of insurance would adequately compensate the ‘unlucky’ for such instances of disadvantage.

Similarly according to Schwartzman, “...Rawls seems to focus his discussion of inequality on questions of economic class, thereby rendering other forms of social power invisible.”<sup>131</sup> Indeed, Rawls is engaged specifically in a work of ideal theory and conceives of equality by the metric of (individual access to) social primary goods, and as such, relational theorists will claim that Rawls is unable to track many currently existing forms of oppression. This is because, in an ideal society whose citizens are fully compliant with Rawls’s principles of justice, power would not manifest unequally along group lines such as race and gender. As I noted in Chapter Three, relational theorists take

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<sup>130</sup> Schwartzman (2006), pg. 43.

<sup>131</sup> Schwartzman (2006), pg. 58.

serious exception to a theoretical focus on idealizations when there currently exist such profound instances of structural injustice that the distributive accounts of Rawls and Dworkin both seem to ignore. One such structural injustice may be, I suggest, the existence of relationships of dominance and hostility.

In order to convey what I mean, I will provide an example in order to show that these relationships also exist between individuals and institutions, causing disadvantages that cannot be adequately tracked by a distributive egalitarian theory. This example concerns the subject of rape culture. We may imagine a man, Brad, and a woman, Lucy, who are equally lucky in terms of their natural endowments. Both are athletic, healthy, intelligent, talented, and born to reasonably wealthy families. Furthermore, both are university-educated and employed by companies of high repute, where they earn respectable salaries. They are both unmarried, rent comparably nice apartments in the same area of the same city, and enjoy active social lives in which they are respected by both themselves and by others. Distributionally speaking, Lucy and Brad are comparably well off. Let us imagine further that on Saturday nights, both Lucy and Brad usually go out to similar local bars and clubs, where they drink in moderation and socialize with their respective groups of friends. At the bar, however, Lucy's friends pay special attention to her drink when she does not have it in her hand, and at times they intervene when men approach her too aggressively or too physically.

At the end of the night, Lucy and Brad walk to their respective homes down the same streets of the same city at roughly the same time. Brad, at the end of such nights, will don headphones and enjoy a brisk and uneventful walk to his apartment. Lucy, however, does not wear headphones so as to be more aware of her surroundings, will

often call a friend during her walk so that somebody knows where she is and can call 911 in an emergency, carries a whistle and a small can of pepper spray in her purse, and walks with her keys gripped and pointed between her knuckles. On her walks it is not uncommon for her to be followed, or for a stranger to yell lewd things as she passes, so that unlike Brad, Lucy's walk home is a source of justified anxiety, during which she takes the necessary precautions to secure her safety.

Since both are comparably lucky in their natural endowments and have similar access to similar goods, a distributional theorist might claim that Lucy and Brad are equally socially advantaged. But what then explains the differences between Brad's and Lucy's experience? Clearly it is the case that Lucy is disadvantaged in the sense that her security is threatened at social occasions and in her own neighborhood, and that she must use her resources differently (such as by buying pepper spray<sup>132</sup>) than Brad in order to mitigate her lack of security in public spaces.

Lucy's lack of security, relational theorists may argue, is not visible in terms of some scheme of distribution, because it stems from Lucy's participation in a relationship of hostility. Regardless of whether or not any person on the street ever truly means or does any harm to Lucy does not change the fact that she regularly experiences her life more perilously than does Brad. This is further evidenced by the fact that her friends also worry for her safety in ways that Brad's friends do not, such as by keeping a careful eye on her drink, or remaining on the phone with her until she is safely in her apartment.

What this example shows is that Lucy experiences a reasonable threat of insecurity, causing her to experience hostility to and from some of the people around her,

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<sup>132</sup> At times women do this illegally, further showing both the extent to which women take the active threat of violence seriously, and the added risks involved in many women's lives.

in ways that Brad does not. This potential for hostility, therefore, has an effect on her overall well-being even if no threat is ever actualized. That is, Lucy is worse-off in the sense that the threat she experiences is real, even if she is never herself assaulted – verbally or physically – by anyone. Rawls and Dworkin, relational egalitarians may argue, cannot adequately capture Lucy’s disadvantage, since it does not stem from any formal<sup>133</sup> lack of distributional goods, and may never actually manifest in some direct assault or harm that could be chalked up to luck.

If we further assume that Lucy’s experience is not particularly dissimilar to the experiences of many women<sup>134</sup> in many societies, then we can see why it may be that theories whose only metric of equality is socially distributed goods could be missing something very important to justice, in that they are not equipped to track the relationships of hostility – stemming from unequal power and group-based domination – that inform their participation and standing in society. Is it the case that Lucy – and members of groups whose experiences are similar – is simply unlucky to be less secure than Brad? Schwartzman will assert that Rawls’s and Dworkin’s theories are inadequate because of just this reduction.

“The social and economic forces that create and maintain structures of power and oppression – including class, race, and gender – are not governed by luck or accident. It is not merely a matter of luck or chance that men have more power than

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<sup>133</sup> I use the word *formal* here recalling MacKinnon’s difference and dominance models of equality. Many egalitarians will argue that bodily security and freedom from harassment are indeed distributional goods, but as MacKinnon notes, this is only true in a formally legal sense – it is just as illegal to harass a man as it is to harass a woman – while Lucy’s problem, however, stems from the social dominance of women by men, which occurs separately from, and in spite of, formal policies.

<sup>134</sup> As well as surely some men, members of the LGBTQ community, those with disabilities, members of certain racial, ethnic, and religious groups, and so on.



women, that whites are the dominant race in the United States, or that heterosexuals have more rights and privileges than gays and lesbians do. These are social facts rooted in history and supported by intricate webs of power and privilege. Lumping the effects of socially generated hierarchies with the effects of natural endowment makes it seem as if these structures were not produced by social and political forces.”<sup>135</sup>

The objection, simply, is this: if Lucy is less safe than Brad as she walks down the street at night – regardless of the distribution of goods – then she is not in equal social standing with Brad and is subject to unjust treatment by virtue of her gender. Relational theorists such as Schwartzman, however, argue that in the distributive theories of Rawls and Dworkin, this fact of relational hostility is both ignored and reduced erroneously to a matter of luck, rather than recognized as a social issue to be addressed. The non-relational metrics of Rawls and Dworkin may, therefore, render this fact of relational hostility and dominance invisible. A relational theory of equality is therefore preferable to the distributive theories of Rawls and Dworkin for understanding and addressing relationships of hostility and dominance.

#### **4.3: Relationships of Expectation and Adaptive Preferences**

The ways groups are perceived, both by themselves and by others, has a dramatic effect on the kinds of social positions individuals within those groups are able to hold, and the kinds of functionings they are able to enjoy. Relational theorists, I suggest, claim that oppressive relationships along group lines (such as race, gender, ability, orientation, class, etc.) support and perpetuate unjust perceptions of the individuals within those groups, and therefore negatively affect their overall capabilities. The further claim I will

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<sup>135</sup> Schwartzman (2006), pg. 70.

investigate here is that this phenomenon, which I call *relationships of expectation*, is not able to be tracked by a purely distributive account of equality. These relationships of expectation may also give rise to the phenomenon of adaptive preferences, which undermine an individual's ability to make fully autonomous choices, and to experience a full range of opportunities.

As a preliminary point, I will note here that not all forms of expectation are wrong or undesirable – for instance the expectation rightly exists that adult individuals are in some basic way morally and rationally sound, and this is an important part of how we engage socially and civilly with others – but my focus here will be on those relationships of expectation which result from, or lead to, unjust hierarchies of power. For example, those of Muslim faith often face the erroneous and unjust expectation of some form of extremism, and are therefore at times treated with hostility and have fewer opportunities. Relational egalitarians, I suggest, will argue that these kinds of expectations can lead to, and stem from, various forms of oppression.

As I discussed briefly in Chapter Three, members of the activist group *Black Lives Matter* are currently protesting the frequent violence that is inflicted disproportionately on members of the black community by police officers. Especially in the United States, black people are reported as suspicious, pulled over, arrested, beaten, and shot in greater proportions than members of other racial groups. Is it the case, however, that the problems faced by black people in America are simply instances of brute bad luck? Similarly, are black people, by and large, missing some important bundle of social goods such that, if they only had access to those goods, they would not suffer violence disproportionately? Although it is doubtlessly the case that an unequal

distribution of goods is a factor in the oppression of black people, relational theorists will argue that violence against members of the black community is not reducible to the distribution of social goods. They will argue instead that these issues are informed by oppressive social hierarchies that (among other things) oppress black people as a result of unjust stereotypes, not the least of which is of criminality. Anderson in particular makes this claim, suggesting that racism (as well as surely many other forms of prejudice) stems in large part from various common stereotypes. She argues persuasively that people

“...tend to perceive blacks as (relatively) poor, on welfare, uneducated, idle, prone to form single-parent families at a young age, unlikely to keep up their property, and liable to engage in criminal activity. Such group stereotypes are then used to make inferences about the likely characteristics of individual blacks.”<sup>136</sup>

What is most important to note here is that a broad social perception of the entire category of black people is used to make inferences about *individual* black people, who are then treated not in accordance with their individual endowments, talents, possessions, or merits, but by generalized (and often unfavorable) assumptions about the social group in which they participate. We may see, therefore, how it is that members of the black community participate in relationships of expectation, such that as a result of their identification as black, the stereotypical expectations placed on that group (whether actualized or not) can work very much to their social disadvantage.

I will posit further that black people may also be seen to participate in relationships of abject hostility with the police, which are informed by these stereotypical expectations. In this way, it may be that simply as a result of the fact that it is more likely for a police officer to assume the criminality of a black person, all members of the black community

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<sup>136</sup> Anderson (2010), Loc. 1026.

are made less secure, and have fewer genuine opportunities (i.e. like Lucy, to walk down the street at night without being a target for violence and harassment).

Similar kinds of relationships of expectation may contribute also to the domination of women by men in ways that relational egalitarians claim are not always detectable simply in terms of formally distributed goods. As noted by many feminists, it is often the case that women shoulder a disproportionately large amount of the domestic work within any society.<sup>137</sup> This will include childcare, elder care, household work, and other similar things. This is, without much controversy, a fact of the society in which we live. Many feminists will argue further, however, that this fact is informed by erroneous perceptions of women as more caring than men, or more suited to domestic forms of labour. As Joan Tronto nicely puts the point:

“The script runs something like this: Men care about money, career, ideas, and advancement; men show they care by the work they do, the values they hold, and the provisions they make for their families. Women care for their families, neighbors, and friends; women care for their families by doing the direct work of caring. Furthermore, the script continues, men care about more important things, whereas women care about less important.”<sup>138</sup>

Similarly, as Young asserts, “Both men and women look to women as nurturers of their personal lives.”<sup>139</sup> Furthermore, this seems not to be remediable by providing greater access to resources and distributed goods to women. In recent decades, women have seen

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<sup>137</sup> See for example, Robeyns, Ingrid. “Sen’s Capability Approach and Gender Inequality: Selecting Relevant Capabilities.” *Feminist Economics* 9.2 (2003): pgs. 80-81.

<sup>138</sup> See Tronto, Joan. “Women and Caring: What can Feminists Learn about Morality from Caring?” *Gender/Body/Knowledge: Feminist Reconstructions of Being and Knowing* Ed. Alison M. Jaggar and Susan R. Bordo. New Brunswick, NJ: Rutgers UP, 1989, pg. 172.

<sup>139</sup> Young (1990), pgs. 50-51.

greater access to social goods and privileges, but as Janeen Baxter and Tsui-o Tai note, this has made very little difference to women's role in domestic labour.

“It is surprising that gender divisions of domestic labor have remained so persistent, despite women's gains in access to education, employment and public office, and changes in demographic patterns since the 1970's. ...Men's share of domestic labor and time spent by men and women on domestic labor has been relatively stable by comparison.”<sup>140</sup>

This suggests that although recent years have seen vast improvements to women's overall access to social goods, women are still disproportionately relegated to unpaid domestic spheres, and this historically situated fact has had, and continues to have, a direct bearing on women's subordinate roles in society. This is, once again, an important (and historically, often damaging) social inequality that is not obviously remediable by any access to social primary goods.

Recalling MacKinnon's *difference* and *dominance* approach – which differentiates formal, legally guaranteed freedoms from systemic and tacit forms of social domination – Will Kymlicka shows why the domination of women, stemming from the expectation of women as child-bearing domestic workers, is not seen as relevant by those (such as Dworkin and Rawls) who track equality by way of formal difference.

“This incompatibility that men have created between child-rearing and paid labour has profoundly unequal results for women. The result is not only that the most valued positions in society are filled by men, while women are disproportionately concentrated into lower-paying part-time work, but also that many women become

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<sup>140</sup> See Baxter, Janeen, and Tsui-o Tai. “Unpaid Domestic Labor” *The SAGE Handbook of the Sociology of Work and Employment*. Ed. Stephen Edgell, Heidi Gottfried, and Edward Granter. London: Sage Publications, 2016, pgs. 444-445.

economically dependent on men. Where most of the ‘household income’ comes from the man’s paid work, the woman who does the unpaid domestic work is rendered dependent on him for access to resources. ... The fact is that freedom from childcare responsibilities is relevant to most existing jobs, and employers are not being arbitrary in insisting on it. Because freedom from childcare responsibilities is a relevant qualification, the difference approach says that it is not discriminatory to insist upon it regardless of the disadvantages it creates for women. Indeed, the difference approach sees the concern with childcare responsibilities, rather than irrelevant criteria like gender, as evidence that sex discrimination has been eliminated.”<sup>141</sup>

Recognition of the historical fact of women as *expected* to be unpaid domestic laborers, and the negative impact that this continues to have on women’s capabilities, requires a non-ideal theoretical approach that focuses on *domination over difference*, and that gives primary attention to the ways women and domestic and care labor are *perceived* socially. The fact that jobs may be open equally to women and to men does not always help to bring women out of socially subjugated roles, since there is nonetheless an unjust expectation placed on women. For this reason justice for women in relationships of expectation, relational egalitarians argue, requires a relational – and importantly, *not* a distributional – approach to equality.

It is perhaps tempting to object to this conclusion by suggesting that women, regardless of any expectations of others, have a choice about whether or not to be the primary caregivers or to raise children at the potential expense of a career. Perhaps it might be said that Rawls and Dworkin both account for this injustice by requiring that all

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<sup>141</sup> Kymlicka (2002), pg. 381.

individuals have equal choice regarding the kinds of work in which they engage. Indeed, there is no reason why men and women in equal standing could not choose to shoulder equal burdens of labour, and in this way, if women were to occupy roles as caregivers, they would do so because they *choose* to do so, and such could be the same for any man.

This reply, however, will not satisfy a relational theorist because it fails to take into account the ways in which historical expectations placed on social groups inform the preferences of the individuals who comprise those groups. Anderson, reading Schwartzman, illustrates this point by asserting that

“...if women are socialized to accept subordinate gender roles, or adapt their preferences to the normative expectations that have shaped an andocentric structure of opportunities, then the theoretical ideal abstracts from the injustices involved in these modes of preference formation, then it will represent women’s failures to take up ‘equal’ opportunities as voluntary choices for which no other parties are responsible, even if these choices are not fully autonomous due to conditions imposed by others.”<sup>142</sup>

This phenomenon of *adaptive preferences* will show further why relational theorists argue that distributive theories of equality are necessarily flawed.<sup>143</sup> To illustrate the importance of adaptive preferences, I will provide an example. Imagine a woman who is recently married and who is on track to become a partner in a large and respected law firm. After many careful conversations with her husband, with whom she has a

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<sup>142</sup> Anderson (2009), pgs. 136-136. Note: Anderson cites Schwartzman (2006), pgs. 45-51, 86-87.

<sup>143</sup> Adaptive preferences, we may recall, is the process by which a person alters their preferences (desires, inclinations) in accordance with what they feel is available or plausible, what they feel they deserve, what they believe they should or should not want, and so on. It is often also the case that preferences adapt to oppressive states of affairs, causing people (women, for example) to desire the continuation of the circumstances of their own oppression.

relationship of equal respect, she decides that even though this will significantly decrease the possibility of her making partner, they will try to conceive. A woman such as this may have genuine opportunities, but still may not choose to convert those opportunities into secure functionings. The question, however, of whether or not this is a genuine choice is perhaps a misleading one. On an individual level, it seems as though it is fairly clearly an autonomous and calculated decision on the part of the woman. However, when we consider the sheer number of women who continue to make this choice – to cap their successful careers for the sake of a family – we may see why some theorists would posit that historical expectations placed on women have caused many women’s preferences to adapt. In other words, women frequently subordinate themselves for the sake of their families, and are in many cases happy to do so.<sup>144</sup> Formal distributive egalitarian theories (such as those of Rawls and Dworkin), a relational theorist may argue, are not sufficiently equipped to attend to this persistent inequality between men and women, because they have no mechanism to account for preferences that are adapted to unjust circumstances and relationships. A good theory of justice must be able to differentiate between genuine choices and those that have been adapted by the ubiquity unjust expectations.

#### **4.4: Individualism and Autonomy**

So far I have shown that relational feminists would plausibly reject modern distributive egalitarian theories, such as those offered by Rawls and Dworkin, because they fail to adequately address the relational issues surrounding relationships of expectation (resulting in unjust social hierarchies and disadvantage), and adaptive

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<sup>144</sup> This, according to many feminist theorists, also informs what is often called the ‘wage gap’ between men and women. Despite working the same jobs, women elect to take more time away from work for the good of others. See Cudd, Ann E. “The Paradox of Feminist Liberalism.” *Varieties of Feminist Liberalism* Ed. Amy R. Baehr. Lanham, MD: Rowman and Littlefield, 2004, pg. 47.



preferences. However, until now I have largely omitted from my consideration some theories that I discussed in the first and second chapters, namely those of Sen, Nussbaum, and Anderson. In this section I will examine some relational theoretical reasons to reject these ideas. In the remainder of this chapter, I will discuss a relational-capabilities egalitarian approach that may plausibly respond to these three relational objections and offer a potential way to reconcile distributive and relational theories of justice.

As I noted briefly in Chapter Three, relational egalitarians reject theories of justice that focus on individuals as distinct from the relationships in which they are socially situated. As Koggel states,

“I have rejected the individual as the *primary unit* for equality analysis because I view this approach as hindering a proper evaluation of the relationships of power and oppression in which individuals, group members, and whole states are embedded. We do not have a full account of inequalities experienced by individuals when we abstract them from their relationships and circumstances.”<sup>145</sup>

Relational theorists will therefore object to Rawls and Dworkin, in whose theories individuals are abstracted from their participation in social groups, and assumed to be autonomous individuals in roughly equal standing.<sup>146</sup> Rawls and Dworkin are, as I previously noted, engaged in theorizing that purposely does not intend to examine the difficulties currently faced by social groups, but given the ubiquity of these stereotype inferences that extend perceived characteristics of social groups to individuals, it seems

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<sup>145</sup> See Koggel, Christine M. “Equality Analysis in a Global Context: A Relational Approach.” *Canadian Journal of Philosophy* 32.Sup1 (2002): pg. 265.

<sup>146</sup> This idea that Rawls and Dworkin problematically ‘abstract’ individuals away from their social groups may be found in both Schwartzman (2006), and Anderson (2009).

perhaps more pressing to the issue of inequality to be able to track injustices on the level of group identities. To once again quote Anderson,

“...it is plain that an individualist methodology, which represents individuals apart from their group identities and identity-mediated hierarchal relations to members of other social groups, has no hope of discovering these truths [of group-based oppression], since it has no means of representing them. Individualism is thus an epistemically defective methodology for political philosophy, since it fails to provide adequate tools for identifying the *causes* of inequality.”<sup>147</sup>

Because of their focus on individuals qua individuals, distributive theories, according to relational theorists like Anderson, are unable to account adequately for the injustices suffered by members of the black community (for example), which result from both hostile relationships with police, as well as unjust relationships of expectation that cause their unequal and hostile treatment.

Among feminists, however, this position is debated. Nussbaum, for instance, argues that an egalitarian theory not only can evaluate relationships of power and oppression by focusing primarily on individuals, but that an individualistic approach is actually better suited to this task. Specifically for the project of addressing women’s oppression, Nussbaum argues that a focus on women as autonomous individuals has been problematically lacking from egalitarian consideration. As read by Schwartzman,

“...Nussbaum advocates an individualistic methodology for identifying and attacking women’s difficulties; rather than women’s interests being lumped together with that of their communities, religions, or even families, women should be seen first and foremost as individuals with interests of their own. ...For

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<sup>147</sup> Anderson (2009), pg. 133.

Nussbaum, the problem is not that liberalism has been focused too exclusively on abstract individuals, but instead that ‘where women and the family are concerned, liberal political thought has not been nearly individualist enough.’”<sup>148</sup>

Nussbaum’s contention is that when we consider the historical fact of women’s roles as subordinate to others and especially to their families (as I discussed in the section above), it is of particular importance that theories of equality conceptualize women as individuals who are ends in themselves, and not as instrumental to the service and care of the ends of others. Nussbaum therefore argues that an egalitarian theory that can focus on the specific needs of individual women – taking into account their historical circumstances of oppression – may be better than one that treats women as a group and considers their needs collectively.

Schwartzman, however, disagrees with Nussbaum’s individualistic approach, arguing that women’s oppression can only be understood by acknowledging women as relating to men, and to each other, by virtue of their participation in a relationship of dominance.

“Nussbaum fails to appreciate the significance of this epistemological point: knowledge about women’s problems in the context of male dominance is not uncovered simply by focusing on individuals *as individuals* who gain an awareness that they are in fact rights-bearing persons. In a context in which ideologies of male superiority are entrenched, liberalism’s focus on individuals will be insufficient for the discovery and development of critical feminist perspectives. What is needed is an analysis of social structures of power.”<sup>149</sup>

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<sup>148</sup> Schwartzman (2006), pg. 104.

<sup>149</sup> Schwartzman (2006), pg. 106.

For Schwartzman, Nussbaum fails to grasp the epistemic necessity of acknowledging women as a group that stands in a subordinate relationship to men, and for this reason her theory – and similarly other individualistic egalitarian theories – cannot grasp the true nature of women’s oppression. Put another way, Schwartzman contends that a theory that sees *a woman* cannot understand women’s oppression, while a theory that sees *women* can. Relational theorists will contend, in this way, that a focus on individuals is a serious issue in distributive egalitarian literature, which may preclude adequate treatment of oppression in terms of social groups.

Taking stock, to this point I have presented and discussed three broad objections that relational theorists might make against recent distributive egalitarian thought. I will now offer responses to these three objections, in order to explore the possibility of a kind of relational and distributive reconciliation, which I will call *relational-distributive egalitarianism*. I will then point out some advantages of such a program.

#### **4.5: Relational-Capabilities Egalitarianism**

The objections that I have considered in this chapter seem to suggest that distributive approaches to equality could not possibly account for the relational facets of many forms of oppression, even if they wanted to. I believe that this is false. Instead, I suggest that recent distributive egalitarian thinking has, for various reasons, problematically ignored relational approaches and criticisms, but this is not to say that no possibility exists for relational approaches and criticisms to inform and improve a distributive egalitarian theory that does not ignore these things. Indeed, as I will argue in the remainder of this chapter, I suggest that it is possible to construct a relational-capabilities egalitarian approach that will maintain the fundamentals of a distributive

theory, but also be informed by relational considerations. I intend to show that relational and distributive conceptions of justice do not need to stand in opposition to one another because the powerful and important concerns raised by relational egalitarians are not incompatible with a distributivist project. A properly sophisticated distributivist project will be able to adopt a relational approach as an epistemic method for tracking and understanding group-based oppression, and will therefore be able to reply adequately to the objections raised in the first half of this chapter. Therefore to begin, I will discuss some possible replies to these three main criticisms, as argued from a relational – capabilities approach.

#### **4.6: A Possible Response to the Problem of Hostility**

The first objection that I considered against recent distributive egalitarian thinking was, briefly, that forms of group-based oppression exist that cause some people to experience disproportionate levels of potential hostility from others resulting in unjust disadvantage, but not in ways that are recognizable in terms of the distribution of social goods or bad brute luck. To illustrate this point, I used the example of Brad and Lucy and their disparate levels of security within a climate of patriarchal rape-culture. I then cited arguments from Schwartzman, who intends to show two things: that the egalitarian metrics of Rawls and Dworkin – social primary goods and luck – are ill-suited to tracking disadvantages that stem from group-based oppression, and that both Rawls and Dworkin are engaged in works of ideal theory which blind them to many forms of group-based injustice. I will respond to these objections respectively.

First, with regard to the charge of unfit metrics, I believe that Schwartzman is correct in asserting that the metrics of Rawls and Dworkin do not adequately capture

what it is to be systemically disadvantaged and oppressed. As I discussed in Chapter One, the same two people with equal bundles of social primary goods will not necessarily (or even likely) be equal in terms of how well-off they are. Similarly, following Schwartzman,<sup>150</sup> I agree that it is clearly both unfair and wrong to suggest that systemically oppressed groups (such as, for instance, women) are suffering from bad luck in terms of natural endowments. But acknowledging this particular fault in the theories of Rawls and Dworkin does not allow us to then conclude that distributive theories more generally have unfit metrics of equality.

Once again, recalling Chapter One, Sen's capabilities approach has been adopted by many theorists (such as Nussbaum, Wolff, de-Shalit, Anderson, and Robeyns) specifically for the purpose of more accurately describing disadvantage. I believe, moreover, that the capabilities metric can quite adequately identify and describe disadvantages that stem from forms of group-based systemic oppression, such as from hostile relationships between groups. Indeed, it is with this project in mind that Wolff and de-Shalit offer some amendments to the capabilities approach that I believe will have particular import for my above example of Brad and Lucy:

“Our main revision to the ‘capability approach’ is the idea that what matters for an individual is not only the level of functionings he or she enjoys at any particular time, but also their prospects for sustaining that level. To put it in another way, exceptional risk and vulnerability is itself a disadvantage, whether or not the feared event ever actually happens.”<sup>151</sup>

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<sup>150</sup> Schwartzman argues, “The social and economic forces that create and maintain structures of power and oppression – including class, race, and gender – are not governed by luck or accident.” See Schwartzman (2006), pg. 70.

<sup>151</sup> Wolff and de-Shalit (2007), Loc. 176.

I believe that this revision captures precisely what it is that Schwartzman argued was missing from both Rawls and Dworkin. In order to identify and track systemic disadvantages – like the potential hostility suffered by Lucy – what is required is a metric that can show why Lucy is less well-off than Brad by virtue of women’s relationship with men under patriarchy.

Put briefly, women often experience a threat of potential hostility that, even if it is never actualized, causes women to nonetheless expend more energy and resources in order to feel as though their wellbeing is secure. Similarly, this feeling of insecurity may affect the kinds of risks and opportunities that women take. Wolff and de-Shalit posit (as per their revision) that the capabilities approach is best expressed in terms of *genuine opportunities for secure functionings*, which I believe can describe the differences that Brad and Lucy experience. Despite the fact that Brad and Lucy have very similar access to resources, Lucy’s experience walking home at night is often very different from Brad’s because the active threat of hostility by virtue of women’s sometimes violent oppression by men renders some of her functionings (i.e. of bodily security) insecure.

One further upshot for the capabilities approach is, I suggest, that its language is far more precise than, for instance, the claim that Lucy is oppressed by relationships of dominance and potential hostility. Capabilities language is effective for the purposes of identifying and understanding the disadvantages suffered by people like Lucy, since it may be shown which specific functionings Lucy is not genuinely or securely capable of actualizing. Wolff’s and de-Shalit’s language of corrosive disadvantages (a certain lack of functioning that cause, other functionings to be not genuine and/or insecure) and fertile functionings (certain functionings, the having of which causes other functionings to

become genuine and/or secure) can further help us to understand the ways in which relational functionings (the having of, and participation in, certain relationships) may be either corrosive or fertile. For instance, Lucy's potential for experiencing hostility on the street at night may be a corrosive disadvantage, since it might cause her considerable anxiety (which could bleed corrosively into other aspects of her life), or she may decide not to engage in other forms of socialization that she would otherwise have reason to value. Participating in a close and supportive group of friends, however, might be a fertile functioning for Lucy since she would perhaps have walking companions, people with whom to remain in contact over the phone, and even simply people on whom she can rely to feel better. I therefore suggest that while Dworkin and Rawls do not have adequate metrics to meet this relational criticism, I believe that the capabilities metric is adequate for this task.

With respect to the problems raised with ideal theory, as such, I will submit a short response. While Rawls and Dworkin, in a certain sense, idealize away current forms of group-based oppression, they do so quite purposefully with a mind to accomplish something very different than Schwartzman (and other relational theorists). Ideal theory does very little (if anything) to help correct the injustices that affect people in the real world, but this is simply not the task in which Rawls and Dworkin are engaged.<sup>152</sup> Furthermore, it may not be the case that Rawls (in particular) is fully guilty of idealizing-away forms of group-based oppression. Rawls does not allow the representatives behind the veil of ignorance to have knowledge of their own attributes, or of racial and sexual

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<sup>152</sup> The project with which Rawls and Dworkin are engaged is forward-looking: they are trying to determine what a just society would look like. This may be opposed to works of non-ideal theory, which are backwards-looking: they are trying to determine how to correct current injustices in our own societies.



oppression, but this information is nonetheless available to *theorists* in setting up the veil.<sup>153</sup> Put differently, theorists (like you or me) are able to use information about current forms of injustice to inform the principles of justice that we make available to those behind the veil. Although it remains the case that Rawls's project is a forward-looking one (concerned with what a just society would look like, rather than remedying an unjust society), it is not quite fair to say that his theory idealizes-away all forms of group-based injustice. Following Mills and Anderson, however, I do suggest that non-ideal theory is a more prudent method given all the injustices that are, in fact, occurring. Also, even if we were to assume that ideal theory is always a bad approach, it is not the case that all distributive egalitarians are ideal theorists,<sup>154</sup> and nothing about distributive egalitarianism requires ideal theory.

Therefore, I submit that group-based forms of oppression (like the threat of hostility experienced by Lucy) are identifiable in terms of the capabilities approach, within a non-ideal distributive framework. Therefore a relational – capabilities approach can connect distributive and relational egalitarian approaches within a plausible middle ground.

#### **4.7: A Possible Response to Relationships of Expectation and Adaptive Preferences**

This objection was two-fold: first, relational egalitarians may claim that unjust expectations (such as the stereotype of black people and criminality, or of women as domestic laborers) place certain people in subordinate and exploited social positions. Second, relational theorists may argue that these relationships of expectation can result in adaptive preferences among members of social groups, causing some individuals to

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<sup>153</sup> See Rawls (2001), pg. 45.

<sup>154</sup> See Anderson (2009), pg. 139. Anderson gives examples of liberal theorists who engage theoretically with group-based oppression, such as Montesquieu, Locke, and Mill.

desire the circumstances of their own oppression. For the former, I gave an example inspired by the current activist group Black Lives Matter, in which I attempted to show that the expectation of criminality that exists between police and members of the black community causes, in turn, a relationship of hostility that disadvantages and victimizes black people quite generally. For the latter, I described the plausible case of a woman who chooses to subordinate herself for the sake of her family, which is only apparent as a form of oppression when we examine women as a group, whose preferences have often adapted to meet oppressive expectations.

I will first respond to the former criticism, which I suggest is very similar in kind to the previous objection of hostile relationships. Once again, this first objection seeks to show that, like hostile relationships, stereotypes and other relationships of expectation cause systemic injustices that are not adequately measured in terms of luck or the distribution of goods. As in the previous section, I will concede that both luck and social primary goods are inadequate metrics for the purposes of tracking group-based oppression, but once again I will argue that the capabilities approach is up to the task.

Recognizing that a relationship of hostility exists between members of black communities and police officers, we can describe why black people often have fewer genuine opportunities for secure functionings, as well as why relationships of both hostility and expectation can, to once again use Wolff's and de-Shalit's language, be *corrosive*. To put it differently, the fact that black people, as a result of unjust stereotypes, are more frequently expected to engage in criminal behaviour will have the effect of causing many different functionings to be less secure, and for black people to therefore have fewer genuine opportunities. For example, a young black man may be

more likely, in various circumstances, to be stopped by the police or to be reported as suspicious. This in turn may make insecure any number of functionings, not the least of which may be bodily security, freedom from harassment, and self-respect.

Similarly, to recall MacKinnon's dominance approach, the fact that laws exist that protect black people from racial discrimination does not necessarily mean that black people have all of the same opportunities as members of more privileged groups. For instance the stereotype of criminality may very negatively affect a young black person's social basis for self-respect, or even his capability to genuinely function as a law-abiding citizen. This knowledge of group-based oppression has been lacking in many distributional approaches (such as those of Rawls and Dworkin), but this does not mean that such distributional approaches cannot be amended and improved by taking seriously these relational injustices. Indeed, a capabilities approach can be made more accurate by examining hostile and stereotypical group relations and oppressive hierarchical power structures, such as those that subordinate blacks to whites and women to men, and amending its language to describe this.

I will now move to the latter issue, that of adaptive preferences. The capabilities approach, first and foremost, tracks how well off a person is in terms of the functionings they are free and able to achieve. If adaptive preferences limit the functionings that a person can achieve, then a person with adapted preferences is less free. But it is necessary to become clear about what kinds of preferences and functionings are important in terms of justice, rather than simply important to an individual. That is, we must determine which opportunities become limited (not genuine or not secure) for those whose preferences have been caused to adapt, and furthermore, why these limitations are

important to a theory of justice. As Anderson notes – and I agree – the point of equality is not to somehow guarantee that every person’s preferences be satisfied or that nobody suffers from brute bad luck. Instead, the point of equality is to eliminate systemic disadvantages that cause some to be subordinate to others in civil (democratic) society. As such, only those adaptive preferences that cause some to desire oppressive states of affairs can be a concern for justice.

As I discussed in Chapter One, Nussbaum as well as Wolff and de-Shalit offer a list of primary functionings – the most basic functionings any person must be able to securely achieve order to live a decent life – which I suggest is crucial for understanding adaptive preferences in the context of capabilities and justice.<sup>155</sup> A list of functionings that are deemed to be of fundamental importance will provide a standard and threshold for determining the injustice of adaptive preferences. To use Nussbaum’s phrasing, “People’s liberty can indeed be measured, not by the sheer number of unrealizable wants they have, but by the extent to which they want what human beings have the right to have.”<sup>156</sup> As such, following both Nussbaum and Anderson, I submit that the true injustice of adaptive preferences is the extent to which many members of certain groups (informed by historical norms of expectation) do not feel entitled to some or many of the basic functionings required to stand socially as equals.

Though the use of an objective list of necessary functionings is not without its own set of controversies, I will argue along with Nussbaum that on some fundamental

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<sup>155</sup> The particulars of such a list are obviously important, but this would require empirical investigation, and is not within the scope of this paper, since I am not advancing a full-fledged theory of equality. I therefore do not consider a precise list in any detail.

<sup>156</sup> Nussbaum, Martha C. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge UP, 2000, Loc. 3061.

level an objective standard must be established for the sake of accurately understanding the nature of oppression.

“We can only have an adequate theory of gender justice, and of social justice more generally, if we are willing to make claims about fundamental entitlements that are to some extent independent of the preferences that people happen to have, preferences shaped, often, by unjust background conditions.”<sup>157</sup>

Indeed, unjust adaptive preferences (and oppression quite generally) only makes sense in the context of some objective standard of good (i.e. freedoms, flourishing, etc.), which I suggest, is best described in terms of capabilities. In other words, it is a matter of justice that all persons be capable of achieving some fairly basic set of secure capabilities, and the injustice of adaptive preferences is, therefore, that relational expectations and historical injustices cause some people either not to desire, or not to consider plausible, the secure achievement of one or more of those functionings.

There is, furthermore, significant literature regarding methods of remedying this kind of injustice in ways that, I suggest, are entirely compatible with a distributive egalitarian approach. Robeyns, for instance, argues for a form of universal basic income, which she calls *participation income*.<sup>158</sup> Robeyns does not suggest that a participatory basic income would remove the unequal gender roles that inform adaptive preferences, but she does think that it could, as part of a broader range of redistributive policies, benefit women tremendously.

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<sup>157</sup> Nussbaum (2008), pg. 34.

<sup>158</sup> “The difference between a participation income and a basic income is that the former is conditional on being engaged in socially useful activities: working, looking for a job, doing voluntary work, undertaking some forms of training and education, and caring for children, the elderly, and disabled and ill people.” See Robeyns, Ingrid. “Reforming the Welfare State: The Case for Basic Income.” *Moral Issues in Global Perspective – Volume 2: Human Diversity and Equality*. Ed. Christine Koggel. Peterborough, ON: Broadview, 2006, pg. 344.

“Most Western feminists want a revaluation and a redistribution of unpaid work. ...a participation income should be part of a larger package that also tries to redistribute paid and unpaid work to make gender roles more equitable or to get rid of them altogether. Such a package could include an active policy to combat gender discrimination in the labor market. It could also work to change the culture of the labor market. This cultural change should take place in order to make normal a situation in which every worker is also assumed to be a caregiver and acknowledged as such, to challenge gender stereotypes in the media, and to introduce social policies enabling all men to experience the work of caring on a par with women.”<sup>159</sup>

What is important to note is Robeyns’s confidence in distributive measures for the purpose of eliminating the distinctly relational issue of expected norms and oppressive gender roles. It is precisely this kind of distributive conception – informed by a relational methodology – that my relational-capabilities approach intends to offer.

Similarly, policies such as affirmative action have been proposed in order to try to make job opportunities for non-white and non-male people more genuine and secure. Young, like Robeyns, expresses doubts regarding whether or not such a measure would be anything like a permanent solution, there is no doubt that it could make things better.

“Where affirmative action programs are in place they do indeed have some success redistributing desirable positions among women and people of color who otherwise probably would not get them. ...Even if strong affirmative action programs existed in most institutions, however, they would have only minor effects in altering the basic structure of group privilege and oppression in the United States. ... Change in

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<sup>159</sup> Robeyns (2006), pg. 345.

the overall social patterns of racial and gender stratification in our society would require major changes in the structure of the economy, the process of job allocation, the character of the division of labor, and access to schooling and training.”<sup>160</sup>

Considered in isolation from one another, distributive measures may seem ineffective for changing fairly deep opinions and expectations, but a wide range of distributive schemes aimed specifically at eliminating forms of group-based oppression has, at least, a chance of success. I argue therefore, that there is no reason to think a distributive theory of equality is fundamentally incompatible with a relational agenda. It may be argued that many distributive measures would not be best, or perhaps even effective for fixing relational injustices, but I believe Anderson is right to point out (in a different, but nonetheless applicable context) that “Knowledge of the better does not require knowledge of the best.”<sup>161</sup> That is, we do not need to know what the best solution would be in order to nonetheless improve the capabilities of those suffering from injustice through distributive measures. A relational-capabilities egalitarian approach can, I believe, do this.

#### **4.8: A Possible Response to the Problem of Individualism and Autonomy**

As we saw earlier in the chapter, Schwartzman, and relational theorists more generally, criticize Nussbaum for adopting too individualistic an approach to justice. Oppression, suggests Schwartzman, has been overlooked in many forms of recent distributive egalitarian thinking because of a failure to understand individuals fundamentally as members of groups that are oppressed by others. Nussbaum, on the other hand, claims that both relational and distributive egalitarians tend not to be

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<sup>160</sup> Young (1990), pg. 199.

<sup>161</sup> Anderson (2010), Loc. 136. The context for this quote is an argument that Anderson makes against Rawls’s engagement in ideal theory. The sentiment, however, I believe to be valuable.

individualist enough, when it comes to the oppression of women. The problem, for Nussbaum, stems from women being perceived not as ends in themselves, but as means for the ends of others (through care, sexual exploitation, etc.).

As I noted earlier, when we examine equality from the standpoint of individual women, it is perhaps difficult to see how greater burdens of domestic labour, for instance, can be reduced to anything other than the choices of a free individual – especially in cases (such as in my previous example of the woman at the law firm) where women actually seem to have the opportunity to pursue a promising career instead. A relational approach, for this reason, may be best for gaining adequate knowledge of the adaptive preferences of women, which have been informed by historical stereotypes and expectations, and reinforced through relationships and examples. However, if we integrate this relational methodology into our capabilities approach, we can see that, in such cases as a woman considering either children or a career in law, there may be at times an extent to which her opportunity is not truly genuine. This, of course, will not be the case for all or perhaps even most women, but when we acknowledge the historically informed relationships that women are often expected to have with children, it may not always be the case that women choose children over careers entirely freely. This may show how it could be that the adaptive preferences of many women can undermine their genuine capabilities for successful and secure careers. As Ingrid Robeyns argues,

“The observation that given existing social conditions women are more likely than men to choose domestic and care labor over paid work does not mean that this is what they would choose if they had the same capabilities as men, precisely because



the real opportunities for women to have a good job under good conditions are fewer than for men.”<sup>162</sup>

Despite the fact that women have the ability to autonomously choose the course of action that they believe is in their best interests, not all women have the same capabilities as men to take advantage of genuine opportunities, or to convert those opportunities into secure functionings. Although this example of women and adaptive preferences is only one of very many possible cases for examination, I believe that it shows why a capabilities approach can help us to understand how numerous facts such as the phenomenon of adaptive preferences continue to bolster the oppression of many women (by causing them to desire oppressive circumstances and/or to not desire or pursue certain opportunities for which they do not consider themselves suited). As well, a capabilities approach in conjunction with a relational methodology can offer a method of tracking various forms of corrosive disadvantages, including but not only, of stereotyped femininity.

I suggest, further, that on the issue of individualism, Anderson takes an appropriately moderate approach, somewhere between Nussbaum and Schwartzman. While Anderson agrees with Schwartzman that a relational approach can track various forms of oppression that distributive approaches cannot, Anderson argues that this fact does not require relational egalitarians to reject what she calls *normative individualism*, which is the form of individualism adopted by Nussbaum (and by distributional theorists fairly broadly).

“Normative individualism claims that individuals are what ultimately matter – their freedom, dignity, and welfare. Groups and institutions should be assessed

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<sup>162</sup> Robeyns (2003), pg. 85.

instrumentally, according to how well they promote the interests of individuals.

...Relational theories of inequality do not entail a rejection of normative individualism, however. One does not have to accept any normative priority of the supposed interests of collectives to see the advantages of relational theories.”<sup>163</sup>

Anderson’s excellent point is that a theory which focuses on groups and relationships in order to more adequately track systemic oppression and disadvantage need not be committed to the advancement of group interests over and above the needs and interests of individual group members.<sup>164</sup> For Anderson, a relational approach offers an extremely beneficial epistemic methodology for egalitarianism – it can help us to know and to understand how oppression manifests along group lines – but importantly, egalitarians do not need to adopt a relational approach at the exclusion of considering individuals and their distributive needs. Indeed, Anderson points out that distributive theories of justice have often historically been concerned with tracking inequalities as they manifest between social groups.

“Schwartzman claims that liberalism is committed to an untenable individualism: to representing individuals as such, in abstraction from their group identities and the social relations based on such group identities. This charge overlooks a rich history of reflection of unjust gender relations of domination and subordination within the liberal tradition.”<sup>165</sup>

Formal and distributive theories of justice – such as those found frequently throughout the liberal egalitarian tradition – therefore do not need to be in opposition with the

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<sup>163</sup> Anderson (2009), pg. 132.

<sup>164</sup> Anderson (2009), pg. 134.

<sup>165</sup> Anderson (2009), pg. 139. Anderson cites examples of liberal theorists who engage theoretically with group-based oppression, such as Montesquieu, Locke, and Mill.

relational egalitarian agenda of addressing group-based oppression and domination. Normative individualism is detachable from what Anderson calls *methodological individualism*,<sup>166</sup> and for this reason Anderson will argue (and I will argue as well) that adopting a relational methodology within a theory of normative individualism will open us up to new kinds of possibilities.

This, I suggest, is a further virtue of my relational-capabilities egalitarian approach. I believe that it is simultaneously possible to take seriously the epistemic claims of relational theorists like Schwartzman in conjunction with a distributive methodology, and to express them in the metric of individuals and their capabilities. Doing so would allow us to both approach the oppression of women with the knowledge of their subordinating group relationship to men, while also advancing the individual capabilities of women for the sake of bringing them into a normative social status as equal ends in themselves. This, I believe, will make us best suited to approach a sophisticated theory of egalitarian justice. In the next and final section of this chapter, I will discuss briefly one option for such a sophisticated theory.

#### **4.9: Relational-Capabilities Egalitarianism, and Sufficiency**

In this final section of the chapter, I will discuss the ways in which our relational-capabilities approach might work in the context of a sufficientarian scheme of equality. Recalling Chapter Two, Anderson posits that the point of egalitarianism is not to somehow guarantee that every citizen fulfills all of their goals, or to guarantee that no one suffers from brute bad luck, but rather to eradicate oppression and to ensure that everyone has a sufficient level of capability to fully participate as a democratic citizen in equal

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<sup>166</sup> A method of theorizing that exclusively tracks individuals. See Anderson (2009), pgs. 132, 134, 135, 138, 141.

standing with one another. As we have seen throughout this thesis, Anderson is very much in favour of a relational methodology to track forms of group based oppression – indeed, it is necessary for a sufficientarian approach to be able to track who is and is not able to relate to others in equal civil standing, and why – but Anderson is also a strong supporter of the capabilities approach to equality:

“One advantage of the capabilities approach to equality is that it allows us to analyze injustices in regard to other matters besides the distribution of resources and other divisible goods. One’s capabilities are a function not just of one’s fixed personal traits and divisible resources, but of one’s mutable traits, social relations and norms, and the structure of opportunities, public goods, and public spaces.

...Of course, democratic equality is also concerned with the distribution of divisible resources. It requires that everyone have access to enough resources to avoid being oppressed by others and to function as an equal in civil society.”<sup>167</sup>

Anderson’s sufficientarian approach can show how we might effectively marry the relational concern for group-based oppression and social norms, as well as the need for a society to focus on the resources needed to guarantee individuals that basic level of functioning required to participate in equal civil standing. Adopting the language of capabilities gives us a metric that can track both relational and distributive goods, while also maintaining a normative individualism. Group relations inform an individual’s capabilities, and most importantly their capability to function fully as a democratic citizen in equal standing, but importantly this particular functioning is fundamentally individualistic in the sense that equality (in Anderson’s sufficientarian sense) can only be achieved if every individual genuinely and securely achieves this functioning.

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<sup>167</sup> Anderson (1999), pgs. 319-320.

Of course, however, capabilities do not reduce to resources. That is, we cannot distribute capabilities merely by distributing goods. Instead, following Wolff and de-Shalit, I propose that what can instead be distributed are goods aimed specifically at creating and promoting fertile functionings. For example, making available and providing funding for community social events, making better education more accessible, or instituting programs designed towards engaging the elder community actively in social roles, all might cause functionings (affiliation, emotional well-being, education, health, etc.) that give rise, in turn, to others. Similarly, distributive measures can be taken to eliminate corrosive disadvantages (segregation, debt, isolation, immobility, etc.) and replace them with fertile functionings. Distributive measures like these can be taken that, in Wolff's and de-Shalit's language, *de-cluster* disadvantages in order to indirectly distribute the capabilities necessary for equal civil standing.<sup>168</sup>

Throughout this chapter I have discussed relationships of hostility, and of expectation resulting in adaptive preferences. We might see now that one way of expressing these injustices is simply to say that they cause some members of social groups to be unable (in some cases because they do not desire and/or do not believe it plausible for them) to participate in equal democratic standing. I have also argued that my relational-capabilities egalitarian approach offers a plausible conception of how we might go about designing a theory that will give a more robust account of equality, incorporating insights from both a relational and a distributive program.

In the fifth and final chapter, I will discuss some of the limitations of my relational-capabilities approach, and give some reasons why some feminists and

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<sup>168</sup> See similar discussion in Wolff and de-Shalit (2007), Locs. 1986, 1997, 1999, 2147, 2158, 2171, 2175, 2296.

relational egalitarians might have reason to reject it. In the final sections of the chapter, I will speculate as to the possible fundamental methodological differences that inform this disagreement.

## **Chapter V: Conclusion**

### **5.1: Introduction to Chapter Five**

In this final chapter I will discuss some possible reasons why relational feminist egalitarians might have reason to reject my relational-capabilities approach. I will be able to offer only limited initial response to these objections given constraints of space. In the latter half of this chapter, I will suggest that one possible reason for the continued disagreement between my view and that of relational egalitarians might be of a more fundamentally theoretical kind. Specifically, I will suggest that the disagreement may stem from differing conceptions of the required scope of an adequate theory of justice.

### **5.2: Further Relational Objections**

As I discussed briefly at the end of Chapter Four, I have adopted Anderson's sufficientarianism in conjunction with my relational-capabilities egalitarian approach. I have done so because it is my contention both that a threshold of sufficiency (where everyone has enough of various kinds of goods to participate as equals in democratic society) marks a good stopping place for the concerns of social justice, and that it (a sufficiency threshold) provides a more accurate set of distributive objectives. Anderson, however, will agree with my first contention but disagree with my second. This is because Anderson is first and foremost a relational egalitarian, and sees very limited use for a distributive scheme in egalitarian philosophy. This is an important way in which my relational-capabilities view departs from Anderson's conception of democratic equality. By her view, there are still many highly important injustices that cannot be accounted for in terms of any kind of distribution. Indeed, Anderson would likely disagree in large part with my position that a relational-capabilities approach can answer for any of the

objections discussed in the previous chapter, because Anderson believes the role of distribution in any theory of justice to be of secondary importance.

Recall, for example, Anderson's case of 'closeting' gay people that I discussed in Chapter Two. For Anderson, it is clear that such issues are fundamentally relational and not remediable in terms of resources. For this reason, Anderson remains a primarily relational theorist, arguing that there remain considerable relational injustices that are outside of the scope of distribution. As I have mentioned, my view is that distributive theories may be both compatible with, and epistemically improved by, a relational approach to understanding and correcting injustice, but my view remains therefore primarily distributive. In this way, my view departs significantly from Anderson's. My inclination to keep a fundamental distributive framework is, furthermore, not likely to be accepted by Anderson, or by many relational egalitarians.

However, my view is not accurately described as *merely* distributional. I have suggested that a relational approach is instrumental – especially epistemically – to any fully-fledged theory of equality, and I have therefore gone about attempting to show a possible way for a distributional framework to meet the concerns of relational egalitarians. Anderson's objection, therefore, may not fully damn my view. Anderson argues that many injustices (such as her example of gay and lesbian people 'in the closet') cannot be *directly* addressed by any redistribution of resources. However, an *indirect* treatment may yet be useful. Following Wolff and de-Shalit, I will suggest that it is not always clear whether, and if so to what extent, certain goods can ever be directly distributed:



“...the distinction between distributive equality and social [relational] equality often seems artificial, or too theoretical, since in reality they cannot always be distinguished that way. Consider, for example, having good friends. Obviously nobody ‘distributes’ friends, but it is plausible to claim that one’s job, salary, status, access to leisure, and education – all of which are distributed – could easily make an impact on whether one has friends and who they might be. So in an indirect way, access to having friends is distributed and therefore is part of what constitutes the distribution of some good. But obviously, friends and friendship (and how friendship is conceived and perceived) determine also the relations within society and are therefore part of what may help to build and constitute social equality.”<sup>169</sup>

Wolff and de-Shalit, I believe rightly note that there is some degree to which distributions and relationships may consolidate, and this is a central aspect of my relational-capabilities position. To the extent that relationships may be indirectly distributed – or at least facilitated or reinforced – it may be possible to reconcile distributive and relational approaches.

There is doubt, though, that all relationships can be directly – or indirectly – affected by any kind of distribution. In the previous chapter I did not consider issues of care ethics and of care labour in as much depth as these areas deserve. As I have noted in previous chapters, human beings do not spend all – or even most – of our lives as autonomous individuals. Instead, we participate in relationships of need and dependency, and are both cared for and care for others in ways that fundamentally shape our lives. Some relational feminists may therefore argue that injustices stemming from

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<sup>169</sup> Wolff and de-Shalit (2007), Loc. 140.

relationships of care and need are not adequately met by my, or any other distributivist view. Indeed, Anca Gheaus goes as far as to claim that

“...adequate policies to redistribute care are, even in theory, impossible. ...Because what we find particularly valuable in caring relationships comes from the dynamics between two individuals, public policies, no matter how generous, will never be able to ensure an adequate distribution of good enough care.”<sup>170</sup>

Gheaus adopts Wolff’s claim that, in a political context, the factors that affect a person’s life chances may be split into three very broad categories: i.) External resources (such as money, food, or property), ii.) Internal resources (such as knowledge, talents or skills), and iii.) The social structures that frame how people live (such as laws, cultures, practices, classes, or infrastructure).<sup>171</sup> The aim of redistribution, according to both Gheaus and Wolff (as Gheaus reads him), is to combat unjust disadvantage by either offering material compensation (more money or possessions), offering training and education (to learn employable skills, for instance, or to better manage finances), or finally, to make physical changes to the civil environment (i.e. wheelchair ramps, curb-cuts, and so on).

However, care is doubtlessly a good of fundamental importance to all members of any society, but it seems not to have any particular place in Wolff’s list. Gheaus eliminates the first two options quickly. Clearly, care is not an internal resource because it is something that we must get from others. Similarly, it cannot be thought of merely as an external resource, since care requires that people be actively and emotionally engaged

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<sup>170</sup> Gheaus, Anca. “The Challenge of Care to Idealizing Theories of Distributive Justice.” *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal*. Ed. Lisa Tessman. Dordrecht: Springer, 2009, pg. 107.

<sup>171</sup> See Gheaus (2009), pg. 114.

in it – both as care-givers and care-receivers – or it could not provide people with a “loving relatedness.”<sup>172</sup> Slightly re-stated, care cannot be internal since it is not learned like a skill, and it cannot be external because it cannot be consumed or used like an item. Gheaus considers the third option also – that care is part of the social structures and frameworks of society – but determines that this too cannot be the case.

“...the issue of care cannot be reduced to some social structure, like a care-giving institution. Care seems to ignore the divide between external and internal resources by involving the care-giver and the cared-for in a relationship that challenges the border between what is ‘inside’ and what lies ‘outside.’ This dynamic can be favored, but not determined, by environmental conditions.”<sup>173</sup>

Therefore, Gheaus argues that caring relationships cannot be generated or produced by any scheme of distribution.

One may argue, however, that rather than being itself a resource, care is something that *provides* resources or goods, such as emotional stability, or self-respect. In this way, care may be seen perhaps as a fertile functioning that a scheme of distribution would try to promote, rather than redistribute. Gheaus, however, will not accept this solution, and asks “If we call ‘resources’ all the things that come to us through loving relationships, what is left of the self that is not a resource?”<sup>174</sup> She suggests therefore that there is a key distinction to be made between certain kinds of relationships and certain kinds of resources. For this reason, Gheaus would certainly reject the position that I offered above, which was that some kinds of important goods can be indirectly

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<sup>172</sup> Gheaus (2009), pgs. 114-115.

<sup>173</sup> Gheaus (2009), pg. 115.

<sup>174</sup> Gheaus (2009), pg. 116.

distributed to those who need it. If Gheaus is correct, however, then the most important aspects of care cannot be distributed either directly or indirectly.

To offer another potential objection, it may be suggested simply that it is not the responsibility of a state to ensure that every person is involved in loving relationships of care. While it is true that those who participate in loving relationships are more well-off than those who don't, it is only a matter of justice that those who are disadvantaged receive an *adequate equivalent* to loving care. For example, it is not the responsibility of the state to ensure that all children without parents receive a new set of loving parents, but rather that they simply receive the adequate care sufficient for their development. While a loving relationship cannot be provided, per se, a state can distribute care-workers and care-facilities that will ensure the development of those who lack loving relationships. Indeed, it has even been suggested that a plausible new step in this field would be care-providing robots, which are of course unable to 'love' in a human sense, but which would be able nonetheless to provide the care that many who are dependent on others require.<sup>175</sup>

In anticipation of this kind of objection, Gheaus argues that there is no truly adequate replacement for loving relationships. This is because the distinctly emotional aspects of care – especially those learned as a child – are necessary for the development of caring adults who will then be well suited to care for the next generation. Bad or inadequate care, for Gheaus, is a fundamentally important factor for the overall justice of a society. An unjust background of norms and social conditions can result in what Gheaus calls *failed care*, which can in turn perpetuate larger social injustices.

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<sup>175</sup> For this example, I am indebted to Dr. Kirstin Borgerson

“[A] possible source of failed care...appears between the aim of fostering the psychological development of the child and the goal of socializing the child. Often, in order to adapt to others and to ‘fit’ in, children have to respect conventions and practices that curtail their emotional and intellectual growth. When raising children takes place in deeply unjust societies, care-givers have to yield to unfair, sometimes even cruel, social expectations or else frustrate the aim of socializing their children. Parents who live in societies that impose clear normative models of femininity and masculinity and which in turn impose differential – and often unjust – norms on boys and girls, will have, sometimes to a considerable extent, to treat differently their daughters and sons.”<sup>176</sup>

Gheaus’s point is that relationships of *good enough* care (care that does not result in the perpetuation of injustice and emotional cruelty) are things that are necessary for justice, but cannot be adequately considered or treated in terms of any form of distribution or institutional action.

Therefore Gheaus, and many other feminists, assert that the depth and complexity of oppressive relational norms pervades the most basic of our institutions, and therefore we cannot seek institutional forms of justice (such as redistribution) to remedy this. I believe that this objection has considerable power, and I will concede that Gheaus’s concerns may lie outside the scope of my relational-capabilities view. However, I do not believe that Gheaus’s worries necessarily *have* to be within the scope of my view, and I will offer a tentative reply to this effect in the following section.

To offer one final speculative objection to my view, it may be argued that more concern must be given to what I will call *die-hard sexists*, or *die-hard racists*. There are

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<sup>176</sup> Gheaus (2009), pg. 111.

certainly those in any social context who, despite a perfectly just set of circumstances, will insist upon the inferiority of non-whites, the subordination of women, and so on. Indeed, consider the continued existence in North America of the KKK, Nazi and anti-Semitic groups, anti-LGBTQ protests, and so on. There is no reason to think that a more just distribution of social goods or a well-formed and complete theory of justice would be able to change the minds of such people. In other words, creating a perfectly egalitarian society may still not have any hope of eliminating racist, sexist, and otherwise bigoted individuals who will mistreat and abuse others. My relational-capabilities egalitarian view is not at all suited to offer ways of understanding, tracking, or especially combating the continued bigotry of those who are intent on being so. Insofar as these unjust relationships would continue to exist, it may be argued that views such as mine – even if a relational perspective is successfully integrated into it – will continue to fall short of the needs of relational justice.

In the section that follows, however, I will consider replies to the objections I have just explored, and offer the suggestion that continued resistance to my view may stem from a disagreement of a more fundamental kind. Especially with regard to the concerns raised by Gheaus and my speculative concern of die-hard bigotry, I believe that these conflicts are best described as different conceptions regarding the proper scope of a good egalitarian theory.

### **5.3: A More Fundamental Discord?**

Having discussed some reasons why relational egalitarians might reject my view, I will close this piece with some final speculations regarding the nature of this relational and distributive disagreement. It may be the case, rather than my relational-capabilities

approach (or a more staunch relational approach) being in disagreement over some set of particulars, that these views differ on a much more fundamental and theoretical level. Specifically, I am thinking of a more principled disagreement regarding the proper scope of any acceptable theory of justice. Put simply, it is possible that some relational egalitarians are trying to demand more – both in terms of the kinds of goods deemed important, and the level of state involvement in the securing of different forms of justice – than my position demands.

Let us specifically recall Gheaus's objection that no distributive theory can possibly account for the potential injustices of failed relationships of care or could guarantee for everyone loving care that is good *enough*, and my speculative claim that no distributional scheme could prevent the existence of the die-hard bigot. The claim underlying both of these objections is that distributive theories are inadequate because they do not respond to enough of, or to the right kinds of, social injustices. To put it a bit differently, these relational claims may be expressed in terms of a rule that says 'an egalitarian scheme cannot be good enough unless it can account for X, Y, and Z.' What I am suggesting, however, is not that my view (and others like it) does not do the same kind of thing, but rather that my view can be expressed by a somewhat softer rule: 'an egalitarian scheme cannot be good enough unless it can account for X and Y.' The cause of disagreement, if I am right, is therefore not something to do with the theoretical particulars of each view (the metric or the kinds of goods, for instance), but is rather to do with the *permissible scope* of an egalitarian theory. That is, perhaps the fundamental disagreement between my view and the broader feminist relational view actually pertains to different conceptions of the correct limits of a theory of justice. For example, recalling

once again Gheaus's argument that 'good enough' care cannot possibly be distributed, it seems that Gheaus conceives of care that is 'good enough' as care that provides a relationship of deep love and nurturing. However, a softer view (such as mine) might allow that care can be good enough without providing any deep sense of love, and furthermore that no state could reasonably be expected to provide that kind of thing for its citizens. In this way, on a more fundamental level, my view (and many other views like it, both feminist and not) does not take Gheaus's concerns (regardless of their merit) to be of any deep importance to justice.

To consider another reply, I believe that Anderson may once again be helpful in spelling out another more fundamental disagreement between my view and the relational feminist objections that I have considered in this chapter. I suggest that this disagreement may be expressed by Anderson's *fact of unreasonable pluralism*.

"The plurality of conceptions of the good that are likely to survive in a world in which the state has done all it can be reasonably and justly expected to will include a host of unreasonable conceptions of the good, some of which may well be patriarchal. If enough people uphold such conceptions of the good, their normative expectations and norm-guided conduct, even if not mediated by state power, will unjustly constrain women, in ways that will be difficult or impossible for the state to fully remedy. In the face of such injustices, liberals counsel feminists to redirect their claims from the state to those promulgating such unreasonable conceptions of the good, and to redirect their activism from a focus on state action to other domains, including civil society, churches, and the family."<sup>177</sup>

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<sup>177</sup> Anderson (2009), pg. 131, 142-143. By using this name, Anderson intends to echo Rawls's 'fact of reasonable pluralism,' which I discuss in Chapter One.



Anderson's excellent suggestion (for she agrees with this particular liberal counsel) is that there is a certain extent to which racial and gender injustices can be consistent with a fully just egalitarian *theory*, such that when those injustices arise (as per the fact of unreasonable pluralism), objections are best directed towards those with unreasonable conceptions of the good, as opposed to the theory that allows them.

This, I suggest, may be part of what accounts for the continued disagreement between my view and that of the more stringent relational egalitarians. The relational-capabilities egalitarian approach for which I argue attempts to show some of the ways that relational feminist concerns may be adequately met with a properly sophisticated form of distributive equality using the capabilities metric. I also argued that a democratic sufficientarian scheme, such as Anderson's, denotes highly plausible limitations (the threshold of sufficiency for equal civil participation) for the scope of an egalitarian theory, consistent with my relational-capabilities conception. One reason, perhaps, that there remains disagreement between my view and those of feminist relational egalitarians, might simply be that while I adopt Anderson's position that "sometimes the state is not the right agent to hold accountable for gender injustice,"<sup>178</sup> relational feminists (such as Gheaus) assert that a complete theory of equality must be able to hold the state accountable for these subtler and more personal forms of injustice. However, I suggest that a slightly more limited scope regarding the concerns of justice is likely necessary in order to properly integrate relational and distributivist theories.

#### **5.4: Conclusion**

While there are certainly unresolved difficulties for my view – both those that I discussed and surely others – I believe that the relational-capabilities egalitarian view

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<sup>178</sup> Anderson (2009), pg. 143.

offers a reasonably plausible method of merging relational and distributive conceptions of equality. There remains significant research to be done – beyond the scope of this work – to determine whether such a theoretical coalition is indeed possible in a more fully fleshed-out theory of equality, but I believe to have offered a preliminary, programmatic illustration of how this might be done.

It should be noted here that Martha Nussbaum, for one, offers a highly robust approach to justice, wherein she adopts the capabilities metric and embraces a sufficiency threshold in order to create a sophisticated distributive theory that can account for relational considerations like group-based oppression.<sup>179</sup> Although my relational-capabilities view does not have nearly the scope or detail of Nussbaum’s theories, there are numerous potential areas in which my view and Nussbaum’s might depart. I will very briefly outline some of these potential differences, though for want of space I will not be able to fully do justice to Nussbaum’s highly subtle and nuanced views. First, Nussbaum, as a steadfast social constructionist,<sup>180</sup> views certain social groups, like the family, as an institution of society’s basic structure and therefore, to a certain degree, supports some kinds of state intervention in such contexts.<sup>181</sup> My view, however, is not committed to any such claims, and especially takes no stance regarding social constructionism. Indeed, Nussbaum’s social constructionism has the potential to cause our views to differ significantly, as I offer no commitment (though I will not discuss these ideas in any detail here) for or against this position. In particular, my view is compatible with the relational

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<sup>179</sup> See Nussbaum (2000), (2004), (2008).

<sup>180</sup> Nussbaum recognizes explicitly that “...there is no group that exists ‘by nature,’ and...the family is more a state creation than most other associations.” See Nussbaum (2004), pg. 82.

<sup>181</sup> Using examples such as the practice of dowry-giving in India, Nussbaum outlines some of the ways in which “...interference with traditional decision-making patterns in the family will be much easier to justify on [her] approach than on Rawls’s.” See Nussbaum (2004), pg. 85.

claim that group membership, in some important respects, precedes the individual,<sup>182</sup> while Nussbaum's view is not. Furthermore, my view suggests a specific normative relationship between distributive and relational theories of justice (that relational approaches may be used as an epistemic furtherance within a sophisticated distributive view), for which Nussbaum never argues. Having noted these potential differences, however, Nussbaum's theory is one example of a fully robust account that my programmatic image of a relational and distributive pluralism might inform.

To briefly recap, in the first sections of this thesis I explicated in detail a few of the recent influential distributive egalitarian theories, and discussed some of the potential concerns that feminists have added to the overall egalitarian discussion. I then moved to introduce relational conceptions of equality, and contrasted them methodologically with the distributive models discussed in the first sections. I attempted then to merge the important parts of both relational and distributive theories into what I called a relational-capabilities egalitarian approach, and I considered some possible objections to my view. I hope to have shown that, although some objections may yet endure, there is potential for relational and distributive egalitarian approaches to coalesce.

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<sup>182</sup> For instance, as Koggel writes: "Relational theory holds that we are essentially and fundamentally social and interdependent beings and that who we are and what we become is constituted by 'the ensemble of social relations in which we are situated.'" See Koggel (1998), pg. 10. See also pg. 39.

## References

- 1.) Anderson, Elizabeth S. *The Imperative of Integration*. Princeton: Princeton UP, 2010. Ebook.
- 2.) Anderson, Elizabeth S. "Toward a Non-Ideal, Relational Methodology for Political Philosophy: Comments on Schwartzman's 'Challenging Liberalism.'" *Hypatia* 24.4 (2009): Pgs. 130 – 145.
- 3.) Anderson, Elizabeth S. "What is the Point of Equality?" *Ethics* 109.2 (1999): 287 – 337.
- 4.) Baxter, Janeen, and Tsui-o Tai. "Unpaid Domestic Labor" *The SAGE Handbook of the Sociology of Work and Employment*. Ed. Stephen Edgell, Heidi Gottfried, and Edward Granter. London: Sage Publications, 2016. Pgs. 444 – 466.
- 5.) Brighouse, Harry, and Ingrid Robeyns, eds. *Measuring Justice: Primary Goods and Capabilities*. Cambridge: Cambridge UP, 2010. Ebook.
- 6.) Cudd, Ann E. "The Paradox of Feminist Liberalism." *Varieties of Feminist Liberalism* Ed. Amy R. Baehr. Lanham, MD: Rowman and Littlefield, 2004.
- 7.) Dworkin, Ronald. "Equality of Resources" *Social Justice*. Ed. Matthew Clayton and Andrew Williams. Malden: Blackwell, 2004. Pgs. 110 – 133. Print.
- 8.) Dworkin, Ronald. "What is Equality? Part 1: Equality of Welfare." *Philosophy and Public Affairs* 10.3 (1981): Pgs. 183 – 246.
- 9.) Frankfurt, Harry. *On Inequality*. Princeton, NJ: Princeton UP, 2015. Print.
- 10.) Gheauss, Anca. "The Challenge of Care to Idealizing Theories of Distributive Justice." *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal*. Ed. Lisa Tessman. Dordrecht: Springer, 2009. Pgs. 105 – 120.
- 11.) Kaufman, Alexander "Introduction." *Capabilities Equality: Basic Issues and Problems*. New York: Routledge 2006, pgs. 1 – 13.
- 12.) Koggel, Christine M. "Equality Analysis in a Global Context: A Relational Approach." *Canadian Journal of Philosophy* 32.Sup1 (2002) Pgs. 246 – 272.
- 13.) Koggel, Christine M. *Perspectives on Equality: Constructing a Relational Theory*. Lanham, MD. Rowman & Littlefield, 1998.
- 14.) Kymlicka, Will. *Contemporary Political Philosophy*. 2<sup>nd</sup> Ed. Oxford: Oxford UP, 2002. Print.
- 15.) Mills, Charles W. "Ideal Theory as Ideology." *Hypatia* 20.3 (2005): Pgs. 165 – 183.

- 16.) Mills, Charles W. "Retrieving Rawls for Racial Injustice?" *Critical Philosophy of Race* 1.1 (2013): Pgs. 1 – 27.
- 17.) Nussbaum, Martha C. "Capabilities as Fundamental Entitlements: Sen and Social Justice." *The Global Justice Reader* Ed. Thom Brooks. Malden, MA: Blackwell 2008. Pgs. 598 – 614. Print.
- 18.) Nussbaum, Martha C. "The Future of Feminist Liberalism." *Setting the Moral Compass: Essays by Women Philosophers*. Ed. Cheshire Calhoun. Oxford: Oxford UP, 2004. Pgs. 72 – 88.
- 19.) Nussbaum, Martha C. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge UP, 2000. Ebook.
- 20.) Pateman, Carole, and Charles Mills. *Contract and Domination*. Cambridge: Polity, 2007. Print.
- 21.) Parfit, Derek. "Equality and Priority" *Ratio* 10.3 (1997): Pgs. 202 – 221.
- 22.) Phillips, Anne. *Feminism and Equality*. New York: New York UP, 1987. Print
- 23.) Rawls, John. *Justice as Fairness: A Restatement*. Ed. Erin Kelly. Cambridge, MA: Harvard UP, 2001. PDF.
- 24.) Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Ebook.
- 25.) Robeyns, Ingrid. "Reforming the Welfare State: The Case for Basic Income." *Moral Issues in Global Perspective – Volume 2: Human Diversity and Equality*. Ed. Christine Koggel. Peterborough, ON: Broadview, 2006. Pgs. 341 – 347.
- 26.) Robeyns, Ingrid. "Sen's Capability Approach and Gender Inequality: Selecting Relevant Capabilities." *Feminist Economics* 9.2 (2003): pgs. 61 – 92.
- 27.) Saul, Jennifer Mather. *Feminism: Issues and Arguments*. Oxford: Oxford UP, 2012. Print.
- 28.) Schwartzman, Lisa H. *Challenging Liberalism: Feminism as Political Critique*. University Park, PA: Pennsylvania State UP, 2006.
- 29.) Sen, Amartya. "Equality of What?" *The Tanner Lecture on Human Values* Stanford University, Stanford. 22 May, 1979.
- 30.) Sen, Amartya. *Equality Reexamined*. New York: Russell Sage Foundation, 1992. Ebook.

- 31.) Tronto, Joan. "Women and Caring: What can Feminists Learn about Morality from Caring?" *Gender/Body/Knowledge: Feminist Reconstructions of Being and Knowing* Ed. Alison M. Jaggar and Susan R. Bordo. New Brunswick, NJ: Rutgers UP, 1989. Pgs. 172 – 187.
- 32.) Wolff, Jonathan, and Avner de-Shalit. *Disadvantage*. Oxford: Oxford UP, 2007. Ebook.
- 33.) Young, Iris Marion. *Justice and the Politics of Difference*. Princeton NJ: Princeton UP, 1990. Print.