

Costly Choices: Gender and Luck Egalitarianism

by

Emma Byrnes
BAH, Queen's University, 2013

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Supervisory Committee

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Supervisory Committee

Dr. Colin Macleod, (Department of Philosophy)
Supervisor

Dr. Cindy Holder, (Department of Philosophy)
Departmental Member

Abstract

Supervisory Committee

Dr. Colin Macleod, Department of Philosophy

Supervisor

Dr. Cindy Holder, Department of Philosophy

Departmental Member

Does choice excuse inequality? Some contemporary egalitarians – often referred to as “Luck Egalitarians” – believe it does. However, many seemingly chosen inequalities obtain between men and women as a group. A recent surge of empirical literature has sought to demonstrate the role that individual choice plays in producing and maintaining a subset of existing gender inequalities (e.g. the gender wage gap). This thesis considers the status of such inequalities in the context of the Luck Egalitarian project. More precisely, it considers whether the claim that choice excuses inequality is appropriate to the phenomenon of gendered choice. In Chapter 1, I argue that Luck Egalitarianism, as it currently stands, does not adequately deal with the topic of gendered choice. I maintain that this is due largely to the fact that it is not sufficiently attentive to the social forces shaping gendered choices (e.g. socialization, hostile social climates). In Chapter 2, I discuss whether attending more fully to factors that facilitate autonomy gives Luck Egalitarianism a way to incorporate a more robust discussion of gender into its account of responsible choice. I argue that contextualizing the choice/circumstance principle is the key to ensuring that it tracks truly autonomous choice, and avoids treating choices shaped by gender norms as justifiably disadvantage-conferring. In Chapter 3, I begin the project of articulating a set of background conditions against which we can deem choices authentic. I draw on feminist approaches to the philosophy of autonomy to inform this project. I come to the conclusion that choice excuses inequality *only if* such choices are made against conditions which actively work against gender-specific constraints on choice.

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Introduction

The notion of choice and personal responsibility plays an indispensable role in our culture. It factors centrally in legal and political institutions, as well as our moral evaluations of the actions and behaviours of others. Importantly, it often plays a role in our evaluations of relative advantage and disadvantage. When someone faces a notable disadvantage in their lives (e.g. they possess significantly fewer material resources than their neighbors),¹ it might initially strike us as troubling. However, if we learn that this scenario is the result of a choice on their part (e.g. to pursue of a life of leisure in lieu of work) our initial evaluation often changes. The inverse is also the case. If someone accrues a wealth of resources in their life due to immense effort and perseverance, we are more likely to award them praise than someone who is granted the same successes by being born into favourable circumstances. In other words, the presence of personal responsibility often has a legitimizing effect. This is both a general fact of human psychology, and a powerful moral intuition about fairness.

These intuitions have recently found a home in discussions of distributive justice, and in particular, certain contemporary versions of the egalitarian project. The 1980's onward has seen a surge of literature which seeks to incorporate a place for personal responsibility into an egalitarian distributive scheme. "Luck Egalitarianism" is a term initially coined by a critic of the doctrine, Elizabeth Anderson, and later adopted by many of its proponents. The term is currently used to denote a cluster of authors within political philosophy, most of whom advocate a demanding and

¹ I have given an instance of minor disadvantage here, as extreme disadvantages (e.g. those that deprive citizens of the resources necessary for equal citizenship) may be objectionable even *if* they are chosen, on humanitarian grounds. I address this briefly in Chapter 1.

robust conception of egalitarian justice (see e.g. Dworkin: 2000, Cohen: 1989, Arneson: 1989). Luck Egalitarians are powerfully motivated by the claim that “it is bad—unjust and unfair—for some to be worse off than others through no fault [or choice] of their own.” (Temkin: 1993, 13). Under current conditions, one’s life prospects are largely determined by factors that are out of one’s control. These might include one’s genetic makeup, physical abilities, talents, or intelligence. They might also include broader contextual factors such as the socio-economic circumstances into which one is born, or the ways in which members of one’s race, sex, or sexual orientation are treated in society. Put broadly, citizens are often disadvantaged relative to one another by factors over which they exert no control – things which we might call matters of “luck” or “circumstance”. Luck Egalitarians see this as unfair, and seek to remedy it. Their distributive goal is to ensure that citizens have meaningful equal access to basic benefits,² and are insulated from being faced with burdens over which they have no control. Insulating citizens in this way creates several requirements. For one, opportunity sets cannot be restricted on the basis of arbitrary factors such as race, sex, or physical ability. This requires removing the externally constructed disadvantage associated with these factors (e.g. by securing institutions free from discrimination, or public spaces which allow for equal mobility). Furthermore, citizens are owed additional assistance if they face factors which limit their access to certain opportunities in ways that are more “intrinsic” (such as poor health, and arguably blindness or cognitive disability), or are affected by uncontrollable happenings such as accidents or natural disasters. Citizens who face significant disadvantages though no fault of their own are thus entitled to certain benefits. The costs or duties associated with fulfilling these entitlements are held in common or “externalized”. Dependent upon the nature of the disadvantage faced, fulfilling such entitlements might include

² Luck Egalitarians diverge substantially on what constitutes a benefit – some understand it in terms of resources, while others understand it in terms of welfare.

public provision of specialized assistance (e.g. for persons with disabilities or those facing health problems), or redistribution of resources (e.g. taxing those whose talents equip them for success in the labour market to provide for those with less natural advantage).

Of course, there is a complementary principle which is implied by the above opportunity-equalizing project. This is the claim that allowing people to be assigned the costs or benefits which result from matters over which they *do* exert control is justified. Thus, Luck Egalitarians seek to hold people responsible for the distributive outcomes which can be attributed to their freely made *choices*. This can be loosely referred to as the “choice-tracking” portion of the Luck Egalitarian project. This portion has often been interpreted as a response to the criticism that *conventional* egalitarians (e.g. those advocating strict equality of resources) minimize the role of personal responsibility in the distribution of resources. Provided the above luck-insulating conditions are met, all parties have comparable initial resources, and all parties have suitable knowledge of their options (whatever processes or resources this entails), Luck Egalitarians hold that choice gives rise to justified inequalities or disadvantages.³ Put another way, the choice-based distributive patterns which arise against these conditions are *fair*. These two complementary intuitions can be loosely referred to as the choice/circumstance principle.

Luck Egalitarians give compelling evaluations of straightforward cases – rejecting instances of undeserved good fortune (e.g. the lazy heir who does nothing to deserve his wealth), and remedying troubling instances of ill fate (e.g. the congenitally blind citizen who cannot secure steady employment). Such examples have broad appeal, and serve to rally our moral intuitions in favour of the choice/circumstance principle. Perhaps overlooked, however, are the implications

³ This is, of course, a quick overview of the central Luck Egalitarian insight. Different authors have further restrictions on the appropriate preconditions to tracking choice (I will discuss this further in Chapter 2).

that this principle has for certain long-standing patterns of inequality currently in existence. Specifically, the notion that choices excuses inequality may put Luck Egalitarianism in allegiance with a different, but arguably parallel, discourse which has arisen in response to certain forms of *gendered* inequality. A recent strain of empirical literature has sought to isolate the role that individual choice plays in producing and maintaining a subset of the existing inequalities between men and women. These inequalities include phenomena such as the gendered wage gap, occupational segregation, and unequal investment in cosmetic procedures and products (see Chapter 1, section 1.1). This literature demonstrates the role that aggregate choices of individual women play in producing and maintaining such large-scale patterns of inequality, or a percentage thereof. It is often used to make the claim that certain patterns of inequality are simply undeserving of attention or critical discussion (see e.g. Farrell: 2005).

This brings us the central question from which this project begins: does embracing the importance of holding people accountable for their choices mean we should accept such inequalities as just? My thesis considers this question in the context of the Luck Egalitarian project. I consider, broadly, whether gendered inequalities should be categorized as just in virtue of being chosen. More specifically, I consider whether the choice/circumstance principle is adequate in dealing with instances of choice-based gender inequality. What I attempt to show is that appealing to “choice” in order to justify inequalities must be done with immense care, particularly when such choices produce *gendered* inequalities. Such care is warranted due to the role that social forces and pressures (e.g. socialization, cultural norms) can play in shaping the choices of women. I have three main goals with this project. They are critical, rehabilitative, and reconciliatory.

My critical goal is to show that Luck Egalitarianism, as it currently stands, is inadequate in dealing with the topic of gendered choice. Luck Egalitarians have in large part been minimal in their discussions of gender. Because of this, the choice/circumstance principle is often appealed to in abstraction, without due attention to the role of social forces in shaping gendered choice. The critical portion of my project speaks to the dangers of endorsing “choice” without sufficient context.

My rehabilitative goal is to show that, in light of these shortcomings, Luck Egalitarianism can be amended. I attempt to show that contextualizing the choice/circumstance principle is the key to ensuring that it adequately addresses instances of gendered choice. My goal is to begin articulating a set of background conditions against which we can deem choices authentic, and free from gender-specific social constraints. I draw on a contemporary feminist approach to the philosophy of autonomy (endorsed by Diana Meyers) to inform this discussion.

The two aforementioned goals create the bulk of this thesis. However, it is worth mentioning that my project is also somewhat reconciliatory. Luck Egalitarians are often presented as standing in stark contrast to “Relational Egalitarians”, who see egalitarianism as a fundamentally social goal. These authors focus their attentions on the elimination of unjust power structures, and criticize Luck Egalitarians for obscuring their role in citizens’ lives. One of the overarching goals in this thesis is to demonstrate that Luck Egalitarianism, if given appropriate interpretation, can be shown to share many of the same socially-minded goals as Relational Egalitarianism.

Before beginning, I wish also to give a cautionary note delineating the scope of this project. My discussion is intentionally limited. This thesis is directed toward Luck Egalitarians, and those interested in the project of egalitarian justice more generally. It is focused on liberal societies,

assumes reasonably favourable material circumstances, a secular government, and a context in which men and women hold formally equal rights. The statistics used in my empirical citations are drawn exclusively from North America. It is, in a strong sense, “ideal theory”. I also do not intend to suggest that my hypothetical case studies, references to “social norms”, general insights surrounding the role of gender in society, or theoretical suggestions will apply in all cultural contexts.

Chapter Summaries

I proceed with my discussion as follows. In Chapter 1, I broadly introduce the topic of choice-based gender inequality, and consider whether it is compatible with egalitarian justice. I introduce a body of empirical literature focused the role of choice in producing and maintaining a subset of gender inequalities, and provide two hypothetical case studies which exemplify patterns of this type. Following this, I raise for consideration the claim that such inequalities could be justified *in virtue of being chosen*. I argue that such an interpretation would be at home in the Luck Egalitarian conception of justice, which sees “choice” as exonerating inequality (seeking only to remedy inequalities which are the result of circumstance – known as the “choice/circumstance principle”). I then usher in criticisms forwarded by Relational Egalitarians against their opponents in the Luck Egalitarian camp, paying particular attention to the claim that Luck Egalitarianism overlooks or obscures the “social dimension” of egalitarian justice (e.g. the presence of unjust social structures). I argue that this criticism is particularly salient in the discussion of gendered choice, as many women face constraints (e.g. social pressures) which shape their choices in a way that does not fall neatly on either side of the choice/circumstance divide. I call such constraints

“soft constraints”, in contrast with “formal” constraints (i.e. straightforwardly external barriers precluded by the choice/circumstance principle). I establish that, unless Luck Egalitarians can appropriately deal with the role of soft constraints in gendered choice, their model is inadequate in dealing with gender justice.

In Chapter 2, I consider a particular way in which Luck Egalitarians might amend their central principle – namely, by attending to autonomy in choices. I gesture to a nexus of feminist literature which sees soft constraints (e.g. socialization, social pressures) as in tension with the development and exercise of full autonomy. I argue that the “choice” portion of the choice/circumstance principle should be taken to mean “fully autonomous choice”. This gives Luck Egalitarians principled motivation to deal with the issue of soft constraints. Following this, I consider two authors who treat the topic of autonomy as central in their iterations of the Luck Egalitarian project - Ronald Dworkin and John Roemer. I establish that both fall short in their treatment of gendered choice. I argue that their shortcomings serve to highlight two key features of the project going forward. First, Luck Egalitarians should secure background conditions which are autonomy-facilitating, against which the choice/circumstance principle can track genuine choice. Second, such conditions should be informed by a robust, socially-focused conception of autonomy (instead of a minimalist one). I end by endorsing the “competency” account of autonomy forwarded by Diana Meyers for the purposes of the project. I isolate two distinct ways in which gendered soft constraints can be in tension with autonomy: by hindering the development of an authentic self-portrait (the “inward facing” dimension of autonomy), and by hindering opportunities for pursuing a given life path on a platform equal to others (the “outward facing” issue of fairness in its exercise).

In Chapter 3, I begin the project of articulating a set of autonomy-facilitating background conditions informed by Meyers' model. I separate my discussion into two broad categories: those recommendations that speak to the inward-facing dimensions of autonomy (i.e. a person's ability to form an authentic self-portrait), and the outward-facing dimensions (i.e. a person's opportunity to exercise their autonomy free from gendered barriers). In addressing the first topic, I consider the role that gender socialization has in hindering an authentic self-portrait, and address two sites where such socialization takes place – the home, and schools. I establish significant difficulties with regulating the transmission of socialization in the home, and thus opt to endorse the necessity of an autonomy-facilitating education. I then consider some existing accounts of autonomy-facilitating education, and establish some required amendments to adequately deal with gender socialization. Following this, I turn to the “outward-facing” dimensions of my project. I establish the importance of clearing barriers which interfere with a woman's opportunity to pursue a given life path on a platform equal to men. I isolate three such barriers: those that are straightforwardly prohibitive, those that create increased financial costs, and those that create increased psychological costs. With this background in place, I re-visit the topic of choice-based gender inequality. I establish that *if* choice-based gender inequalities are made against the background conditions outlined in Chapter 3, they raise no justice-based concerns. I establish that both Relational and Luck Egalitarians have many shared goals, and should be equally committed to addressing the unjust social structures surrounding gender.

Chapter 1

This chapter deals with the topic of choice-based gender inequalities, and broadly considers whether they are compatible with a Luck Egalitarian conception of justice. In particular, I argue that gendered, choice-based disadvantages are prima facie compatible with Luck Egalitarianism, and that this should raise concerns about Luck Egalitarianism's ability to suitably deal with the topic of gender justice.

In this chapter, I suggest that the choice/circumstance principle has notable implications when applied to the topic of gender. An increasing body of literature has highlighted the role that choice itself plays in producing and maintaining a number of gendered inequalities. Thus, even when all straightforwardly external factors are controlled for (i.e. the option sets available to all parties are equalized), inequalities between men and women would continue to arise. Luck Egalitarians would appear to treat these inequalities as legitimate.

I suggest that treating such inequalities as legitimate indicates a substantial weakness in the standard Luck Egalitarian account. Namely, it indicates that Luck Egalitarians overlook important social pressures operative in the choices that give rise to gendered inequalities. I argue that, in order for Luck Egalitarianism to succeed in its treatment of gender, its central principle (the choice/circumstance divide) needs to better account for gender-specific social constraints on choice. While nothing in the Luck Egalitarian project precludes attention to this, it remains largely unaddressed.

The chapter proceeds as follows: In section 1, I give a broad empirically-informed overview of three types of choice-based gender inequality. Following this (2) I isolate three hypothetical case

studies. In 3, I argue that the inequalities generated in two of these cases are prima facie compatible with a Luck Egalitarian conception of justice. This is followed (4) by discussion of Relational Egalitarian criticisms of the Luck Egalitarian project. I then (5) argue that these criticisms point to the importance of considering social forces, and their impact on gendered choices. I introduce the distinction between “formal constraints” (those external barriers to resources or opportunities precluded by the choice/circumstance principle), and “soft constraints” (social factors which do not fall neatly on either side of the choice/circumstance divide).

1.1 Choice-based gender inequalities: some brief examples

Even in the wake of massive strides toward gender equality, women undeniably face various external barriers to the equal pursuit of rewarding life plans and career opportunities. These include discrimination, violence, coercion, and a myriad of others. These are barriers which can often be compounded by facts about ethnicity, ability, sexual orientation, and socio-economic background. However, an increasing amount of literature has been dedicated to a specific type of gendered inequality – those which are not traceable to external sources in the way the aforementioned are. These are large-scale inequalities that are the aggregate outcome of choices made by individual women. This section will explore some of these. Note that it is not my intention to suggest that the phenomenon in this section can be entirely attributed to choice, nor is it to endorse these outcomes as just. My aim is simply to acknowledge the role that choice may play in producing or maintaining certain types of inequality.

One of the clearest places this phenomenon manifests is in differing commitments to childrearing or full-time dependent care. The percentage of women who devote themselves wholly to caring

for dependents while relying on a wage-earning husband has dropped from 40% to 20% in the last forty-two years (PEW Research Centre: 1971, 2013). This drop is notable, but it remains a significant portion, especially when compared to the corresponding percentage of stay-at-home fathers – 6%. Furthermore, 15% of the aforementioned stay-at-home mothers report that they stay home out of necessity (citing inability to find work, illness, disability, or school), while the remaining 85% report it is a lifestyle choice (PEW Research Centre: 2013).

Even *within* the workforce, choices that reflect gendered divisions of labour lead to notable inequalities. One of the most widely discussed instances of this is the gender wage gap. There is an increasing body of research which suggests that a substantial portion of the wage gap can be attributed to different choices made by men and women. Dependent upon the study, between 65% and 76% of a 20-23% gap is estimated to choice-based - leaving the US department of labour to conclude that “there may be nothing to correct” (US department of labour: 2009).⁴ The majority of these choices reflect different priorities or roles within the family. A significantly larger portion of women than men leave the workforce for reasons of “child birth, child care and elder care.” (US department of labour: 2009, 2). Upon their return, a substantial percentage of women opt to work part-time, or simply earn less due to “diminished accumulation of pertinent experience” (US department of labour: 2009, 10). Budig and England (2001) report that bearing children is associated with a 7.3% reduction in the wages of mothers.

A related phenomenon is that of sex-segregation in occupation. Jobs requiring skills that are “nurturing” or “domestic” (nurses, elementary and middle school teachers, home health aides,

⁴ Note that these empirical claims have faced substantial scrutiny (see e.g. Golden: 2014) . My goal here is not to fully endorse the findings, nor to argue that they are justified. Rather, it is to acknowledge the possibility that *some* differences in earnings can be attributed to choice, whatever percentage this is.

housekeepers) are among the ten leading occupations held by women (US bureau of labor statistics: 2013). Furthermore, men continue to dominate some of the most lucrative industries (e.g. science and technology, engineering, the financial sector) (Beede: 2011), as well as manual labour jobs which out-earn careers requiring the same degree of education in women (US department of labour: 2009).⁵ While evidence suggests that demand-side practices (e.g. discriminatory hiring) play a substantial role,⁶ this segregation is not wholly the product of external barriers. There is already significant gender segregation in supply pools from which employers recruit (Correll: 2001). Differences in seemingly voluntary career-relevant choices (e.g. areas of study) lead men and women on substantially different career paths (Correll: 2001).

The inequalities sustained by choice are not limited to the workforce. Sizeable inequalities arise between the spending patterns of men and women, most notably in the areas of aesthetic products or cosmetic procedures. A North American woman spends an average of \$144 on cosmetic products yearly, with 84% reporting daily use (compared with 44% of men) (NPD). Cosmetic surgeries are even more drastically staggered. The most recent report estimates that women account for 92% of the total cosmetic procedures performed in the United States (American Society for Aesthetic Surgery, 2011). The frequency of cosmetic surgery has increased by nearly 500%, and the available range of procedures specific to women has increased by 167% (with an 88% increase for men), since 1997 (ibid).

One of the largest predictive factors in rates of cosmetic surgery is the degree to which a subject treats their body image as integral to their self-esteem (Sarwer et al., 1998). This explains a large

⁵ Note that, even if the gap in pay between these jobs could be corrected, women remain concentrated in a significantly smaller *variety* of jobs than men.

⁶ For a useful literature review, see Reskin and Roos: 1990.

portion of the gender disparity in procedure rates. Not only are women more likely to have a negative body image, they are also more likely to treat this image as a salient factor in determining their overall self-esteem (see e.g. Sarwer et al.:1998; Kling et al.: 1999). Related studies suggest that an increased willingness to undertake cosmetic surgeries is largely the outcome of different motivational sets: women are significantly more likely than men to treat others' evaluations of their appearance (and the associated process of self-objectification) as motivating factors for action (Strelan et al.: 2003). Interestingly, the fear of appearing unattractive to others in the future (rather than a desire to appear attractive to oneself currently), was found to most readily predict interest in, and endorsement of, cosmetic surgery. It was also often treated as a way to avoid future rejection or interpersonal losses (Davis and Vernon: 2003). This indicates that in a large portion of cases, the decision to undergo cosmetic surgery is seen as a burden undertaken to *avoid* future socially-imposed costs, instead of a particular benefit to be accessed.⁷

A recurrent theme in the above phenomena is the fact that choice factors centrally in the maintenance of these inequalities. Choice is either self-reported, the outcome of previous decisions (e.g. areas of education), or implicit in freely made purchases. It appears straightforward: in the case of income inequalities, women *choose* educational paths and industries less lucrative than men's, or *choose* to devote more time to childrearing than their partners. In the case of cosmetic products and procedures, women *choose* to invest in them at a rate significantly higher than men. Note that it is not my intention to suggest that all (or even most) instances of the above are attributable to choice. My interest is only in the subset that can

⁷ It is also worth noting that, for those seek surgery as a remedy to existing psychological problems, there are other burdens associated with undertaking these procedures. Studies show that the rate of Body Dysmorphic Disorder amongst patients undertaking cosmetic surgery is 7 to 15 times the national average (Mulkins and Jansen: 2012). These patients typically do not benefit from these procedures, and in many cases associated symptoms (e.g. depression, anxiety) are worsened instead of alleviated (ibid).

be. This subset raises an interesting question about the status of seemingly “chosen” disadvantages. Should the fact that they are chosen bear on our evaluation of them? Are they compatible with egalitarian justice?

1.2 Three cases: Lena, Yvonne, and Cathy

Contemporary egalitarian literature is filled with evocative examples of subjects whose preferences or choices are debatable topics of egalitarian concern (see e.g. Dworkin: 1981, Cohen: 1989, Van Parijs: 1991). In this spirit, and to better isolate my topic of interest, this section will offer three hypothetical cases. The first is straightforwardly unjust, while the other two are cases of the ambiguous type introduced above.

As was noted earlier, women still face various straightforwardly external barriers to success. Cases of this type are not my current focus. This is not because they are unimportant, or present less pervasive problems than their seemingly chosen counterparts. Rather, it is because my challenge is addressed to those already committed to the project of justice – a project which automatically precludes the presence of such external constraints. In the interest of making this clear, take the following case (similar to one offered by Iris Marion Young in 2011):

Lena:

Lena, a single mother, wishes to pursue a career in business. However, affordable housing is far from both the university and her part-time job, making it difficult to pick up her son after school. Furthermore, the scholarship board at the university is biased towards men, and rejects her application for funding. She is forced to forego an education, and does not develop her talents.

The above case is straightforwardly unjust, and would be acknowledged as such by egalitarians of any stripe. To begin, Lena faces economic injustices such as a lack of affordable childcare, and a

spatial mismatch between jobs and affordable housing. These are barriers that are straightforwardly external – what we might call “formal” constraints on choice. Ideally, any egalitarian model would already correct for constraints of this kind.

We should note that Lena faces the *additional* barrier of gender discrimination, making her opportunities even more limited than a similarly situated man (who may be better afforded the opportunity to pursue school). However, the gender-specific facet of Lena’s situation falls into the same “formal” category as all other constraints operative in the case. It is straightforwardly external, and would be categorized as unjust along the same lines. Overall, the circumstances in which Lena makes her choice are clearly unfair. Her opportunity set is severely restricted on the basis of uncontrollable factors, and she is denied equal access to resources and opportunities that others enjoy. This is what differentiates Lena’s case from those with which I am concerned.

In contrast to the above, I offer two hypothetical cases which are more illustrative of the phenomena discussed in I. These are cases in which the formal option-sets which are available to the agent are adequately broad. They are as follows:

Yvonne:

Yvonne is shrewd and intelligent. She sometimes feels she’d be well-suited to law, but also strongly identifies with her belief that a woman’s proper role is as a homemaker. She chooses to forego a career (despite having the resources to pursue law school), and does not develop her talents.

We might compare Yvonne to her male counterpart, Yuri, who faces a similar scenario. He too has the resources to pursue law school, and the skills that dispose him to success in law. Unlike Yvonne, he feels no particular attachment to homemaking. He pursues a lucrative career as a lawyer.

The gender-specific facet of Yvonne's case (i.e. her belief that a woman's proper role is as a homemaker) is not a formal constraint. It is not straightforwardly external in the way that the gender discrimination faced by Lena is. Yvonne has options that are formally equal to Yuri: both have the resources and skills to pursue a career, and both have the option to dedicate themselves to homemaking. In the face of these formally equal options, their choices diverge.

Cathy:

Cathy ties her self-esteem to her level of physical attractiveness, and values outward appearance highly. She fears that others' evaluations of her will change as she ages, and so she spends a large percentage of her income (enough to cripple her financially) on risky cosmetic procedures.

Cathy's case is again free of formal constraints. Having substantial resources at her disposal, she chooses to spend them in a way that reflects her values. Statistically, she is significantly more likely to invest in surgeries than a hypothetical male counterpart, but this is not due to a discernable inequality in opportunity sets. Like her male counterpart, she has the opportunity to spend her resources however she sees fit.

Cases like those of Yvonne and Cathy are not uncommon - they are isolated instances of the larger phenomena discussed in I. Unlike Lena's case, Yvonne and Cathy do not face overtly constrained option-sets. While Lena would pursue her education given the opportunity, Yvonne and Cathy make their choices *in spite of* available options to do otherwise. They identify with their choices in a way Lena does not, and see them as reflective of their values and preferences. It is this latter fact which makes the cases much less straightforward.

1.3 One interpretation: choice excuses inequality

One plausible way to respond to the above cases is to claim that they are compatible with egalitarian justice *in virtue of being chosen*. This is likely the normative point that the US department of labour was alluding to in its claim that the wage gap “may be nothing to correct” (US department of labour: 2009). This section will explore this possibility.

A natural start for this interpretation is to recognize that is already at home in various contemporary versions of the feminist project. The past several years has seen the rise of a new discourse within 3rd-wave feminism. Focus has shifted from an exploration of the ways in which gender norms, objectification, or oppressive ideologies limit the freedom of women, to a non-judgemental focus on choice and individual agency. This particular shift often embraces de-contextualized choices (e.g. decisions to undergo cosmetic surgeries, partake in practices of objectification, or surrender career aspirations for domestic work) as expressions of female empowerment. Michaele Ferguson (2010) characterizes what we might call “choice-feminism” thusly:

“It understands freedom as the capacity to make individual choices, and oppression as the inability to choose. Consequently, as long as a woman can say that she has chosen to do something, it is considered by choice feminists to be an expression of her liberation. Since the only criterion for evaluating women's freedom is individual choice, we should abstain from judging the content of the choices women make.” (248)

The neutrality of this orientation toward feminism is extremely powerful. Not only does it secure broad appeal, it also avoids the problem of being unduly paternalistic, and denying agency to those whom the project seeks to empower.

Of course, the insight that we ought to respect individual choice is not limited to the choice-feminist project. I mention the above only because it gives a plausible reading of Yvonne and Cathy's choices – an evaluation which might lend support to the interpretation given in certain versions of the egalitarian distributive project. It is this potential compatibility which is of interest.

Much like choice-feminism, an important tenet of certain iterations of the egalitarian project is respecting choice. A natural extension of this, many would argue, is holding the agent *responsible* for the costs associated with their choices. This latter point is one of the core principles that centrally motivate the project known as “responsibility-sensitive” or “luck” egalitarianism. Below, I will give a brief outline of this before returning to the cases at hand.

a) Luck Egalitarianism: a brief introduction

Egalitarians have long been criticized for advocating a minimal role for choice and personal responsibility in determining one's circumstances.⁸ In response to this, a recent surge of literature has sought to incorporate a central role for choice in egalitarian theory. Luck Egalitarians accept the important insight that we ought to hold people responsible for the costs associated with their freely made choices. This has been surmised by Cohen (1989) as the claim that “choice excuses otherwise inexcusable inequalities” (931). The other side of this also applies. Simply put: “It is bad—unjust and unfair—for some to be worse off than others through no fault [or choice] of their own.” (Temkin: 1993, 13). These complementary intuitions form what has often been referred to as the “choice/circumstance distinction” or “choice/circumstance principle”.

⁸ Note that this criticism is not limited to Egalitarians – it also extends to most supporters of the welfare state.

Dworkin (1981, 2000) was the first to advocate this distinction – albeit indirectly - in his claim that distributions should be “ambition-sensitive” but “endowment insensitive”. “Ambitions” cover the realm of choices and isolated, calculated gambles (also known as “option luck”). These are things which can be considered expressions of agency, as they are both under the control of the agent, albeit in different ways. “Endowments” covers the realm of so-called brute luck – things which cannot be counted as expressions of agency. These include genetic endowments, natural forces, and other matters of circumstance.

Proponents of related views (e.g. Cohen: 1989, Arneson: 1989, Roemer: 1998) advocate similar distinctions. They vary in their details, but all seek to minimize the impact that arbitrary matters of circumstance have on citizen’s prospects, while holding them responsible for the costs associated with their choices. The former is straightforward. As was alluded to in the introduction, it requires securing a society in which the opportunities formally available to citizens are equal, and access to various resources is free from the influence of arbitrary factors such as gender or race (e.g. securing institutions free from discrimination and other socially constructed forms of disadvantage). It also requires holding the costs associated with disadvantageous traits or events in common (e.g. by publicly subsidizing assistance for someone born with a cognitive disability, or subsidizing medical treatment for someone who falls victim to an unforeseen accident).

Assuming that the above conditions are secured, and assuming that citizens’ prospects are suitably equal in other ways (e.g. all citizens have knowledge of their options, and all have access to a comparable initial set of resources), Luck Egalitarians hold that we can justifiably require that citizens internalize the costs associated with their choices. We should note, however, that the specific consequences that attach to a given action is largely a function of context (see e.g.

Olsaretti: 2009), and is not a settled matter. This concern, though valid, is tangential to the project at hand. In the interest of moving forward, we can stipulate the costs of Cathy and Yvonne's choices. Cathy's might be the full financial and psychological cost of cosmetic surgeries (whatever they may be), while Yvonne's is the substantially reduced (though likely not nonexistent) income provided to someone who chooses not to pursue a career. We can also tentatively stipulate that they have adequate initial resources to pursue various options, are aware of the range of options available to them, and know the benefits and burdens associated with pursuing each potential path. In these respects, they are equal to similarly situated men.

b) A prima facie compatibility

Having laid out the above view, we can revisit the topic of gender inequality. Luck Egalitarianism is, along one dimension, strongly committed to gender justice. Being born a particular sex is as morally arbitrary as one's talents, physical abilities, or race. It falls squarely in the "circumstance" category. The commitment to eradicating the influence of morally arbitrary factors on one's shares would preclude discrimination or unequal opportunities resulting from gender. Thus, Luck Egalitarianism can neatly deal with injustices like those faced by Lena in section 2, who faces bias due to her gender, and struggles against other circumstantial barriers. Most Luck Egalitarians do not *expressly* deal with the project of gender justice, though it is often implicit that the choice/circumstance principle covers it, just as it would any other injustice resulting from brute facts about someone's traits.

In contrast, Cathy and Yvonne's cases are not readily filtered out by the principle, as they appear to fall under the "choice" heading. Assuming their formal opportunity sets and initial resources are relevantly equal to those available to men, there is no principled reason to assume that their

choices are cause for concern. We ought to hold them responsible for the costs associated with their actions, and any subsequent financial or opportunity inequalities that these choices create.

Prima facie, this seems like a plausible interpretation. We ought to allow individuals to pursue their own conceptions of the good life without others footing the bill. To take a complementary example: if John has a preference for leisurely vacations, while Jake prefers to work long hours, it would be objectionable if Jake was forced to subsidize John's habits. They both have the same options available to them. John's activity is not an affliction, nor is it the result of outside forces constraining his decision-making abilities. It is a choice that reflects his desires and preferences - preferences he "identifies with"⁹ in a meaningful way. Dworkin is particularly steadfast on this front. He states:

"If [someone] has fewer resources than other people now because he spends more on luxuries earlier, or because he chose not to work [...] then his situation is the result of choice not luck, and he is not entitled to any compensation that would make up his present shortfall" (Dworkin: 2000, 287)

The acceptance of these isolated cases leads to the further conclusion that, all else being equal, the patterns of inequality that would arise between vacationers and non-vacationers as a group are unobjectionable.

A similar reading can be given to Cathy and Yvonne's cases. As was stipulated in II, both women see their choices as reflective of their values (for outward appearance), or normative beliefs (that a woman's proper role is as a homemaker). Furthermore, they are not unduly constrained by outside forces - their opportunities are adequately broad, and their choices are not manipulated or coerced by an outside party. Again, this is what separates them from cases like Lena's. On this

⁹ For an overview of this, see Dworkin (2000, 287-91)

interpretation, Cathy's extensive investment in cosmetic surgery is akin to an expensive hobby such as golf, while Yvonne's choice to forego a career is akin to a taste for leisure over work. Holding them responsible for the costs of these choices would not only satisfy the choice/circumstance principle, it would also align with the choice-feminist interpretation of their actions. If choice justifies inequalities, then no special exception should be made for those that are largely gender-specific.

In isolation, this interpretation appears plausible. However, it's notable that this acceptance would extend to the patterned inequalities (or at least the subset of those patterns that is attributable to choice) between men and women discussed in I. Olsen (2009) makes the following observation:

“Some egalitarians—specifically, choice-sensitive egalitarians—seem committed to the view that, if the gender wage gap is explained by individuals' freely made choices, then the gap is unobjectionable.” (46)

The same could be said about unequal divisions of labour within the home, unequal investment in cosmetic procedures or products, and so forth.

1.4 Some relational concerns

Since its formation, Luck Egalitarianism has been faced with a substantial number of criticisms.

Some concern the implausibility of the metaphysical status of “choice” (Scheffler: 2003, 18),

while others concern the potential shame or humiliation faced by those who require assistance

(Wolff: 1998).¹⁰ These criticisms are notable, and have been addressed by those in the Luck

Egalitarian camp in various ways (see e.g. Arneson: 2006). However, perhaps the most prominent

¹⁰ This assumes that those seeking assistance would be tested for intelligence or talent, or be required to come to terms with the fact that they lack marketable skills.

criticisms have come from a cluster of authors that can be loosely referred to as “Relational Egalitarians”. These authors argue that Luck Egalitarians have deeply misconstrued the point of the egalitarian project (and in some cases, the point of political justice in general). Instead of being concerned with the distribution of resources or goods, egalitarians should focus on equality in status or standing (though it may have certain distributive implications). Simply put, equality is not a distributive ideal, but instead concerns the types of relations that hold between citizens. Relational criticisms are difficult to address, as they do not concern particular bumps in the project which can often be smoothed out. Instead, they point to the fundamental principles behind Luck Egalitarianism (e.g. the choice/circumstance principle), and argue that they preclude those in the camp from addressing the most important aspects of political justice.

One of the most vocal critics in this camp is Elizabeth Anderson. Her 1999 article *What is the Point of Equality?*, was the first to present the case that, in focusing on choice/personal responsibility, Luck Egalitarians fail to address the “distinctively political” aim of egalitarianism. This aim is to ensure that citizens “stand in relations of equality to others” (Anderson: 1999, 288-289). Her conception of egalitarian goals is distinctively social – it encompasses the eradication of oppression, exploitation, and unjust power structures. Eradicating the influence of brute luck (or other matters of circumstance) on people’s shares simply isn’t a pressing concern of justice.

Furthermore, she argues, Luck Egalitarianism’s overzealous commitment to personal responsibility actually *allows* for objectionable inequalities in status or standing, if they are the result of choice. One such example given by Anderson is that of dependent caretakers. Her case is specifically concerned with the status of those who choose to dedicate themselves wholly to the care of dependents (and thus command no market wage). Because those who choose caretaking

are “almost all women” (ibid, 195), this contributes to the systematic “exploitation, violence, and domination” (ibid, 297) that women face. She argues that Luck Egalitarians do not have any basis for remedying such injustices, as they are the outcome of women *choosing* to develop talents that are primarily applicable in the domestic sphere (ibid, 298). According to Anderson, adherence to the choice/circumstance principle abandons such women to their fate.

A common response is to point out that Anderson’s objections are targeted at an extreme version of the Luck Egalitarian project (namely that developed by Rakowski in *Equal Justice*), and do not present a real problem to more moderate versions of the doctrine. It is stated that humanitarian commitments would over-ride the allowance of such urgent and troubling consequences,¹¹ and that Anderson’s critique overlooks the Luck Egalitarian commitment to a plurality of values that sometimes conflict with strictly distributive evaluations (see e.g. Tan: 2012). We should note, however, that the cases I outlined in section 2 are less pressing. They would not necessarily trigger the same humanitarian impulses, and as such, might better allow the heart of Anderson’s objection to stick. The inequalities reflected in these cases, while less extreme than instances of violence or domination, still track systematic differences in status or power between men and women. Despite this questionable dimension, they seem to raise no concern for Luck Egalitarians. Though the humanitarian reply may serve to avoid some of the most unpalatable cases, the force of Anderson’s concern (that Luck Egalitarians allow for troubling inequalities in status or standing if they are the result of choice) remains notable.

Luck Egalitarians face similar criticisms at the hands of Iris Marion Young. Young argues that the “seismic shift” toward the discourse of personal responsibility allies the academic left too closely

¹¹ Another plausible response to the dependent caretaker case is to claim that violence or exploitation, being the result of malicious or criminal actions on the part of the primary wage-earner, are not consequences that should attach to *any* choice.

with the aggressive individualism of welfare reformists on the right (Young: 2011, 3). Like Anderson, she conceives of equality as a social ideal. She claims that a focus on agency/individual choice necessarily obscures the ways in which the social dimensions of inequality operate. She singles out Dworkin in particular, arguing that his focus on specific attributes of people (their tastes, talents and ambitions) manages to “reject a theoretical place for bringing social structures into view” (ibid, 64). Furthermore, Young argues, characterizing all deficits in well-being as “luck” engenders a sense of passivity in citizens. It discourages them from critical engagement with unjust power dynamics or structures against which they may be struggling.

While the positive recommendations made by these authors are vastly different (for example, Young rejects the “distributive paradigm” altogether, while Anderson advocates a form of sufficientarianism), they both agree that our primary focus should be on securing egalitarian social relations, instead of attending to distributive concerns.

If the prima facie compatibility between Luck Egalitarianism and the gendered inequalities outlined in section 1.3 holds, Relational Egalitarians would likely take it as evidence that the project falls short. It implies that Luck Egalitarianism is compatible with large-scale inequalities between men and women, and thus does not achieve the social ideal of equality. In contrast to Luck Egalitarians, critics like Anderson and Young would have independent grounds to object to these patterns, as they do not reflect “equal standing” between men and women, and mimic long-standing imbalances of power. Those caught in the grips of choice-tracking cannot attend to this. Furthermore, and perhaps most importantly, a focus on the choice/circumstance principle simply obscures or overlooks the complex social forces at play in something such as gendered choice.

It is unclear what the Relational Egalitarian *solution* to the above cases would be. Anderson occasionally gestures toward compensation-based solutions (e.g. endorsing Susan Okin's suggestion that we award a domestic caretaker a portion of their partner's salary – see Anderson: 1999, 324), but does not offer any ideal. However, this is of minor importance for the topic at hand. My primary focus is on Luck Egalitarianism, and it is sufficient to acknowledge that Relational criticisms point to an important weakness in the Luck Egalitarian account – namely, that the choice/circumstance principle neglects potentially relevant social dimensions operative in gendered choice.

1.5 Formal options, soft constraints

The above are powerful critiques, and it is worth taking them seriously. Is the choice/circumstance principle appropriate to cases of choice-based gender inequality? Can it accurately account for the complex social forces at play?

This is a substantial question – one which I will not try to address in this chapter alone. However, it is worth noting the pertinence of relational criticisms (which are often broadly focused on social inequalities in general) to the case of gendered inequalities in particular. A vast number of social forces are often at play in women's choices - these include gender socialization, and cultural norms or expectations. These do not operate as purely external constraints on choice. Rather, they impact the very *formation* of preferences or choices – even in the face of formal option sets which are equal to others. Call these “soft” constraints.

In section 2, I alluded to the concept of “formal options”, and it is worth expanding on this here. A formal option is one which is unaffected by purely external constraints (e.g. discrimination, lack

of mobility, natural forces etc). To say that two agents have the same “formal options” is not just to say that these options are available to both parties, but rather, to say that both parties are free from external constraints on those options. Thus, while Lena (who lives 50 miles from the university and needs to work) and John (who lives next to it and has funds at his disposal) both have the *option* to attend university, they do not have the same *formal* options. The choice/circumstance distinction is extremely effective at dealing away with barriers to formal options (e.g. Lena’s inability to attend school due to her location, and the discrimination of others), as they fall into the “circumstance” category. This is a notable achievement, and the recognition of such factors means that the Luck Egalitarian model is much closer to meaningful equal opportunity than current conditions.

However, it has a more difficult time accounting for “soft”, more informal constraints such as socialization or cultural norms. This is because they do not fall squarely into the category of “luck” or “choice”, but occupy a middle ground – they concern the impact of luck (i.e. gender) on preference-formation. Thus, while Luck Egalitarians can ensure that two parties may have the same *formal* options, one may still be faced with *soft* constraints. In order to help illustrate this, we can re-visit the cases of Cathy and Yvonne, and attend to the soft constraints that may be at play in their decisions:

Yvonne:

Yvonne is shrewd and intelligent. She sometimes feels she’d be well-suited to law, but also strongly identifies with her belief that a woman’s proper role is as a homemaker. In weighing her options, she considers the fact that she is often met with discomfort or mockery when acting assertively - something crucial to success in law. She foregoes her career aspirations, telling herself she never *really* wanted to be a lawyer.

Cathy:

Cathy grew up with a mother who emphasized outward ideals of beauty above all else. Cathy idolizes her, and begins to tie her self-esteem to her level of physical attractiveness – eventually coming to value others’ evaluations over her own. She chooses to spend a large percentage of her income (enough to cripple her financially) on risky cosmetic procedures.

With the above details filled in, Cathy and Yvonne’s cases look significantly less like the free choices Luck Egalitarians wish to track. This is because the formation of the preferences that lead to them are unduly impacted by soft constraints such as gender socialization and social norms.¹²

Despite having all the same formal options as their male neighbors, they face additional constraints that fail to fall squarely into either the “choice” or “circumstance” category.

In order for choice to *truly* justify inequality (and in order for the Luck Egalitarian diagnosis in 1.3 to succeed) these soft constraints cannot be present when choices are made. Failing to account for them would significantly weaken the Luck Egalitarian project, and allow distorted preferences shaped by informal, social barriers to fall into the category of “choice”. This challenges the appropriateness of using the choice/circumstance principle in discussions of gender justice, and renders the project vulnerable to the Relational criticisms outlined in section 4. Unfortunately, Luck Egalitarians have not devoted much space to discussing soft constraints, and the role they can often play in shaping gender-associated choices.

1.6 Going forward

It has not been my goal to provide a solution to the question with which this chapter began.

Rather, I have attempted to show several things. First, I have attempted to give a *prima facie*

¹² Cases of this type have been widely discussed in feminist approaches to autonomy theory – I will expand upon them in some detail in the next chapter.

reading of one way in which gendered inequalities could be compatible with egalitarian justice: in virtue of being chosen. I then outlined some objections to this approach. Following this, I argued that the case of gendered inequalities raises unique “soft constraints” that do not fit neatly into the choice/circumstance divide. If Luck Egalitarianism can succeed in accounting for these, they will be less vulnerable to the objections forwarded by Relational Egalitarians. In the next chapter, I will explore two avenues in the existing literature which come closest to a solution – these are Ronald Dworkin’s “principle of authenticity”, and John Roemer’s “type” theory of responsibility. Furthermore, I will consider whether the Luck Egalitarian can create a fair background of interaction in which soft constraints do not arise.

Chapter 2

In chapter 1, I challenged the adequacy of the choice/circumstance principle for dealing with gender justice. I argued that, while the principle easily precludes formal barriers to gender equality (such as discrimination or unequal rights), it still leaves the potentially troubling phenomenon of choice-based gender inequalities. I discussed the fact that “soft constraints” (e.g. things such as socialization, and cultural expectations or norms) are present in the lives of women, and interact with their choices in a way that doesn’t fall neatly on either side of the choice/circumstance divide. Thus, the relational criticism that Luck Egalitarianism lacks a “social dimension” is particularly salient in its treatment of gender.

In this chapter, I explore a potential strategy for Luck Egalitarians to address such constraints – namely, by attending to the issue of autonomy in choices. Many feminist approaches to the topic of autonomy have linked issues of gender socialization and gender-specific social norms to discussions of diminished autonomy. This nexus provides a potentially interesting way to supplement the Luck Egalitarian approach to gendered choice. My goal is to show that attending to autonomy directly can help with Luck Egalitarianism’s gendered choice dilemma, but requires significant departures from the way it has previously been done.

I will establish the above as follows. In Part 1 of the chapter, I discuss the concept of autonomy in relation to gender. I give an overview of two different responses to “traditional” conceptions of autonomy, and come to endorse a conception of autonomy forwarded by Diana Meyers. I show how it can better help capture the complex role that gender norms can play in hindering full autonomy. I then establish that, in order to appropriately deal with gendered choice, the “choice”

portion of the luck/choice principle should be taken to reflect the more robust notion of “fully autonomous choice”. In part 2 of this chapter, I consider two existing theories which come closest to dealing with the topic of autonomous choice in Luck Egalitarianism – Ronald Dworkin’s principle of authenticity, and John Roemer’s “type” theory of responsibility. I will highlight their strengths, but ultimately show that they exhibit shortfalls in their treatment of soft constraints. While Dworkin frames authenticity exclusively in terms of negative liberties (and thus precludes paying adequate attention to social factors), Roemer treats soft constraints as if they were immutable (and thus accepts significant inequalities in the capacity for autonomous choice). I will argue that two main lessons can be garnered from these shortfalls: (a) Governments that endorse choice-tracking have a distinct duty to foster autonomy in their citizens, and (b) autonomous choice should be conceived of as a *skill* which is fostered or hindered by social and material conditions (as is the case with Meyers’ account). These two points, taken together, begin to provide a solution to the problem of choice-based gender inequality for Luck Egalitarians. I establish that Luck Egalitarians should facilitate conditions that foster autonomy, understood in Meyers’ robust sense.

Chapter 2, Part 1: Autonomy and gender

2.1.1 Autonomy: traditional accounts, some criticisms

Before exploring the potential role of autonomy in Luck Egalitarianism, we must first get clear on what is meant by the concept. In this section, I will give a brief overview of two “traditional” proceduralist conceptions of autonomy, and the arguments they face at the hands of their feminist critics. I will consider two alternatives – a “perfectionist” account (such as that endorsed by Marina Oshana), and a more robust proceduralist account. I then come to endorse Diana Meyers’

“competency” conception of autonomy. Note that this is meant to be a brief overview, given in the interest of situating my project. I do not intend it as an exhaustive discussion.

Autonomy is a highly contested topic. Two key authors – Harry Frankfurt (1988) and Gerald Dworkin (1988) – are widely considered to be the two most influential authors in contemporary discussions of the topic. As such, they represent so-called “traditional” approaches to autonomy. Traditional approaches see autonomous choice as the result of a specific set of relations between mental states internal to the agent. In Frankfurt’s case, a choice is autonomous if it stems from a desire which is endorsed by one’s higher-order volitions (Frankfurt: 1988, 12-25). For example, a compulsive liar might “choose” to be dishonest, but if she fails to identify with the desire that motivates this choice (i.e. she truly wishes she could abstain from lying), then her choice to lie is not fully autonomous. Autonomous choices are marked by the coherence between one’s first-order and higher-order desires – more specifically, one’s motivating desire must be fully endorsed by one’s higher-order self. We should note that this requirement is ahistorical. The causal processes by which an agent acquires their higher-order volitions are irrelevant.

Gerald Dworkin shares the hierarchical core of Frankfurt’s analysis. He agrees that the autonomy of an action is determined by the agent’s attitudes toward the desires that motivate it. An agent’s motivations must be “authentic” in that they are endorsed by the agent’s “true” (i.e. higher-order) self. Dworkin departs from Frankfurt’s hierarchical account by stipulating certain constraints on *how* someone can come to have such higher-order motivations. Namely, they cannot be “produced by manipulation, deception, [or] the withholding of relevant information”. Such motivations must also belong to the agent himself – he cannot have “renounce[d] his independence of thought or

action” prior to their development. These two conditions are referred to as procedural and substantive independence, respectively.

The above accounts are extremely influential, and have served as the jumping-off point for a wide range of related views which are broadly termed “hierarchical” or “procedural”. Both authors see autonomy as something that can be determined by isolating specific relations between the mental states of the agent. While Dworkin adds some historical restrictions to the development of these mental states, they are minimal. For these reasons, the Frankfurt/Dworkin approach to autonomy has faced substantial criticism. One particular brand of criticism comes from those authors who seek to approach the topic of autonomy from a feminist perspective. The central criticism is that such ahistorical (or minimally historical) accounts overlook the role that social context and interpersonal relations can play in an agent’s status as autonomous. These recent feminist critics take traditional conceptions of autonomy to task for their failure to adequately acknowledge the social dimensions necessary to a full account of autonomy. Marilyn Friedman (2003) writes: “mainstream conceptions of autonomy ignore the social nature of the self and the importance of social relationships to the projects and attributes of the self” (p. 83). Failure to do this leads to a misunderstanding of the degree to which social context can foster or hinder autonomy. While Gerald Dworkin’s minimally historical account might rule out many direct and troubling instances of manipulation (e.g. instances where one party’s preferences are being coercively shaped or controlled by another), it lacks a more nuanced account of social conditions which could be considered manipulative or coercive on a broader level. While a more robust reading of the anti-manipulation clause could be given (e.g. one which interprets certain forms of gender

socialization as manipulative)¹³, Dworkin does not provide one himself. These perceived shortcomings have led to a range of responses, a number of which seek to rehabilitate the concept of autonomy by incorporating a strong socio-relational dimension within it.

2.1.2 A possible response: more robust procedural account

A plausible response to the above concerns is to acknowledge the place of social context, whilst maintaining a framework that is procedural overall. The authors who seek to do this maintain that the real failing of traditional accounts is that they overlook the role that social (and in particular gendered) forces play in shaping the “self” which evaluates or endorses desires on a procedural account. Thus, the conditions traditionalists stipulate as adequate for authenticity in preferences are overly minimal.

Christman (2004) states that “merely reflecting upon one’s value and identity will not be sufficient to secure the authenticity of those elements of the self” (154). Thus, reflective endorsement must be supplemented by stringent requirements on the formation of preferences. While Dworkin acknowledges this to a degree (stating that preferences should be free from manipulation and deception), he stops short of considering forces that are less direct. In response to this perceived shortcoming, Christman makes the more broad claim that “reflection must be undertaken free from the influence of factors which we know severely restrict free consideration of one’s condition and one’s options” (ibid: 154).

This is, of course, an open-ended condition. Such factors would easily include straightforward distortions such as misinformation, intoxication, and those concerns raised by Dworkin (e.g.

¹³ I discuss the prospects for such an interpretation in response to Ronald Dworkin’s “principle of authenticity” (which has a similar non-manipulation clause) on page 55-56.

manipulation or deception). More interestingly, a plausible case could be made that the “soft constraints” outlined in Chapter 1 should also qualify. Significant research points to the formative role that gender expectations play in the development of personalities, beginning at a young age (see e.g. Martin and Little: 1990). This being the case, there is no principled reason why gendered pressures should be left out of the equation when considering what constitutes a distorting influence on preference formation. For instance, the pressures of socialization may distort an agent’s ability to weigh competing reasons for action. A woman may have genuine reasons to both stay at home in order to raise a family, and pursue a challenging and time-consuming career that precludes such a path. However, if she were heavily socialized to see herself as primarily nurturing and unskilled at the traits relevant to her future career, she may not adequately weigh both competing options. Note that this is not to say that the choice to dedicate oneself wholly to her family is non-autonomous in virtue of its *content*. It is only to say that the historical processes giving rise to her preferences may distort her ability to give due consideration to all options.

2.1.3 A possible response: “perfectionist” account

In a considerably more radical response, some authors go further than merely amending procedural accounts. These authors seek to import a social dimension directly into the *definition* of autonomy, instead of merely acknowledging the role of social context in shaping an agent’s psychology. These authors stipulate that autonomy is realized, in part, by certain objective social conditions and relations (or lack thereof) obtaining. A representative example is Marina Oshana’s “socio-relational” account of autonomy. According to Oshana (1998), autonomy depends on four distinct conditions – two of which speak directly to the factual, external circumstances in which a subject is situated. The first two conditions outlined by Oshana are closely related to those

stipulated by the procedural accounts above. First, the subject must be capable of engaging in the process of critical self-reflection. The second condition is that of procedural independence (i.e. the integrity of one's critical faculties). Unlike Dworkin's condition of procedural independence, Oshana's stipulates that an agent's *environment* must be, as a whole, "nonmanipulative and noncoercive"¹⁴ in order to ensure one's critical faculties are independent. Oshana's final two conditions mark the most drastic departures from traditional accounts. Her third condition stipulates that an agent must have access to "an adequate assortment of options" (Oshana: 1998, 94), while the final condition requires that an agent stand in certain types of relations to others. Namely, she must be free from the threat of violence or coercion, free from unreasonable obligations of care, and have the ability to have interests or goals different from those who hold influence or authority over her (Oshana: 1998. 93-4).

Of course, it follows from this that certain social conditions or relations are fundamentally *incompatible* with autonomy. One of Oshana's central criticisms of "traditional" accounts is the fact that certain instances of choice which are paradigmatically non-autonomous would pass all procedural tests for autonomy. Her case rests largely on the intuitions drawn from a variety of hypothetical case studies. The most relevant for my purposes is that of "Harriet" – a woman who prefers a life of homemaking and subservience. Harriet meets all procedural requirements for autonomy, and furthermore, has not faced an "unsupportive history" (e.g. social conditions which encourage her to view herself as inferior or unskilled). However, she lives in a society in which homemakers are disempowered. Due to this, she is party to social relations which "afford her less financial flexibility, less confidence and emotional security, and fewer opportunities for emotional

¹⁴ Dworkin's claim merely stipulates that preferences cannot be the *result* of manipulation or coercion, with no substantive claims about the environment in which an agent is situated

and creative development” (ibid, 90) in virtue of her choice to be a homemaker. In light of these social facts, she is deemed non-autonomous. This is contrasted with “Wilma”, who possesses an identical psychology and makes the same choices, but within a context which affords caretakers a “range of options promising economic independence and personal growth” (ibid, 91). Thus, while both women desire subservience, only Harriet lacks a sufficient and ongoing range of options in virtue of her economic disempowerment. Thus, only she is non-autonomous.

Despite meeting all the requirements of a procedural account of autonomy, and despite the agent *identifying* with their choices, Oshana would deem certain instances of choice objectively non-autonomous. These choices are fundamentally incompatible with autonomy in virtue of objective facts about the agent’s situation. This fact has led Oshana’s account (and others that are similar) to be categorized as “perfectionist”.

2.1.4 Some considerations

Having laid out two divergent methods of incorporating a social dimension into discussions of autonomy, we can consider which approach is the strongest and most appropriate for our purposes.

Oshana’s account draws crucial attention to the fact that a lack of viable options may stand in tension with autonomy. While this is a helpful dimension to consider, deeming such cases wholly non-autonomous faces certain shortcomings which make it difficult to reconcile with our project overall. The strength of Oshana’s model rests largely on the intuition that cases such a Harriet’s

are paradigmatically non-autonomous. However, framing it in this way obscures certain nuances which are valuable to maintain.

It is important to emphasize the fact that Oshana specifically stipulates that Harriet meets all procedural requirements for autonomy. If these requirements are robust enough, we assume that she had full knowledge of her initial options (and the consequences that attach them), did not face an “unsupportive history”,¹⁵ and was capable of critical reflection and deliberation on her options prior to choosing subservience. We should note that this is a significant departure from the conditions under which many women choose to enter subservient relationships. The only defining feature that makes Harriet’s case non-autonomous, for Oshana, is the lack of ongoing options in Harriet’s life *following* her decision.

Such an analysis would presumably extend to other cases which share the same features. We might imagine a case in which a subject (call him Harry) meets all procedural conditions of autonomy, and chooses to spend all of his resources on expensive trips and restaurants. Having expended his resources, he is forced to move in with his controlling parents, and remain entirely financially dependent upon them. He understands and endorses their authority over him. Much like Harriet, he lacks a range of ongoing options in virtue of his previous choices.

Oshana’s account would seem to mark no principled difference between the above two cases.

However, our intuitions may not rally in favour of Harry the same way they do with Harriet. If

Oshana wishes to deem one case non-autonomous, she must also grant the same for the other.

This renders it counter-intuitive, and suggests that such a definition of autonomy fails to capture

¹⁵ it was not “reinforced by a socially reinforced belief about her subservient status” (Oshana: 1998, 89)

what is *valuable* about the concept.¹⁶ It also renders it inappropriate to the project of Luck Egalitarianism. Assuming a lack of autonomy is objectionable, we would be forced to treat Harry's situation as objectionable. This undermines the centrality of the choice/circumstance principle, as it conflicts with holding an agent like Harry financially responsible for his situation.

Of course, this is not to say that Harriet and Harry's case *are* entirely parallel - merely that Oshana's model would be required to treat them as such. To better grasp the potential divergences between each, distinguishing between *autonomy* and the *conditions conducive to its fair exercise* is helpful. Both parties possess a set of procedurally legitimate preferences, and both find themselves in conditions which would not allow them to act if they were to change them (in virtue of their economic dependence). However, the cases diverge when we consider the fairness of their respective circumstances. A case *could* be made that Harriet's conditions are unjust. She lives in a society in which the costs attaching to homemaking are exceedingly high (full economic disempowerment), despite the fact that such a role is socially necessary. We have a reasonable understanding that citizens will wish to have children and maintain homes, whether the duties associated with it are fulfilled by one partner, both partners, or another party. Thus, Harriet is rendered economically disempowered in virtue of following a life path which should (arguably) be made attainable amongst a broad range of options for all citizens. The same cannot be said of Harry's pursuit of a life of leisure. The consequences that attach to his actions are justified in a way that Harriet's are not. Harry does not pursue a path that citizens should have a reasonable expectation of being able to pursue without being rendered economically disempowered. Thus,

¹⁶ This is assuming we see no value in re-instating a range of options for Harry, thus rendering him autonomous again. Again, we are assuming he endorses his situation and understood it as a consequence of his prior habits.

while both are autonomous, the range of initial options from which Harriet chose were unjust. She lacks the conditions conducive to the fair exercise of her autonomy, where Harry does not.¹⁷

We should also note that this distinction between autonomy and conditions conducive to its exercise also helps us better make sense of cases in which subjects may continue to act autonomously *within* environments that are externally hostile and constraining. It would make room for discussion of patriarchal “bargains” (in which a woman living in a restrictive patriarchal society conforms to its demands in the interest of maximising her options or benefits under an unjust system)¹⁸ (see e.g. Kandiyoti: 2008). Oshana’s account requires that we deem women in such restricted situations non-autonomous. The distinction outlined herein would allow us to grant the possibility that such choices are autonomous, whilst still acknowledging that such women face a significant injustice. They live in conditions which don’t allow for the fair and equal exercise of autonomy between men and women, and as such are forced to navigate a range of highly restrictive options (albeit often in a way that is procedurally legitimate). The initial range of options from which they choose are unjust. Thus, we might wish to say that such a situation stands in *tension* with autonomy (namely, in tension with fairness in its exercise), without saying that the agent lacks the title “autonomous” altogether. This effectively avoids the paternalist undertones to deeming those in oppressive situations wholly non-autonomous.

In light of these criticisms, we might instead choose to endorse the more moderate, procedural approach outlined above. However, more needs to be said on the nature of such an account.

¹⁷ Of course, the case could be made that Harriet’s situation is not unjust either (in light of the fact that she understood the consequences that attached to her actions). My goal with this discussion is merely to emphasize that the distinction between autonomy and the conditions conducive to its fair exercise is useful for our purposes, and allows us to analyze divergences which may be obscured by deeming every subject who faces a lack of options non-autonomous.

¹⁸ For example, a woman may wish to remain financially dependent on her husband, if the other options available to her present higher risks or lower rewards (e.g. a low-paying job where she faces harassment and threats) .

Proceduralist accounts are often framed in negative language - personalities should be “free from” constraints that distort adequate consideration of one’s options and choices. While incorporating “soft constraints” (such as gender socialization or expectations) into our account of distorting factors is a significant improvement, there remains more to be said. For one, it fails to give a full account of the positive processes by which the formation of an autonomous set of preferences takes place, and the ways in which soft constraints can directly hinder this. Furthermore, the ability to adequately consider one’s options may require substantive personality traits (such as self-confidence or self-trust), which mark a moderate departure from the strict neutrality maintained by traditional accounts. The account that I will endorse in the following section (forwarded by Diana Meyers) will say more on this.

Before moving on to Meyers’s account, it is also worth noting that endorsing a procedural account does not mean that the issue of option-sets must be *entirely* relegated to the realm of fairness. Despite leaving open the possibility of exercising procedurally sound autonomy within a severely constrained set of options (contra Oshana), the proceduralist might maintain that such a framework may still increase the *risk* of diminished autonomy understood in psychological/procedural sense. A significant amount of literature has been devoted to the discussion of so-called “adaptive preferences”. These are cases in which an agent, when faced with severely constraining external circumstances, comes to internalize the norms of her culture, even if they harm her or afford her an unjust set of options (see e.g. Benson: 1991).¹⁹ In these cases, such preferences are the result of “life-long habituation” (Nussbaum: 2001), and are not actively or knowingly chosen or cultivated by the agent herself. For this reason, they are not

¹⁹ Note that this is distinct from Oshana’s “Harriet” case. Oshana stipulates that Harriet *does* have an initial range of options - it is only in virtue of her choice to be a homemaker that she becomes disempowered (which, I have argued, may still present an injustice). The cases I am concerned with here are those in which the agent *lacks* even this initial set of viable options.

analogous to the “patriarchal bargains” alluded to above (in which an agent maximizes her benefits from within a restricted range of options). If this is the case, then a lack of viable external options risks interfering with appropriate formation of preferences, from a procedural standpoint. However, it is worth noting that - barring access to an agent’s inner psychology - it is unlikely that adaptive preferences and “patriarchal bargains” would be distinguishable from the outside.

Finally, we should note that acknowledging that severely constrained options might interfere with the proper formation of preferences is *distinct* from claiming that it is an objective marker of non-autonomy. Rather, it acknowledges that such conditions may increase the *risk* of an agent developing deformed preferences, without definitively stating that this takes place in all cases.

Thus, the proceduralist has two distinct motivations for being concerned with a lack of viable options. Such circumstances stand in tension with fair conditions for the exercise of autonomy in agents with procedurally sound preferences, *and* they may increase the risk of procedurally distorted preferences. Whether it is the latter or the former will vary on a case-by-case basis, and will likely be difficult to distinguish from an external standpoint. This is of little practical importance. The crucial point is that proceduralists can acknowledge the importance of external option-sets without importing them into the definition of autonomy.

Overall, I’ve attempted to show that a robust proceduralist account (including an account of the positive skills required for proper deliberation) is most appropriate for our project overall.

However, we should acknowledge the importance of discussing what constitutes fair external conditions for the *exercise* of autonomy as well. This allows us to capture the important external considerations present in Oshana’s account, but stops short of importing objective social relations into the *definition* of autonomy.

2.1.5 A plausible middle ground: Meyers' autonomy competency

In light of the preceding discussion, we are now better positioned to endorse a particular proceduralist understanding of autonomy appropriate to our project. We have stipulated that it must provide a positive account of the skills and processes required for the formation of autonomous preferences. A particular account - namely that endorsed by Diana Meyers in her book *Self, Society and Personal Choice* - is well-suited to this task. In what follows, I will give a brief overview of Meyers' definition of autonomy competency, and the specific skill sets undergirding it. I will then show how this definition better captures the specific ways in which gender socialization, or hostile social conditions, can interfere with full autonomy.

Meyers conceives of autonomy as a *capacity* which requires a specific set of skills: those of self-discovery, self-definition, and self-direction (Meyers: 1991, 76). In what follows, I will give a brief overview of Meyers' definition of autonomy competency, and the specific skill sets undergirding it. I will then show how this definition better captures the specific ways in which gender socialization, or hostile social conditions, can interfere with full autonomy.

The first prong, *self discovery* includes the ability to form an authentic self-portrait. This requires exposure to a broad range of options and conceptions of the good into which agents can imaginatively enter, as well as the ability to read one's affective cues, and use them to identify "integral sentiments, propensities, values and goals" (ibid: 79). It also requires introspection in the interest of discovering their relations to other values, goals etc, as well as an exploration of their possible sources. Both Grovier (1993) and Benson (1994) make the point that while the above actions (e.g. introspection, isolating goals and values) are indeed necessary for autonomy, they are not sufficient. Successfully carrying out these processes requires that the person undertaking them

possess specific self-regarding attitudes - namely, self-worth and self-confidence. The absence of these traits would make the above processes nearly impossible. An agent must understand themselves as the primary authority in determining their self-portrait (e.g. asking “how do I feel?” instead of “how do others perceive me?”), and have confidence in their feelings as valid and worthy of consideration. While Meyers presents her account as purely procedural, these latter traits have led some to characterize it as “weakly perfectionist”.

However, developing a self-portrait through the above process is not enough for full autonomy competency. Autonomous people must not only know themselves, but also be well-disposed to act upon it. This is where the skills underlying self-definition and self-direction come into play. Meyers emphasizes the importance of both creating, and carrying out, a life-plan.

First, the creation of a life-plan undergirds *self-definition*. She states: “memory, imagination, and instrumental reason, usually enhanced through conversation with others, enable people to envisage options - to conceive of combinations of traits they could embody, and aims they could pursue” (ibid: 80). These options are then weighed through self-referential responses (i.e. asking “how would I feel pursuing this option?”), as well as reflection on broader values.

In addition to the somewhat abstract exercise of creating a life plan, autonomy competency includes *self-direction* - namely, that one be equipped and committed to *carry out* said plan. It requires that one be disposed to act in accordance with the picture of the authentic self developed earlier. This relies on the possession of both resistance and resolve (ibid: 83), and the ability to assert oneself where needed. At this point, we should recall that there is the related issue of

fairness at play here.²⁰ Citizens should be able to not only develop the *capacity* for autonomy, but also *exercise* it. In a given domain (e.g. career paths), opportunities to pursue similarly good life plans should be roughly the same for all agents. One may have an authentically-formed self-portrait, but live in conditions which restrict them from pursuing a given life plan on an equal platform with other citizens. Furthermore, all agents must have a reasonable initial set of options to navigate.

While we may hesitate to say that an agent facing unequal or restricted options is non-autonomous, they are subject to an injustice which restricts the equal *exercise* of their autonomy. This is the issue of “fairness in autonomy-exercise”, which I briefly touched on in my discussion of Oshana. For our purposes, we can include the fair exercise of one’s autonomy under the heading “self-direction”.

The former (self-discovery) is an independent process. It generally takes place early in life, though often changes upon exposure to wider circumstances. The latter two (self-definition and self-direction) act more in tandem, as the process of creating a life plan, being equipped to carry it out, and the related issue of fairness (i.e. being able to pursue a given path on a platform equal to other citizens) are closely connected. For simplicity, we can separate these into two broad categories going forward. Call them the *inward-facing* and *outward-facing* dimensions of autonomy, respectively (note that Meyers does not use these terms herself).

2.1.6 Better articulating cases of gendered choice

²⁰ Note that I am departing from Meyers’ framing of autonomy by including this discussion.

Unlike traditional procedural accounts, Meyers' model does not assume that an authentic self-portrait will arise in the absence of barriers against it. Instead, it requires the development and exercise of a robust set of skills, as well as a specific self-regarding attitudes (such as confidence and self-worth). Because of these more stringent requirements, it also better helps us understand the precise processes by which gender norms and socialization can create barriers to choice. I've chosen to break Meyers account into two broad dimensions (inward-facing and outward-facing) because they correspond to two distinct ways in which these soft factors can interfere with autonomy. I will outline these in turn.

a) Inward-facing hindrances: socialization

Recall that the inward-facing dimensions of autonomy competency include the formation of an authentic self-portrait - a process which requires exposure to a range of options, introspection, deliberation between them, and self-regarding attitudes such as confidence and trust. The primary way gender norms can interfere with this process is through socialization. For the purposes of this discussion, I am operating with a definition of "socialization" that encompasses the dissemination of norms, values and beliefs accepted by a culture.²¹ In the case of *feminine* socialization, these include messages about the proper role of women: as subordinate in their relations to men, and as necessarily embodying character traits such as passivity, accommodation, or dependence (as opposed to traditionally masculine traits such as assertiveness, self-interest, or independence). These include messages that are both overt (e.g. teaching of gendered values) and indirect (e.g. cold or hostile reactions to straying from these norms).

²¹ This is in contrast to the broader definition employed by some developmental psychologists (which includes the formation of language skills, and other aspects of cognitive development).

Most straightforwardly, gender socialization can heavily shape the interests, values, and dispositions of those facing it. The role of gender stereotypes in forming preferences and interests has been detected at ages as early as four, and continues to develop from there (Martin and Little: 1990). Importantly, this process constrains the range of options that one sees as available to them. By presenting a set of traits as biologically and/or normatively linked to one's sex, it significantly limits the range of ideals or conceptions of the good that one can seriously deliberate between.

Perhaps harder to discern are the threats that gender socialization can create to the self-regarding attitudes necessary for the formation of an authentic self-portrait. Feminine socialization not only contains messages about sex-typed character traits - it can also contain relational messages about women's subordinate status. Being subject to attitudes or depictions which de-value women, or treat them as only suitable for deferential roles, can have deep-seated effects on the self-esteem or self-worth of those facing them. This may hinder the ability to treat oneself as the primary authority in creating a self-portrait - encouraging women to treat the opinions of others, instead of themselves, as the most salient factor in the deliberation process.

b) Outward-facing hindrances: hostile social climate

Setting aside the threats that gender norms create to the *inner* processes crucial to autonomy, we can turn to the outward-facing factors - namely, the ability to create a life plan that reflects one's self portrait (and have the traits that dispose them to pursue it), as well as the related issue of fairness broached earlier (i.e. relevantly equal opportunities for autonomy-exercise).

Examples abound of straightforward barriers that women face to creating and carrying out life plans that reflect their self-portrait. Discrimination, coercion, threats of violence and lack of resources are all well-documented factors (see e.g. O’Toole, Schiffman et al: 2007). Aside from these direct threats, more subtle examples include hostile or exclusionary environments (e.g. in the workplace, or other public spaces) which can wear on the resolve necessary to carry out one’s life-plan. Furthermore, knowledge of others’ negative perceptions can give rise to “stereotype threat”, which creates anxiety that can hinder performance on a variety of tasks (Inzlicht: 2011). These make the pursuit of a path more psychologically strenuous.

Overall, the threats to autonomy created by gender norms go beyond mere socialization. Two agents may have an autonomous self-portrait and life-plan, but be unequal in their ability to exercise said autonomy in virtue of their differing genders. Thus, the skills and avenues necessary for the fair exercise of autonomy can also be hindered by the greater context in which an agent is situated.

c) Two corresponding cases: Cathy and Yvonne

Breaking Meyers’ model of autonomy competency into two key components (inward-facing and outward-facing) has helped us better understand the ways in which soft factors can interfere with the autonomy of women along two different dimensions. Having established the above, we can consider how this understanding of autonomy helps us better conceptualize cases where it may be hindered. To do so, I return to the hypothetical cases of Cathy and Yvonne.

Recall Cathy's dilemma. The saturation of harmful messages in her upbringing means that her self-esteem is tied almost exclusively to her outward appearance. She spends a crippling amount of her income on risky cosmetic procedures. Cathy's dominant values are all outward-looking. Instead of engaging in self-discovery by asking "how do I feel?", she only asks "how do others perceive me?". Thus, the skills necessary for self-discovery (i.e. the inward-facing dimension of autonomy) are hindered by feminine socialization. Despite this, she is able to formulate and carry out a life-plan that reflects her self-portrait (i.e. undergoing surgeries), as she lives in a society which readily encourages this. Thus, her capacity for self-definition and determination (i.e. the outward-facing dimension of autonomy) does not face particular challenges, but instead reflects a stunted self-portrait.

Yvonne faces challenges along the second dimension. She takes the time to form an authentic self-portrait, and finds that she strongly identifies with both her wish to be a homemaker, and her interest in the profession of law. Instead of finding a way to integrate these two goals, she reflects on the hostile reactions she is faced with when behaving assertively, and thus shies away from her career aspirations. Eventually, she comes to fully identify with her role as homemaker. While Yvonne exhibits autonomy competency in certain ways (e.g. by engaging in self-discovery and forming a complex self-portrait), the hostile cultural climate means that her ability to self-direct (and form a life plan that adequately reflects this portrait) on a platform equal to men is challenged. Because these processes lean on one another, she changes her portrait to alleviate this tension. While we may hesitate to deem Yvonne non-autonomous, her set of meaningful options is constrained on account of her gender. Her situation stands in tension with autonomy in virtue of the conditions in which she is situated.

2.1.6. A potential strategy for Luck Egalitarians

We've seen that both Cathy and Yvonne's cases face gender-based threats to autonomy which correspond to the two dimensions outlined above. Unlike a minimalist account of autonomy, Meyers' account allows us to capture subtle cases such as those of Cathy and Yvonne. Thus, it is a better candidate for use by Luck Egalitarians who wishes to appropriately deal with the dilemma of choice-based gender inequalities. In Chapter 1, I argued that Luck Egalitarianism is prima facie compatible with choice-based gender inequalities. I established that this was largely the result of their adherence to the choice/circumstance principle, and the assumption that said principle would appropriately deal with gender justice. I established that such an approach left considerations about the social dimensions operative in said choices (i.e. soft constraints) largely unaddressed.

However, if we accept the above interpretation (that soft constraints are in tension with autonomy), it gives rise to a potential strategy for Luck Egalitarians to deal with the dilemma of gendered choice. More precisely, it suggests a way to amend the principle so as to better account for the ways in which social context interacts with women's choices - by specifying that the "choice" portion of the choice/circumstance principle should be taken to mean "fully autonomous choice".

This is not a new insight. Many liberal theorists have incorporated the topic of autonomy into their discussion of a just state. In particular, many argue that citizens (and children in particular) are entitled to an upbringing which facilitates the formation of autonomy (see e.g. Callan: 1998,

Macleod: 1997, Levinson: 1999, Clayton: 2006). Luck Egalitarians ought to ally their project with these discussions.

More directly attending to autonomy in choices would give Luck Egalitarians a principled motivation to deal with the issue of soft constraints (i.e. in virtue of the threats they create to autonomy), while still maintaining the centrality of the choice/circumstance divide. Interpreting the principle in this more robust fashion will better equip Luck Egalitarians to deal with the issue of gender justice. However, this is not to say that current Luck Egalitarian literature adopts this approach. In what follows, I will consider two authors who make discussions of autonomy central in their iterations of the choice/circumstance principle, and consider whether their approaches are adequate in dealing with the threats created by gendered soft constraints.

Chapter 2, Part 2: Autonomy in Luck Egalitarianism

2.2.1. Dworkin's "principle of authenticity"

One potential strategy to ensure that the choice/circumstance principle reflects fully autonomous choice is to contextualize said principle in a way that precludes preferences that have been highly influenced by autonomy-undermining forces. This is the route taken by Ronald Dworkin in his equality of resources scheme, in particular his "principle of authenticity". As was previously mentioned (p. 9), authors in the Luck Egalitarian camp vary greatly in how they employ the choice/circumstance principle. While the specific details of each are unimportant for the larger case at hand, it is helpful to situate Dworkin's use of the principle within the hypothetical scenario he employs.

Dworkin's distributive scheme is informed by a thought experiment known as the "hypothetical equal auction". In this scenario, all tradeable resources in a society are placed in an auction, and every citizen is given an equal supply of chips for bidding. The auction proceeds until all parties reach a bundle of resources which passes the "envy test". What is meant by this is that no party would prefer anyone else's bundle to their own (ibid, 67). This initial auction is also supplemented by a hypothetical insurance market in which citizens can ensure against such risks as disability, unmarketable talent, or other matters of brute luck (ibid, 73-73). Together, these two mechanisms set a fair framework of interaction, against which the project of choice-tracking can begin to be carried out.

However, fairness in the initial auction not only requires that people begin with equal resources with which to bid, but also that they are adequately equipped to make such decisions. In Chapter 3 of *Sovereign Virtue* (The Place of Liberty), Dworkin articulates additional principles necessary to the success of a hypothetical auction, and of his distributive model more generally. Amongst them are the principle of abstraction (a 'strong presumption' in favour of liberty, except in cases where constraints are necessary to protect security), and the related principle of authenticity. The principle of authenticity is my central focus here. He states:

"Personality is not fixed: people's convictions change and can be influenced or manipulated. A complete account of equality of resources therefore must include, as a baseline feature, some description of the circumstances in which people's personalities will be taken as properly developed so that the auction calculations can proceed [...]

authenticity has both a passive and active voice: participants to the auction would want both an opportunity to form and reflect on their own convictions, attachments, and

projects, and an opportunity to influence the corresponding opinions of others” (Dworkin: 2000, 159).

This principle demands that parties to the auction must have had adequate opportunity to form their preferences (and influence those of others) prior to participation. This ensures that the envy test can satisfy citizens’ true interests, and not those formed by their previous circumstances (e.g. lack of exposure to one’s options).

Dworkin articulates the circumstances against which personalities can be deemed authentic by appeal to a series of liberties. Most straightforwardly, it requires that all parties be free from coercion or manipulation (ibid, 483, note 26). More broadly, it requires that people have the opportunity to explore and form their convictions, beliefs, and projects freely and with adequate opportunity for reflection. For Dworkin, this scenario is secured by the following:

“freedom of religious commitment, freedom of expression, access to the widest available literature and other forms of art, freedom of personal, social, and intimate association, and also freedom of nonexpression in the form of freedom from surveillance.” (ibid, 160)

Citizens explore their preferences against this background until “all parties [want] to exploit these opportunities no further” (ibid, 160), at which point the auction takes place. The nature of the above list suggests that Dworkin is operating with a definition of “authenticity” built on negative liberties (freedom from legal constraint on the formation of authenticity), instead of directly securing a capacity for authentic choice in citizens.

Of course, the auction is a thought experiment used to gauge an ideal distribution of resources, and is not intended to be carried out. Thus, when taken in more broad terms, the take-away from

Dworkin's principle of authenticity is presumably that choice gives rise to responsibility only against a background in which citizens have had ample opportunity to form their preferences authentically. When considered against this background, Dworkin's claim that an agent needs only to "identify with" their preferences before they are considered autonomous and responsibility-generating is plausible. In this way, he avoids the controversies surrounding whether or not specific choices are directly under an agent's control – opting instead to articulate a legal conception of authenticity against which choices can always be considered genuine (provided the preferences they stem from are identified with, and have not been directly manipulated or coerced). The choice/circumstance principle, in this context, tracks a specific type of choice – one undergirded by a wide breadth of freedoms, and adequate opportunity to reflect on one's preferences. What this principle would demand in distributive terms remains unclear, particularly when removed from its original role in a purely hypothetical scenario. However, the fact that it attends to the formation of "authentic" preferences is a helpful step – one which demonstrates that presupposing certain background principles may help avoid instances of seeming choice which are unduly shaped by outside forces.

2.2.2 A strictly legal standard of authenticity: some strengths and shortcomings

In light of the above principle, we can return to the question raised at the beginning of this chapter as it pertains to Dworkin. Is the principle of authenticity a potential solution to the problem of choice-based gender inequalities? In order to answer this, we need to consider whether Dworkin's principle would preclude the "soft constraints" discussed in Chapter 1.

We've seen that Dworkin's principle is a step in the right direction. Not only does it bring attention to the authenticity of citizen's preferences as a central concern, it also side-steps the

unpalatable task of having to determine whether each individual choice is an expression of agency. All that is required, on Dworkin's view, is that the liberties necessary for authenticity are secured, citizens have adequate opportunity for reflection,²² and a subject identifies with their preferences. Against this background, it respects a common-sense understanding of "choice" and does not deny agency to those who identify with their choices. Furthermore, the requirement that preferences cannot be manipulated or coerced – when given a strongly feminist interpretation – may succeed in addressing a number practices that serve to specifically shape women's preference sets. If given a broad enough reading, "manipulation" could be seen to include forms of gender socialization that are covert or deceptive – such as marketing tactics that seek to subliminally shape preferences,²³ dissemination of *knowingly* false information about gendered skills or abilities (e.g. telling a young girl women are bad at math despite knowing otherwise), or the purposeful withholding of information/resources relevant to understanding one's options (e.g. by one partner in a marriage who wishes to keep the other dependent or invested in the partnership). It is unclear whether Dworkin intends for his claim about manipulation to be interpreted in such a way, as he does not expressly address the question of authenticity in relation to gendered preferences. We should also note that Dworkin's list of requirements ensures that citizens are not limited in what types of "literature and other forms of art" they have access to. This would allow citizens access to viewpoints which challenge or conflict with dominant narratives surrounding gender.

However, even when given a generous interpretation, Dworkin's conception of what constitutes authenticity ultimately falls short. Practices of gender socialization are often not intentionally

²² again, the specific details of what this would demand (beyond the role it plays in the initial auction) are not clear

²³ I credit this example to Dr. Colin Macleod

manipulative or coercive. Rather, they are simply accepted as part of a culture's collective consciousness. Gender socialization rarely comes down to one party directly seeking to manipulate the preferences or behaviors of another. Rather, gender norms are passed down through various channels – the family, educational institutions, certain (though not all) religious institutions, peer groups, etc. They can take the form of overt normative and factual claims, or more subtle behavioural cues and role modeling. Nothing in Dworkin's principle expressly addresses such practices.

Furthermore, while Dworkin's principle would likely prohibit the *knowing* dissemination of false information, it is hard to think of many instances in which this takes place. More commonly, those who disseminate false factual claims about gendered skills or abilities (e.g. the teacher who tells a student that women are bad at math)²⁴ are not doing so knowingly, or as part of a plan to “manipulate” preferences of with whom they are sharing. Rather, they believe such claims to be true. Thus, their actions do not seem to qualify as manipulative or coercive in the way Dworkin intends. This does not just apply to factual claims - the same could be said of normative claims about the proper role or status of women in relation to men.

Dworkin's principle of authenticity also leaves the issue of hostile or exclusionary climates in workplaces or other public spaces largely untouched. Against Dworkin's background of civil liberties, the option to navigate such spaces might be available to a woman, but be more difficult or mentally taxing to pursue. However, as long as such barriers are not legally enshrined (and as long as they do not rise to the level of legally prohibited harassment or threats), they do not appear to conflict with Dworkin's list of liberties.

²⁴ For our purposes, I am assuming such claims are false given the weight of evidence that they are (see e.g. Entwisle, Alexander et. al: 1994, Cheryan: 2012).

Finally, we should note that while citizens have *access* to a wide range of literature and art under Dworkin's proposed background conditions, there is no system in place to ensure that they seek such opportunities out, or are *required* to be exposed to a range of viewpoints that conflict with dominant narratives about gender. While Dworkin rightfully picks up on the importance of making such resources widely available, there is no mechanism ensuring that citizens will employ them in seeking to create authentic preference sets.

As is evident, apart from the question of manipulation, the particular factors precluded by Dworkin's principle are almost entirely *legal* constraints on authenticity (e.g. restrictions on religious practice, restrictions on access to literature or art), and thus the social dimensions of preference formation are left out of the picture. This is not an oversight, but rather an intentional choice on Dworkin's part. He states:

“...personalities are authentic, for our purposes, when they have been formed under circumstances appropriate to using an auction among personalities so formed as a test of distributive equality. Of course this is a very different idea from the idea of metaphysical or even psychological authenticity. It focuses, for one thing, on the absence of legal constraints, and most personality-forming constraints and other influences are, at least for us, cultural rather than legal” (ibid: 483-4, 27)

However, framing the question of authenticity in terms of freedom from legal constraint fails to give due attention to the ways in which social or interpersonal factors can also shape the formation of preferences. His reasoning behind this limited scope is that his project concerns “how government treats people as equals” (ibid: 483, 27), and thus a strictly legal focus is

warranted. This presumably stems from a broader commitment to non-interference on Dworkin's part. However, it's not entirely clear that government action and cultural norms can be separated in such a rigid manner. For example, policy change on matters of parental leave, affirmative action, and even medical rights (e.g. contraception, abortion) often have a ripple effect - changing prevalent attitudes or norms surrounding the topic (see e.g. Marcus and Page: 2014 for a literature overview). This is to say nothing of the formative role that educational policy (e.g. curricular content) has on prevalent norms and beliefs. The intentionally limited scope of Dworkin's project fails to adequately acknowledge this interplay.

Furthermore, if authentic choice is to be of foundational importance to a political system, it is unclear why 'authenticity' should be limited in the way Dworkin claims. In fact, "treating people as equals" may actually *require* attention to social or cultural factors that create barriers to authenticity. In the previous chapter, I established that women face various "soft constraints" (e.g. socialization, cultural norms and expectations) to choice that men do not face to the same degree. These constraints shape the identities and preferences of their holders. If we follow Dworkin's claim that 'authenticity' should preclude legal but not cultural/social constraints, then these differences are left to stand, and the principle fails to express equal concern between genders. I do not mean to suggest that this is an intended outcome of Dworkin's principle. I merely wish to suggest that by limiting the scope of his principle to be legal and not social, Dworkin overlooks the implications this has for women in particular.

The problems with Dworkin's principle are compounded when we consider the further fact that social and cultural constraints can translate into choice-based inequalities between genders. Thus, not only is Dworkin's principle overly limited, his argument is also somewhat self-defeating: if

the principle of authenticity leaves constraints that create distributive inequalities, then personalities fail to be “authentic” in the way initially required by Dworkin. This is because his goal for authenticity is simply “when [personalities] have been formed under circumstances appropriate to using an auction among personalities so formed as a test of distributive equality” (ibid: 483, 27). If social/cultural norms can hinder authenticity in a way that creates inequalities, then personalities strongly shaped by these norms cannot be appropriate to using an auction amongst them as a test of distributive equality.

In order to illustrate the above claim, we can consider how Dworkin’s hypothetical auction might proceed if soft constraints are left largely unaddressed. Let us assume a background of full civil liberties, against which citizens are free from direct manipulation of their preferences, and unrestricted in their access to various forms of literature and art. Even against such conditions, we can imagine a case in which the social forces shaping gendered preferences play out in problematic ways. For instance, recall the “Cathy” scenario introduced in Chapter 1, wherein a young girl idolizes her mother who values physical appearance above all else. Cathy may enjoy the full host of negative liberties outlined by Dworkin, and even be free from manipulation or coercion. However, she comes to identify strongly with ideals of beauty, and feels immense pressure to conform to them in order to preserve her self esteem. She may have *access* to literature challenging such ideals, but fail to pursue it in virtue of the values she identifies with. To further the scenario, let us stipulate that Cathy has the potential to be an apt mathematician, as does her male counterpart Carl. In fact, both possess equal potential in this regard. However, when taking part in Dworkin’s hypothetical auction, Carl may choose to invest his tokens in resources that further his skill and career (e.g. mathematics textbooks, school supplies), while Cathy invests in cosmetic products in the interest of boosting her self-esteem. Both are happy with their bundle and

would not prefer anyone else's bundle of resources to their own. The envy test is satisfied, and the future inequalities that may stem from these investments are unobjectionable by Dworkin's standards.

My intention is not to suggest that this scenario is troubling in virtue of some superiority inherent in a preference for mathematics. Rather, what's troubling is that - despite Dworkin's background set of liberties - Cathy faces additional pressures that add to her deliberative considerations that her male counterpart does not face. Despite satisfying Dworkin's principle of authenticity and subsequent envy test, the scenario at hand still reflects a troubling inequality between the parties. Dworkin's principle of authenticity fails to capture this inequality.

Because Cathy's choices are not the result of direct coercion or legal restrictions, and because she identifies with them, they are deemed fully authentic on Dworkin's model (despite the presence of soft constraints). This extends beyond this isolated case. Other instances of choice-based, gendered inequalities (such as those discussed in Chapter 1), would face a similar analysis. Again, this is because they are not the result of legal restrictions, or "formal" constraints on choice or preferences.

In my discussion of Dworkin, I have attempted to show two things. The first is that his "background principle" strategy is a potentially useful way to side-step some of the trickier aspects of determining authenticity on a choice-by-choice basis. By securing authenticity as something *prior* to choice, it avoids the risk of being unduly paternalistic, or denying agency to those who identify with their choices. Second, I have attempted to establish that a background principle which focuses purely on legal constraints cannot succeed in dealing with the "soft factors" outlined in the first chapter. This has the unintended outcome of putting women at a

distinct disadvantage, as many constraints they face are cultural/social. These inequalities in soft constraints often translate to choice-based inequalities – something which challenges the appropriateness of “using an auction amongst personalities so formed as a test of distributive equality”.

2.2.3. An overly-minimal definition of autonomy

Dworkin’s requirement that someone needs only to “identify with” a preference is similar to the standard used in some procedural accounts of autonomy - namely, that a desire needs to be endorsed by a higher-order volition (see e.g. Frankfurt: 1988, 12-25). Of course, Dworkin’s definition extends beyond this - stipulating certain conditions within which preferences can be considered authentic (namely his list of negative liberties). In this sense, his account is more akin to Gerald Dworkin’s. Like Gerald Dworkin, the conditions stipulated by Dworkin are minimalist - assume that authentic self-creation will arise in the absence of barriers against it.

Given its similarities to traditional accounts of autonomy, Dworkin’s conception can be criticized on many of the same grounds. Namely, it fails to adequately account for the immense role of social context in shaping agents’ preferences. I suggest that it is this implicit understanding of autonomy, and its lack of social dimension, that renders Dworkin’s principle unable to adequately deal with the issue of gendered, choice-based disadvantage. Dworkin introduces us to the important strategy of employing the choice/circumstance principle against autonomy-enabling background conditions. However, his specified conditions fail to employ a robust enough understanding of autonomy itself.

2.2.4. Roemer’s “pragmatic theory of responsibility”

Another promising approach is that developed by John Roemer in *a Pragmatic Theory of Responsibility for the Egalitarian Planner*. While Dworkin's legal principle stops short of acknowledging cultural or social constraints on preference formation (and subsequent choice), Roemer's model does the opposite. This section will provide a brief overview of this model.

Roemer's "type" theory of responsibility treats a citizen's social circumstances as intimately tied to the choices which are available to her. Unlike Dworkin, Roemer's theory allows that an agent may identify with a choice, but still lack responsibility for it. This is because whether a choice is autonomous is not determined internally (e.g. by a specific psychological disposition toward one's choice), but is instead determined by the circumstances deemed causally relevant to choice in which an agent is situated.

Roemer's model is mathematically complex, but the central claim is simple: responsibility (both cost-inducing and benefit-inducing) can be determined by the degree to which a citizen's choice departs from the median choice made by members of their "type". Types are determined by all circumstances deemed influential to a particular category of choice (e.g. genetic characteristics, social circumstances). The less a person's decision departs from the median choice of their type, the less control they are said to have exercised, and the less we can claim such a choice is responsibility-inducing. Thus, two members of different types may make staggeringly different choices, but be said to have exercised a *comparable* degree of responsibility. If both make a choice that has the value [*median* - 2], they have both departed from their circumstances (which are captured in the median value of their type distribution) to the same degree - namely, by 2 deviations from the median. Whether they have exercised the same *de facto* amount of control is irrelevant (i.e. whether deviations from the median have the same value between types), as it may

be significantly harder for one party to depart from their circumstances,²⁵ and thus a smaller deviation requires comparable effort.

The above is most easily illustrated by appeal to one of Roemer's given examples: the amount of medical subsidies owed to two parties who incurred lung cancer from smoking. Each party is of a different type, defined by Roemer in this case by 5 factors: income level, whether the party's parents smoked, occupation, gender, and ethnicity. He gives the following cases: a black, male steelworker whose parents are both chain smokers; and a white, female college professor whose parents stopped smoking when she was seven. Both are 60 years old, and both have smoked the median amount of years for their type (which are 25 and 8 years, respectively). Despite the marked difference in number of years smoked, both are said to have exercised a comparable degree of responsibility, as is indicated by the fact that they lie at the median of their type distribution. Thus, both are said to be equally responsible for their choices.

As is demonstrated by the above, choices that depart significantly from the median of a certain type are "less available" as options to members of said type. Thus, while the decision not to smoke is formally available to both the lawyer and the steelworker, enacting it requires that the steelworker exercise a much greater amount of effort (overcoming barriers caused by parental upbringing, education, etc). Roemer's model is sensitive to this difference – hence why both are said to be equally responsible.

One should note that Roemer's theory is strictly "political, not metaphysical". While it provides an algorithm for determining responsibility against influential social circumstances, he does not seek to give an account of what these relevant circumstances are. This latter task is left up to the

²⁵ Hence Roemer's use of "comparable" instead of "same"

political community implementing his model, and is based on their particular views about “the extent to which persons can overcome their circumstances by acts of will” (Roemer: 1993: 149). What’s notable is that this model goes beyond controlling for purely formal (e.g. legal) constraints on choice, and allows us to directly attend to social or cultural “soft factors”. Amongst existing Luck Egalitarian literature, it is arguably the theory that gives the most weight to the impact of social circumstance on autonomy.

2.2.5. Roemer’s pragmatic model: some strengths and shortcomings

Roemer’s theory is attentive to the fact that while two citizens may face the same options, their navigation of said options is shaped by their circumstances. Thus, it not only controls for the *external* impact of brute luck on citizens’ options (e.g. physical barriers such as differences in mobility, or external barriers such as discrimination), but also its *internal* impact (e.g. character traits which are the result of social upbringing). With this in mind, this section will consider whether Roemer’s “type” mechanism adequately deals with gendered, choice-based disadvantages.

Roemer takes a substantial step further than Dworkin’s model. Unlike Dworkin, Roemer doesn’t conceive of authentic choice as something which arises in the absence of legal barriers against it. Rather, he operates with a more robust definition of autonomy in choices - concerned with the degree to which alternate courses of action were “available” to the agent. This definition is better at accounting for social or cultural factors left out of Dworkin’s principle, and thus does not have the effect of disadvantaging women by focusing solely on legal barriers. Roemer also differs from Dworkin in his after-the-fact treatment of the cases. Instead of incorporating authenticity in

preferences as a pre-condition to choice, he tracks choices and assigns responsibility afterward according to how likely they are to stem from circumstantially influenced preferences.

The implications of the above for gendered, choice-based disadvantage are clear. If soft constraints disproportionately impact women's choices in certain domains (e.g. parental leave, amount invested in cosmetic procedures or products), then gender would be factored into the "type" characteristics relevant to these domains. In these cases, "gender" serves as a catch-all for the presence (and unique impact) of various soft factors.²⁶ It is not intended as a suggestion that gender (or sex) would innately dispose one to make certain choices (e.g. in favour of cosmetic surgery). This is likely the point alluded to by Roemer in his use of "ethnicity" as a salient factor for smoking behaviour.

The above is most easily illustrated by example. Let us say that the salient features for "number of years spent caring for dependents full-time" are sex,²⁷ occupation, and whether the subject had a stay-at-home parent. We might have two parties: a male highschool teacher whose mother stayed at home, and a female highschool teacher whose mother stayed at home. Both parties spend 6 years caring for dependents, and accrue the same costs to their career. Despite the fact that both

²⁶ I am assuming that this would be the case, in lieu of making each soft factor (e.g. "exposure to gender stereotypes about caretaking") relevant to type definitions. This is because soft factors affect men and women in different ways, and to significantly different degrees. If each individual soft factor (but not the trait "gender" itself) was made relevant to a type definition, women would consistently fall on the cost-incurring side of the median for their type, because it would be skewed to account for men (who are impacted in a benefit-incurring way). For example, the median value for "years spent caring for dependents" for the type "30 years old, highschool teacher, strong exposure to gender stereotypes about caretaking" might be 3 years. However, the distribution would end up being such that majority of those who fall above the median (and incur costs by spending longer out of the workforce) would be women (due to the fact that they are strongly exposed to stereotypes that show them as caretakers), while the majority falling below the median (and incur benefits by spending less time out of the workforce) would be men (due to the stereotype affecting them in a the opposite way). The only way to eliminate this bifurcation is to use "gender" as a type factor (where the medians for each gender would be significantly different).

²⁷ Again, it should be noted that "gender" in this case stands in for the unique impact of "soft factors" such as cultural expectations surrounding women as caretakers. It is not meant to suggest that being a certain gender (or sex) means that you innately wish to spend more/less time in the workforce.

parties spent the same amount of time removed from the workforce, Roemer's model would categorize them as having exercised *different* amounts of responsibility. This is because they fall different distances from the median for their type. All other factors being equal, the female highschool teacher would fall significantly closer to the median for her type, as the median number of years spent caring for dependents is much higher in women (as being primary caretaker is gender-skewed). These differences in ascribed responsibility track the fact that working was less "available" as an option to the female highschool teacher (despite them both having the formal option to work), presumably as a result of a collection of social factors. Thus, despite their seemingly "equal" circumstances, they are not equally responsible for the burdens they accrued while removed from the workforce. Thus, there is an inequality that needs to be addressed (at least as long as gender continues to be a predictive factor in primary caretaking). However, the *solution* to this inequality remains unclear.

Roemer's mechanism can easily be applied to the cases of Cathy and Yvonne from Chapter 1. Yvonne's case would face a similar analysis as that above. While caring for dependents full-time is likely not the median for a 30-year old female with a highschool education,²⁸ her decision would fall much closer to the median of her type distribution than her male counterpart (due to the fact that caring for dependents is gender-skewed). Thus, according to Roemer's model, it reflects a less free (or autonomous) choice. A similar case could be made for Cathy's situation, controlling for type-factors such as gender, occupation, self-rated attractiveness, and marital status – all factors that have been found to determine the likelihood of cosmetic surgery (see Lever and Peplau: 2007 for an empirical overview).

²⁸ I am stipulating that this is Yvonne's background

The fact that the above cases would be considered less responsibility-inducing on the basis that they are largely gender-skewed phenomena is a step in the right direction. It acknowledges the role that social pressures (e.g. the construction of gender) can have in shaping the choices of those affected by them. If “gender” was factored into the “type” definition for all choices that are gender-skewed, an inequality such as the wage gap would be recognized as an injustice deserving of attention in spite of its seemingly “chosen” status.²⁹ Roemer’s model would recognize that the decision to be primary caretaker is more common in women, and thus a woman’s choice which fits this pattern is more likely to be attributable to her circumstance, and thus be less responsibility-inducing (in virtue of falling closer to the median for her “type”). This is a testament to how effectively Roemer’s model attends to social factors which disproportionately affect women’s choices.

We’ve seen that Roemer has developed a useful mechanism for measuring the degree of responsibility present in choices after they are made. However, we should note that this mechanism is entirely retroactive. It holds up individual instances of choice, and assigns responsibility on the basis of their departure from their type median. While Roemer has given us an interesting story about whether a choice can be considered responsibility-inducing, he has done little to describe what the *solution* is for those agents whose choices do not induce responsibility. In fact, his examples focus almost exclusively on after-the-fact compensation, assigned retroactively, after a choice has been deemed non-autonomous.³⁰ Roemer’s formula, while impressive in its sensitivity to social factors, is merely a mechanism to assign responsibility.

²⁹ Again my discussion is assuming that other factors maintaining it – e.g. discriminatory hiring – are already corrected for on Roemer’s model.

³⁰ For instance, his example regarding smoking behaviour focuses on subsidizing medical costs for those ‘types’ who are deemed less responsible for their choices in this regard. We can imagine a similar approach being taken to issues

With the above in mind, we can turn to a substantial oversight in Roemer's project: the fact that he fails to consider inequalities between *option sets themselves*. For example, if we were to look at the distribution for two types (e.g. the highschool teachers discussed above), we might find that the values are more tightly clustered around the median in the "female highschool teacher" distribution, while there is more variation in the "male highschool teacher" distribution (e.g. due to stronger social pressures facing women surrounding caretaking). Of course, Roemer accounts for the outcomes of this fact (assigning costs/benefits according to how many *deviations* a choice falls from the median value, instead of the actual difference in value). However, the mere fact that certain types have less mobility within their distribution seems objectionable in its own right. If there are significant differences between the degree to which types can depart from their type-medians, and departure from one's type-median is a marker of autonomy (according to Roemer's mechanism), then certain groups simply have *less autonomy* on Roemer's model. This appears objectionable, even if citizens aren't forced to bear the costs created by it. The mere fact that citizens vary greatly in their capacity to depart from their circumstances (e.g. due to increased social pressures) is something that warrants attention. Merely acknowledging that these choices should not be responsibility-inducing (as Roemer does) is not enough. Call this the problem of unequal autonomy.

This wouldn't be a problem if the characteristics factored into type categories were entirely immutable. Various factors will *necessarily* broaden or limit option sets (e.g. someone who is innately highly intelligent may have a broader set of career paths than most), and not much can be done to change this. Cases of this type are thus good candidates for after-the-fact remedies.

that are gender-skewed (e.g. subsidizing women's 'costly' choices such as staying at home with children if they are deemed the result of social pressures).

However, Roemer's theory makes no principled distinction between type characteristics that are insurmountably relevant to choice, and those that are relevant to choice in virtue of contingent and malleable social facts (e.g. that women face higher expectations to be the primary caretaker). The fact that being born a woman (in a society which constructs gender in a restrictive way) makes a large set of choices psychologically "less available" based on societal norms is an injustice in and of itself, and Roemer's retroactive acknowledgement that such cases should not induce responsibility cannot fully remedy this. His theory treats natural forces and soft constraints in much the same manner, and thus surrenders too much to the realm of immutable luck.

It might be replied that Roemer is not guilty as charged. Roemer's theory is, as he states himself, strictly pragmatic. He takes no definitive stance on the context in which it is used. While current conditions may dictate that the presence of soft factors means certain courses of action are "less available" to women, nothing in his theory precludes attending to this fact (and mitigating the problem of unequal autonomy) prior to its use. If this is the case, Roemer has provided an impressive mechanism for determining responsibility, but little in terms of a worked-out egalitarian theory. While this makes it plausible for use under current, non-ideal conditions, it still leaves a substantial task for Luck Egalitarians. It leaves the question of how to ensure that factors which aren't *intrinsically* limiting (e.g. gender, ethnicity etc) don't severely limit people's options in virtue of social facts. Simply tracking the degree to which responsibility is present, and responding accordingly, cannot do this.

2.2.6. The duty to foster autonomy: Roemer's oversight

In Chapter 1, I discussed two complementary intuitions that form the basis of the Luck Egalitarian project. These were the claim that "choice excuses otherwise inexcusable inequalities" (Cohen:

1989, 931), as well as the claim that “it is bad—unjust and unfair—for some to be worse off than others through no fault [or choice] of their own.” (Temkin: 1993, 13). Together, these form the choice/circumstance principle. Various widely-discussed factors underlie the force of these intuitions: the wish to see our distributive evaluations of responsibility align with our moral evaluations, the seeming unfairness of forcing someone to foot the bill for another’s costly decision, and so forth. However, an additional factor is often overlooked: the fact that we see self-determination as important to leading a good life. The wish to be treated as a responsible agent lends substantial force to the intuition that choice excuses inequality. Thus, it can be argued, not only is the choice/circumstance principle grounded in the wish to avoid of paying for consequences we didn’t choose, it is also grounded in the broader claim that choice is a *good thing* – something to be protected and valued. The goals of Luck Egalitarianism should not end at tracking choice and insulating against the effects of bad luck. Any government which wishes to hold choice-tracking as a central goal has indirectly claimed that personal responsibility is valuable, and thus has a duty to foster autonomy (namely, the ability to make authentic choice) in its citizens.

While this seems evident in theory, Roemer’s problem of unequal autonomy is rooted in a failure to sufficiently acknowledge this. Despite the fact that he attends to social constraints on choice (and does not limit his concerns to strictly legal barriers), he does not directly object to the fact that these interfere with the ability to choose autonomously. Roemer’s model leans heavily on the intuition that it is unfair for people to be assigned responsibility for matters over which they had no choice. For Roemer, the locus of the injustice lies in the fact that certain groups who are unable to overcome their circumstances (e.g. the black male steelworker to whom the option of *not* smoking is in a sense “unavailable”) are nonetheless often *held responsible* for the choices

flowing from them. He does not locate a distinct injustice in the fact that certain groups are unable to choose freely in virtue of their circumstances (even when these circumstances are wholly contingent). His model does not focus on fostering autonomy to any degree – rather, it is a mechanism to track a lack thereof. This mechanism, while sophisticated and useful, cannot be the end of the project. The problem of unequal autonomy present in Roemer’s model indicates the importance of fostering autonomy as an independent goal.

2.2.7. The project going forward

I have taken the time to consider (and ultimately reject) the above accounts for several reasons. The first is that within the existing literature, they both come closest to dealing with the problem of choice-based gender inequalities by making autonomy in choices central. Thus, they exhibit certain strengths which are useful to consider. Equally as important, however, is that each author has shortfalls where the other has strengths.

Dworkin’s most notable strength is the “background principle” approach to autonomy in choices. Dworkin effectively focuses attention on the context of deliberation in which choices are made, instead of their individual content. By securing conditions under which choices can be deemed authentic prior to the operation of his model, he avoids after-the-fact solutions (e.g. those which track a *lack* of autonomy and compensate accordingly). This better coheres with our commonsense understanding of choice, and - if the background conditions are robust enough - would avoid the problem of unequal autonomy. Furthermore, it draws attention to the important fact that the choice/circumstance principle seems most plausible when it is read against specified background conditions.

However, Dworkin's principle stops short of providing a suitable solution to the dilemma of gendered choice. This is because the understanding of autonomy implicit in his model is overly minimal - it focuses on the removal of legal barriers to authenticity, and fails to acknowledge those that are social. Thus, the background conditions he articulates – while a step in the right direction - stop short of remedying barriers to autonomy rooted in gender socialization or cultural norms. This is evidence that a more robust definition of autonomy should be operative - one that can better capture the threats to autonomy that gendered norms create.

Unlike Dworkin, Roemer gives substantial weight to the influence of social factors on the choices of citizens. He draws no principled distinction between formal constraints (such as those created by legal barriers, lack of resources etc.) and soft constraints. This makes him well-equipped to deal with the threats to autonomy that gendered norms create. Thus, we can assume that a much more robust notion of autonomy is operative in his model. However, the fact that he does not draw a distinction between formal and soft constraints means that he treats them as equally immutable. Thus, his solutions are entirely backward-looking, and focus on isolating instances in which autonomy is lacking, and determining a solution. This approach invests no effort into articulating the background conditions against which the choice/circumstance principle should be operative. Failing to do so leaves him with the problem of unequal autonomy, and fails to fulfill the project of fostering autonomy in citizens.

An appropriate solution would harness the benefits and avoid the shortcomings associated with each author. One such approach is to employ a “background condition” model such as Dworkin's,

but inform it with a more robust definition of autonomy - one that better captures the barriers that gender socialization and norms create to choice. Such an account was endorsed in Part 1 of this chapter – namely, Diana Meyers’ “autonomy competency”. If the choice/circumstance principle is taken to imply “fully autonomous choice” (as defined by Meyers), then the standards for its application will be exceedingly high. “Autonomous choice” would be taken to reflect a choice which has been made by an agent who has engaged in self-discovery, possesses the appropriate self-regarding attitudes (i.e. self-worth and confidence), and possesses opportunities for autonomy-exercise that are equal to those around her. Securing conditions against which this is possible would render the choice/circumstance principle significantly more effective in its treatment of gendered choice.

2.2.8. Conclusion

In Part 1, I gave a broad overview of the concept of autonomy, and contemporary feminist re-interpretations of the concept. I then endorsed a particular understanding of autonomy - that offered by Diana Meyers. I broke her account into two broad dimensions (inward-facing and outward-facing), and showed how gender can impinge on the formation of autonomy (or its associated equal exercise) along both dimensions. Thus, this account better helps capture the role that gender socialization, or hostile social conditions, can play in hindering full autonomy.

I also established that directly attending to autonomy in choices may provide a principled way for Luck Egalitarians to ensure that they do not overlook soft constraints in their employment of the choice/circumstance principle. I then argued that existing efforts to do this make important mistakes: they either employ an overly minimal conception of autonomy which fails to capture the way social context impinges on choice (Dworkin), or treat soft constraints as insurmountable –

allowing for unnecessary inequalities in autonomy between agents (Roemer). However, both authors exhibit certain strengths - namely, the “background principle” approach to autonomy, and attention to the social elements operative in choice. The take-away from this discussion was clear: Luck Egalitarians ought to endorse autonomy-enabling background conditions, but with a definition of autonomy that is robust and sensitive to gendered constraints on choice.

However, the analysis thus far (of cases such as Yvonne and Cathy’s) has been retroactive. I have shown how Meyers’ account would help conceptualize cases of diminished autonomy, but not how to overcome them. The project going forward, then, is to consider how this picture of autonomy can be integrated into the “background condition” approach to the choice/circumstance principle. Namely, we need to articulate the set of conditions under which we can consider a choice free from gendered constraints on autonomy. In my next chapter, I will articulate some broad requirements of these background conditions, informed by Meyers’ robust notion of autonomy competency.

Chapter 3

In the previous chapter, I argued that gender norms could be in tension with autonomy along two distinct dimensions: those that are inward-facing (i.e. the formation of a self-portrait) and those that are outward-facing (i.e. the skills and avenues necessary for its fair exercise). These occur through the processes of socialization and the existence of hostile public climates, respectively. With this in mind, we can better understand what institutions merit attention in articulating fair autonomy-enabling background conditions. In order to do this, we need to ask: where do these processes primarily take place? Upon discovering the areas that warrant focus, we can ask: how should these areas be structured in order to better foster autonomy?

In what follows, I will attend to three key dimensions in autonomy-enabling background conditions. The first two speak to the topic of socialization – both within the home (i.e. the family structure), and outside the home (e.g. educational institutions). I establish that regulating the perpetuation of gender norms in the family faces significant practical problems, and instead advocate for a robust, gender egalitarian autonomy-facilitating education. Because socialization primarily takes place early in life, these topics focus on fostering autonomy in children. The third dimension that warrants attention is more broad. It speaks to the creation and enactment of a life-plan – these are public avenues through which we carry out life-plans in adulthood (e.g. the workplace). I suggest attending to the structure of public institutions - ensuring they are free from three distinct types of gendered barriers: those that are straightforwardly prohibitive, those that impose unfair financial costs on women, and those that impose unfair psychological costs on women.

Chapter 3, Part 1: Inward-facing autonomy

In Chapter 2, I established the role that gender socialization plays in hindering the inward-facing dimension of autonomy competency (namely, the ability to form an authentic self-portrait). While it was not explicitly stated in the previous discussion, the most formative instances of gender socialization take place in childhood. Gender identities are formed long before citizens enter the adult world, and are deeply entrenched by this point (Carrado: 2009). This being the case, facilitating autonomy free of gendered constraints requires directly attending to the status of children in egalitarian society.

The above is not a novel topic. The rights of children to an autonomy-facilitating upbringing have been widely and persuasively argued for (see e.g. Callan: 1998, Macleod: 1997, Levinson: 1999, Clayton: 2006). These authors differ in how they conceive of the basis on which these rights are assigned, or what an autonomy-facilitating upbringing entails. However, they all depart from views which see children as an extension of their parents or guardians, or as only subject to considerations of justice upon entering the adult world. Children have a morally compelling interest in their future autonomy, and in not having its development threatened by the conditions in which they are raised. A just state ought to acknowledge and advance this interest.

I will draw on more specific insights from these authors throughout, but for my current purposes it will suffice to endorse an autonomy-facilitating upbringing as a right of all children. My interest is not in *establishing* the plausibility of this right.³¹ Rather, my interest is in considering the specific

³¹ I am assuming Luck Egalitarianism must be committed to facilitating the autonomy of all citizens, as their central project (responsibility-sensitivity/choice-tracking) relies on the assumption that people are autonomous, at least to a degree. If this implicates children, then they have a reason to attend to this topic. Note also that children may have unique rights that extend beyond the demands of an autonomy-facilitating upbringing. I am setting these aside for the purposes of this discussion.

implications that gender socialization has for this project. If gender socialization threatens the future autonomy of children, what background conditions should be established to prevent this? I will consider implications for two areas which are central to children's development: the family structure, and educational resources.

3.1.1 Autonomy and the domestic sphere: the ideal scenario

The family is the first, and one of the most central, agents of socialization - gender and otherwise (Martin, Wood et al.: 1990). Liberal Egalitarian authors have often been criticized for overlooking the family as a site of injustice. The family is often considered a private sphere - one free from political concern or interference. In my discussion of Dworkin (Chapter 2), I argued that the divide between legal and cultural threats to authenticity was ill-equipped to deal with the unique constraints to autonomy caused by gender expectations and norms. To limit our discussion to public institutions would be to fall into this same trap. If the family carries the potential to both hinder and facilitate autonomy, it warrants close attention.

To begin, we can consider what family structure would be the *ideal* from the perspective of someone concerned with gendered threats to autonomy-facilitation. To do this, we first need to consider the ways in which gender is *currently* reproduced in the home, and what the opposite might look like. Gender socialization is a complex phenomenon, and the norms associated with it can be passed down through the family in a number of ways. For our purposes, we can break this transmission of norms into two broad categories: direct socialization, and indirect (often unintended) socialization.

Direct socialization, at its most extreme, can mean the deliberate teaching of a value system which privileges one gender over the other. It also includes encouraging and reinforcing gender-

stereotypical personality traits (by responding positively to gender normative behaviour, and neutral or cold to the opposite). The latter can be usefully exemplified in responses to anger or assertive behaviour in children. While such actions are often shrugged off or playfully encouraged in boys, the opposite consequences often attach to young girls expressing the same emotions (see Chaplin, Cole et al: 2005). Direct socialization may also include emphasizing different goals, values and life paths for each gender - often reinforced through gender-segregated toys and clothing. This may be motivated by appeal to what is “natural” (understood in a secular sense), or in some cases may be faith-based.³²

Indirect socialization is more subtle, and can include gender norms passed down through imbalances of power and divisions of labour between parents - even if they are not intentionally transmitted. Witnessing an imbalance of authority in household decision-making may send messages about the appropriate dynamics that obtain between genders (Minuchin, 1974, 1975). It may send messages about the appropriateness of servility or subservience to girls in particular, or create the expectation that they yield to male authority. This form of socialization can hinder the self-regarding attitudes required for full autonomy, such as self-esteem and self-worth.

Furthermore, studies have shown that a *balance* of power in the marital relationship (marked by “organized communicative rules that enhance harmonious decision making”) creates stability and self-esteem in children (Minuchin, 1974, 1975; Lindahl et al. 2004).

Divisions in childrearing practices which favour women as the primary caretaker also play a substantial role. The norms associated with this are passed down through parental role modelling. Marks, Bun Lam et al. (2009) found a significant congruence between parental divisions of

³² Note that this is not to say that all religious perspectives support ‘traditional’ conceptions of gender. Many reject them.

labour, and children's attitudes about gender-typical characteristics. Thus, in majority of households, children learn to associate traits such as nurturance, care, and domesticity with women, and independence or strength with men. These associations are reflected in children's self-evaluations, and integrated into their personalities at a young age (Fagot and Leinbach: 1995). While this form of socialization is markedly less extreme, it likely still has effects on the skills central to autonomy competency. Learning to see certain traits as natural to one's sex, and integrating such associations into one's self-image, may limit the range of ideals or conceptions of the good that one seriously deliberates between. Overall, gendered divisions of labour tend to lead to gender-stereotypical behavioural associations, even if unintended.

The inverse of the above is also the case. Studies have shown that in families where fathers were equally involved with care, children formed flexible gender role attitudes at a young age (Fagot and Leinbach: 1995). This would presumably have a beneficial effect on autonomy competency: allowing children to deliberate between a larger possible set of options, without sex-stereotypical behavioral expectations shaping their perceived options. These effects persist: equal parental involvement has been found to be predictive of adolescents' attitudes and expectations toward future non gender-traditional careers and parenting arrangements (Williams et al. 1992). A follow-up study found that these less-traditional gender role attitudes persisted even into adulthood (Williams et al.: 1999). Furthermore, the equal division of parental labour was found to increase self-esteem in children, and encourage a sense of self (e.g. interests, aspirations) not tied to their gender (Deustch, Servis et al.: 2001).

Having laid out the way gender norms are currently reproduced in the home, we can better understand what the ideal family structure for autonomy-facilitation would be. Namely, it would

include an upbringing in which parents emphasize the inherent equality of men and women, and de-emphasize gender-specific behavioural traits, values, life paths etc. This not only includes facilitating self-discovery free of gender (e.g. by positively reinforcing interests without reference to their gendered connotations), it also includes critical engagement with biological and normative views about gender differences that they might encounter elsewhere (or exposure to literature or resources that encourages such engagement).³³

However, our considerations do not stop at matters that directly involve the child. The more subtle channels through which gender norms can be transmitted (power dynamics and parental role modelling) have implications for the relations that ideally obtain between parents.³⁴ Namely, this would entail households where both parents have equal say in everyday affairs (avoiding the implicit messages sent by unequal dynamics), and are both equally involved in childrearing duties and domestic work (avoiding gender-specific parental role modelling).

In this way, the ideal scenario looks similar to the “genderless family” advocated by Susan Okin in *Justice, Gender and the Family*. Okin argues that, ideally, roles and responsibilities in the family should be divided equally and without reference to sex. Okin’s case is largely based on considerations of justice *between* the two parties involved in a partnership, as well as the positive effects a genderless family would have on wider social institutions (Okin: 1989, 183). She also establishes that it is in the best interests of children, though her focus is primarily on giving them

³³ Of course, the above factors only speak to the gender egalitarian dimensions of the ideal autonomy-enabling household. Other factors (e.g. encouraging critical reflection more broadly) may be equally as important. I do not go into these here.

³⁴ In this case, I am limiting my discussion to two-parent, male-female partnerships. It is not my intention to preclude the wide host of possible family arrangements (e.g. single parenting, same-sex couples) from the title. I have chosen to limit my discussion for two reasons: a) in the interest of time/spatial constraints, and b) because many of the gender norms I discuss are most likely to be transmitted in two-parent, male-female couples.

skills that are indispensable to their participation in a just society (e.g. a better capacity for empathy) (Okin: 1989, 186). These are all crucial considerations. However, if we take seriously the threats that gender norms create to the formation of autonomy in children, we have an additional reason to endorse Okin's genderless distribution of family tasks - namely, as part of our duty to facilitate autonomy in citizens.

We've seen that the ideal autonomy-facilitating family is one in which parents de-emphasize (and encourage critical engagement with) gender-specific norms and values, as well as one that avoids implicit transmission of said norms by adhering to the genderless distribution of labour spelled out in Okin's "genderless family". With this established, we come to an important juncture.

Presenting a scenario as the *ideal* is distinct from considering it something that can or should be mandated. An ideal scenario for one purpose (e.g. autonomy-facilitation) may well conflict with other important goals, such as intimacy or privacy. In what follows, I will consider the extent to which parents are in fact obligated to secure these conditions in their home.

3.1.2. Autonomy and the domestic sphere: Mandating the ideal?

Having established the above as the ideal autonomy-facilitating family structure, we can now consider the extent to which (if at all) there is an obligation that parents raise their children in accordance with this ideal.

First and foremost, we can make the uncontroversial claim that insofar as we endorse this structure as the ideal, we ought to make its fulfillment as easy as possible. This means several things. First, it means structuring institutions so as to not inhibit the equal division of childrearing and domestic labour. This includes leave policies that allow *both* parents to take paid leave upon

the birth of a child (such as fully transferrable leave policies which do not favour maternal over paternal leave), as well as affordable childcare for those parents who choose to work full-time after said leave. Second, it means providing access to resources that facilitate childrearing free of gender norms. This might include gender-neutral toys and clothing, as well as books, films, and television programs that challenge the gender stereotypes encountered by children in other media. These should be made widely available (and, it might be argued, at a government subsidized price so as to encourage their use regardless of family income). With these conditions in place, we can be better assured that departures from the ideal are not due to unfavourable workplace policies, or lack of access to the resources for a gender-neutral upbringing.

The above recommendations are uncontroversial for our purposes. They place no direct constraints on what a parent can or cannot do. For this reason, we can endorse them, but set them aside. In what follows, I will consider the central - and more controversial - question with which this subsection began. If our project is to facilitate autonomy in citizens, to what extent (if at all) can we *require* that parents raise their children free of gender norms?

a) Parental authority: two extremes

The family is an important institution wherein crucial goods such as intimacy, care, and support are realized. Part of this process, for many parents, consists in sharing their individual values and beliefs with their children, and raising them according to their own conceptions of the good. However, in some cases, a parent's conception of the good may include 'traditional' views about gender. Thus, many parents may see it as important to raise their children according to gender norms that conflict with the above prescriptions for autonomy-facilitation. We've also seen that gender norms can even be passed down unintentionally, due to parental role modelling through

gendered divisions of labour. Thus, merely making a seemingly innocuous arrangement between adults can be in tension with the ideal of autonomy-facilitation. This brings us to an important question: to what extent do the interests of certain parents (e.g. in privileging certain values and beliefs, or merely dividing their labour how they see fit) trump the interest we have in securing autonomy in children? There is a spectrum of views – with responses ranging from “always” to “almost never” at either end.

On one extreme, parents have full authority over how their children are brought up. Those who advocate this position (see e.g. Fried, 1978; Narveson: 2002) believe that decisions regarding child rearing should be insulated from state interference (except in cases where the basic needs of a child are at risk). Parents have the right not only to share their individual conceptions of the good with their children, but also to actively inculcate said values. This authority not only extends to the content of one’s upbringing *in* the home (i.e. the extent to which parents can impart their individual conceptions of the good). It also encompasses the exposure a child can have to *outside* sources of information. This might include, for example, eschewing public education in favour of a value-saturated form of homeschooling (Almond: 1991). This authority ends when the child reaches full maturity, in which case they are free to critically reflect upon (and potentially reject) those values endorsed by their parents.

This view would do little to help the project of facilitating autonomy (which we have independently endorsed) - particularly with regards to gender norms. If parents choose to raise a child in accordance with these norms, they will be deeply ingrained in her sense of self by full maturity. This is due to the fact that they are inward-facing - they concern beliefs about one’s behaviour and personality, which permeate every aspect of one’s life (one’s aspirations,

relationships, self-image etc.). This sets them apart from other values (e.g. a belief in the existence of god, a belief that eating meat is wrong). These are outward-facing (i.e. concern the existence of an independent being or principle) which may be easier to isolate from the individual so as to critically reflect on it.³⁵ The process of questioning gender norms needs to start at a much younger age, if we are to successfully overcome the barriers they create to autonomy. For this reason, we should reject the above “full authority” view.

On the other end of the spectrum are those authors who reject that parents have the right to use their personal values in informing the content of their child’s upbringing *at all*. One of the most prominent (and demanding) advocates of this view is Matthew Clayton. Clayton (2006) argues against what he calls “comprehensive enrollment”. This is the practice of enrolling children into a parent’s comprehensive doctrine and associated practices (e.g. religious fundamentalism, stark atheism etc.) prior to their development of autonomy. Doing so interferes with a child’s interest in developing an independent value set. Even *if* said enrollment could be broken in the future (e.g. by gaining the capacity to critically reflect on their parents’ commitments), it would still create objectionable limitations. He establishes this by appeal to the notion of “mental costs”. Behaving in a way that contradicts a particular tenet will cause more psychological distress for someone who was raised according to that tenet (even if they subsequently rejected it), than for someone who was not (Clayton: 2006, 106). Thus, certain avenues become “more costly” for citizens who were comprehensively enrolled in their youth. With this in mind, parents must refrain from imparting their personal values to their children. They also lack to authority to cut their child off from outside resources

³⁵ Note that this is a pragmatic point. I am *not* endorsing that we should only subject these other values to reflection in adulthood. I’m merely stating that gender norms are a *sui generis* case - one which increases the urgency of early reflection.

Having rejected the first extreme (that of full parental authority), we can now consider this radically opposing view. Are Clayton's insights appropriate to the case of gender socialization in the home, or should we advocate a middle ground?

b) Does gender socialization qualify as comprehensive enrollment?

Before considering whether we should endorse Clayton's argument in this case, we should establish whether the types of family-based gender socialization outlined in 3.1.1 qualify as comprehensive enrollment as understood by Clayton. The answer is not as straightforward as it may initially seem. This is because there are two distinct ways that gender norms are passed down in the family sphere - through parental role modelling (created by unequal involvement in childrearing), and through the direct transmission of value systems which privilege one sex, or prescribe different roles for each. I called these "indirect" and "direct", respectively.

Indirect transmission of gender norms through parental role modelling (e.g. dividing the household labour along gendered lines) does not necessarily qualify as a form of comprehensive enrollment. This is because comprehensive enrollment is a type of intentional conduct - namely, one which actively seeks to inculcate values. By way of illustration, Clayton gives the example of eating meat. Assuming that eating meat is not independently unjust, parents may choose to feed it to their children. However, there is a marked difference between feeding your child meat in the interest of simply giving them nutrition, and feeding them meat in the interest of actively cultivating a future meat eater (Clayton: 2007, 108).

An analogous point can be made about the division of labour. To illustrate, take an inter-generational example. Let us stipulate that a generation of adults have had adequate exposure to all the autonomy-enabling resources to be outlined throughout this chapter (e.g. an autonomy-

facilitating education, workplace conditions that are free of hostility etc.).³⁶ Against these conditions (which ensure that the choice itself is not independently unjust), a pair of adults may choose to divide their labour up along traditional gender lines. As long as they do not do so with the *intention* of encouraging gender roles in their children (e.g. they refrain from openly encouraging such divisions on the basis of gender roles), then it cannot be considered a form of comprehensive enrollment. Note, however, that this is a significant departure from the basis on which household labour is usually assigned (which often contains an implied understanding about the appropriate role of each sex).

Direct transmission of gender norms, on the other hand, falls neatly into the category of comprehensive enrollment. These are systems of norms that are actively inculcated in children, and often subsequently reinforced (e.g. by positive reactions to gender-typical behaviour). The motivation for adhering to such norms may be based in broad appeals to what is “natural” or “biological” understood in a secular sense. It may also be faith-based, and as such be linked to a wider set of beliefs. Such is the case with religious codes that prescribe gender differences or hierarchies.

We should note that classifying the transmission of said norms as “direct” does not entail that it is made explicit to the child. There are a number of channels through which parents can directly, but not explicitly, teach norms to their children. Examples include the types of entertainment (e.g. television, movies) that they allow their child to consume, or the themes present in joint activities (e.g. imaginative play, bedtime stories) that they undertake with their child. In the case of faith-

³⁶ Of course, getting to this point may require transitional policies which restrict the ability to choose how childrearing is distributed (e.g. equality-incentivising parental leave like that endorsed in Norway, Sweden, and Iceland).

based gender norms, it may be supported with reference to holy texts, or hierarchies within the church itself (Macintosh and Shapiro: 2012).

The inculcation of gender values along “natural” or religious lines is intentional (i.e. it is not the byproduct of some other choice or activity), and almost always begins at an extremely young age (i.e. before the child has reached maturity and can meaningfully consent). For this reason, Clayton’s view would not grant parental authority to directly transmit gender norms.

We’ve seen that, according to Clayton, we can require that parents meet certain aspects of the ‘ideal family scenario’ (that *most* conducive to autonomy) outlined above, but not others. Parents would be allowed to divide domestic duties as they see fit (which may come with the inevitable by-product of gender-specific parental role modelling), provided they *refrain* from teaching their children that a traditional gender divide has any normative weight. On the other hand, parents would not be permitted to directly and intentionally teach gender norms to their children. This has the benefit of not obstructing the free labour-related choices of parents (something crucial to a Luck Egalitarian model), while still enforcing conditions conducive to the formation of autonomy free of gender norms. However, this is a controversial stance. For one, it would rule out the transmission of religious commitments between parent and child provided said commitments contain prescriptive teachings on gender.³⁷ It also places particularly invasive constraints on the types of joint activities parents and children can undertake.

c) Some problems: intimacy and associational rights

³⁷ Note that Clayton’s argument actually rules out *all* transmission of religious norms between parent and child (except in the interest of exposing them to a range of views). I am choosing to focus solely on cases that implicate gender.

Showing that certain forms of gender socialization fall into the category of comprehensive enrollment does not necessarily show that Clayton's argument is successful in this case. We may have other values that are enhanced or protected by allowing parents some jurisdiction over the content of their child's upbringing.

To begin, there is the pragmatic question of *how* the state could intervene in these scenarios without causing significant psychological distress to the child. As Macleod (2002) points out, children are vulnerable and largely dependent on adults. Attempting to coercively enforce publicly endorsed ideals (e.g. those advocated by Clayton) may actually *harm* a child's wellbeing (327).

This consideration aside, there is an additional value which creates the greatest obstruction to the adoption of Clayton's view: that of parent-child intimacy. As has been pointed out by several authors (Brighthouse and Swift: 2006, 2009; Macleod: 2003), both parents and children have an interest in maintaining the affective relationships produced in the family. These relationships are often created and nurtured by sharing one's interests, values, and convictions with children, and in undertaking joint pursuits related to these. In the interest of protecting this value, Brighthouse and Swift suggest a class of rights that are *associational*. These are rights that are justified by appeal to our interest in maintaining intimate relationships between parents and children. This might include a whole class of activities - deciding what church to attend, what meals to eat, and what entertainment to consume. However, granting these rights comes with an important caveat. Namely, undertaking such joint ventures is only justified insofar as it is in the interest of securing intimacy between the two parties. Anything beyond what is required for this relationship is unjustified. Thus, while a parent may openly extol the pleasures of a meat-eating lifestyle in the interest of sharing their passion for culinary pursuits, they should not punish their child if they

express a distaste for it.³⁸ Clayton concedes that associational rights should be protected, subject to certain restrictions.³⁹

However, with this protection comes the problem of practical indistinguishability. Protecting the class of activities allowed by associational rights often *de facto* protects the class of activities used for comprehensive enrollment. The problem of practical indistinguishability creates a significant difficulty for views like Clayton's, and becomes even more intractable when applied to cases of gender socialization. This is because gender norms are rarely isolated, explicit messages forwarded by parents. Rather, they permeate various channels that often serve other purposes (e.g. movies, books, religious texts). Thus, granting that parents can decide on value-laden joint projects (e.g. attending a religious ceremony that extols certain gender norms, watching a movie that contains gender stereotypes) in the interest of fostering intimacy will be virtually indistinguishable from the process of comprehensively enrolling a child into a system of gender norms. Of course, we should also note that there are various ways to foster familial intimacy whilst *refraining* from gender socialization (such as undertaking joint projects that are neutral or gender-egalitarian), and such avenues should be publicly encouraged. However, due to the complications broached above, Luck Egalitarians may wish to publicly advocate that parents should only make use of associational rights insofar as they are necessary to foster familial intimacy, but concede that attempts to actively enforce this distinction will in many cases erode the very intimacy it is instated to protect.

³⁸ This is similar to the claim that, while a parent may be justified in privileging a particular conception of the good, this is distinct from attempting to authoritatively fix it as an end in one's child (see Macleod: 2003)

³⁹ For example, he states that "in revealing her beliefs and desires a parent should be clear that reasonable people disagree about their merits" (Clayton: 2007, 118).

However, with the above in mind, there is one caveat that should be made. This speaks to extreme cases of normative gender teachings - namely, those that hold that women are undeserving of the same legal protections as men, or are deserving of violence or coercion. Sharing these views with one's child cannot be justified by appeal to intimacy. This is because they themselves undermine this value. Meaningful affective relations are predicated on a recognition of the other as a human being of equal moral standing and intrinsic worth. Denying this of the other party (e.g. teaching one's daughter that she is deserving of physical harm) does not produce the kinds of relations (i.e. mutual respect and affection) that the intimacy restriction is meant to protect. Extreme patriarchal teachings of this kind not only preclude parents from realizing the goods of familial intimacy with their children, they also increase the odds that such a child may be faced with physical or psychological harm. In these cases, outside intervention may well be warranted.

d) Endorsing a middle ground

The above considerations do not stop us from hoping that parents will adhere to the ideal autonomy-facilitating family structure, though it does answer the question of whether we can mandate it. We might wish to publicly advocate (or even incentivize - e.g. by subsidizing the costs of gender neutral child-rearing resources) home practices free of gender socialization.

However, granting the value of parent-child intimacy, and recognizing the problem of practical indistinguishability, we should respect the practical limits to enforcing it.

That said, this does not mean that we ought to give up on the project of autonomy facilitation.

Rather, it means that we need to shift our attention to how the project might be carried out *outside* of the home, in ways that are less likely to erode the associational rights of parents. Of course, this shift in focus still has implications for parental authority over a child's upbringing. Namely, it

requires that we advocate a middle ground between the views advocated by the “full parental authority” camp (e.g. Fried, 1978; Narveson: 2002), and those advocated by Clayton. This middle ground states that, while parents are under no obligation to refrain from sharing personal values with their child (and undertaking joint projects which encourage them), they are not permitted to restrict access to outside resources which may encourage critical reflection on said values. This argument (that children should have access to autonomy facilitating resources outside the home) has been widely endorsed (see e.g. Levinson, 1999; Brighouse: 2000).

This approach has several virtues. First, it avoids the intractable task of having to distinguish the exercise of associational rights (i.e. joint activities undertaken in the interest of fostering intimacy), from instances of comprehensive enrollment into gender norms. It also ensures that the values transmitted in the home can be faced with the critical scrutiny necessary to foster autonomy, but stops short of having the burden to facilitate said scrutiny fall on parents themselves (who may be ill-prepared to do so, or feel that it undermines their interest in adhering to certain lifestyles). Furthermore, securing outside resources does not directly threaten associational rights: parents are still allowed to decide on joint projects, and share their individual conceptions of the good with their child. For this reason, it wards off the objection that parents can restrict access to outside resources by appeal to intimacy.

In the following section, I will attempt to give an account of the autonomy-facilitating resources that ought to be secured outside of the home. My primary focus will be on an autonomy-facilitating education, and the particular implications that gendered threats to autonomy have on its content. However, I will also take seriously Clayton’s concerns about the mental costs of acting against one’s upbringing. I will establish that early exposure to an autonomy-facilitating education

may give rise to said costs in cases where the value of gender equality conflicts with a broader set of values (i.e. specific religious commitments) that an agent has reasons to autonomously endorse. I will suggest a second class of resources, which I call “reconciliatory resources”, which speak to this particular concern.

3.1.3 Education and public resources

One of the most central, public, sites of socialization is the school system. Not only do educational institutions transmit knowledge and practical skills crucial to success in the larger society, they are also formative in the personalities and values of those who attend. Thus, educational institutions have the potential to be a key force in the process of autonomy-enhancing socialization.

Significant literature has been invested into establishing a child’s right to an autonomy-enabling education (see e.g. Callan: 1988, Levinson: 1999), and its central role in fulfilling our duty to foster autonomy in children. Debate has extended to encompass issues of public vs. private schooling, homeschooling, and responsible parental school choice (Brighthouse: 2000, Swift: 2003). However, my focus in this subsection will be on the *content* of such an education, and how it can assist in overcoming the effects of gender socialization. I do not take a stance on whether such an education must be provided in public schools, or whether the same goals can be achieved through regulated homeschooling.

a) Autonomy-facilitating education: the contemporary liberal view

A discussion of autonomy-facilitating education cannot end at establishing a right to such education - there must also be an articulation of its content. Several notable authors have undertaken this task, and are widely cited as providing a plausible conception of an autonomy-

facilitating education suitable to be endorsed by liberal egalitarians. I will give a brief overview of three accounts which all bear similarities in their central recommendations.

Gutmann (1987, 1995), while not expressly setting out to provide an account of autonomy-facilitating education, sees it as a by-product of teaching civic respect (i.e. taking others' views seriously). Civic respect requires the ability to evaluate others' claims and opinions, take them seriously, and deliberate between them. These same skills "are those that are necessary and sufficient for educating children to deliberate about their *own* ways of life" (Gutmann: 1995, 578).

In a similar vein to Gutmann, Brighouse (1998, 2000) also holds that deliberation is of central importance. However, he speaks more directly to the curricular requirements of autonomy-facilitation, laying out four key elements present in an autonomy-facilitating curriculum. They are as follows:

"(1) the traditional academic content-based curriculum; (2) how to identify various sorts of fallacious arguments, and how to distinguish among them, as well as between them and nonfallacious arguments; (3) about a range of religious, nonreligious, and antireligious ethical views in some detail, about the kinds of reasoning deployed within those views, and the attitudes of proponents toward nonbelievers; (4) about the diverse ways (including non-reason based ways) in which secular and religious thinkers have dealt with moral conflict and religious disagreements, and how individuals have described conversion experiences, losses of faith, and reasoned abandonment of ethical positions" (Brighouse: 1998, 732-733)

On Brighouse's account, children are equipped with the skills of deliberation, and are also taught about the diversity of views that exist. His account stops short of *requiring* that they engage in said deliberation in relation to their own upbringing, though it is a likely outcome (Brighouse, 1998: 734).

Finally, Callan (1997) provides what is perhaps the most demanding account. Like Brighouse, Callan sees it as important that children be exposed to “ethical beliefs at odds with the culture of the family within which [they are] reared” (Callan: 1997, 222). However, mere exposure is not enough on his account. Rather, he requires that students be able to respond to a range of views with a balance of both sympathy and criticism. He states:

[Others’ beliefs are] entertained not merely as sources of meaning in their lives; they are instead addressed as potential elements within the conceptions of the good and the right that one will create for oneself as an adult [...] Ethical diversity in the educationally relevant sense presupposes some experience of entering imaginatively into ways of life that are strange, even repugnant, and some developed ability to respond to them with interpretive charity, even though the sympathy this involves must complement rather than supplant the tough-mindedness of responsible criticism” (ibid, 222).

Callan’s requirements are more stringent than those of Brighouse, who only requires that students be *equipped* to undertake such endeavors. We should note a potentially troubling conclusion resulting from Callan’s claim - namely, that students who are brought up in gender-egalitarian households be required to engage sympathetically with views that *conflict* with this egalitarianism. If this is the case, Callan’s would seem to be (at least in some cases) in tension with the project of *overcoming* gender norms outlined in this chapter.

Of course, it might be replied that we ought to interpret Callan’s claims (that students should enter sympathetically into a diversity of views) as only applying to *justice compatible* views. On this interpretation, Callan’s view demands that we should not require students to address views espousing racism, bigotry etc. with interpretive charity. This latter interpretation brings us to the question of whether ‘traditional’ views about gender are justice incompatible in the way that, e.g., racism is. Certain iterations of ‘traditionalist’ views are straightforwardly analogous to racism.

Views advocating misogyny, gendered violence, or the fundamentally subordinate status of women easily qualify as justice-incompatible. However, a case could be made that a more limited set of ‘traditional’ views about gender are justice-compatible. For example, consider the normative claim that women and men are equal but should embody different roles within the family. While this may conflict with feminist intuition and empirical evidence, if both partners autonomously endorse such a belief (e.g. a woman is not coerced into adhering to it), it does not appear to conflict with the demands of justice. It is simply one in a series of possible conceptions of the good that consenting citizens in a just society are free to pursue. If this is the case (and certain traditionalist views about gender are justice-compatible), then Callan’s view would seem to require that students who are brought up *free* from gender socialization engage sympathetically with such normative claims.

The above survey has been brief, but it suffices to show the central claims of each author in regards to the *content* of an autonomy-facilitating education. With these in mind, we can isolate two conditions central to all three accounts. They are as follows:

- (1) students are to be equipped to deliberate between a range of options (i.e. by learning critical evaluative skills)
- (2) students are to be exposed to a diverse range of future options, beliefs, and conceptions of the good

The divergent factors between each author (e.g. whether students are required to undertake this project, or merely be equipped to do so) can be set aside for our purposes. My interest is in showing that no matter *which* account is endorsed, attending to gendered threats to autonomy requires certain amendments to both of the above conditions.

b) Autonomy-facilitating education: some gender-focused amendments

In Chapter 2, I isolated two main ways in which gender socialization hinders the inward-facing dimensions of autonomy (understood in the robust way endorsed by Diana Meyers). The first - and most straightforward - operated by constraining the range of options that one sees as available to them. By presenting a set of traits as biologically and/or normatively linked to one's sex, it significantly limits the range of life-paths or conceptions of the good that one sees as available to seriously deliberate between. Call this the problem of *limited options*. Second, gender socialization can threaten the self-regarding attitudes (self-esteem and self-worth) necessary for the formation of an authentic self-portrait. It may hinder the ability to treat oneself as the primary authority in deliberating between options - encouraging women to treat the opinions of others, instead of themselves, as the most salient factor in said process. Call this the problem of *primary authority*.

With these considerations in mind, we can ask: does the conception of an autonomy-enabling education endorsed by the above authors adequately address these two barriers? In many cases (e.g. instances of mild to moderate socialization) teaching the skills of critical evaluation, along with exposure to a diverse range of options and beliefs, may be enough to overcome any barriers caused by a child's upbringing. However, let us assume that a student comes into Brighthouse or Callan's proposed classroom with heavy gender socialization. She lacks self-confidence and worth - believing that she is less deserving of consideration than her peers. Furthermore, she fears she is unskilled in anything technical or overly rigorous - believing that girls are more suited to be nurturing or emotional.

We can see how a student with these beliefs would not benefit from the standard liberal autonomy-enabling education to the degree that her peers might. We can teach her the skills of critical evaluation and deliberation. Despite this, she might not take her own evaluations as authoritative, preferring to defer to someone else (the problem of primary authority). Furthermore, we can expose her to a diverse range of values, beliefs and life goals. But in considering which of these she might wish to take on for herself, those she takes seriously are constrained by her beliefs about her sex's skills and abilities (the problem of limited options). Thus, while the standard autonomy-enabling education might provide important skills and a range of options, heavy gender socialization interferes with a student's ability to fully navigate said options.

This scenario demonstrates the ways in which each condition of the contemporary liberal account of autonomy-enabling education requires amendments. These amendments correspond to each problem outlined above (that of primary authority, and that of limited options). They are as follows:

- (1) In being taught the skills necessary for deliberation (i.e. critical evaluation), students must *also* learn to treat their thoughts and evaluations as deserving of consideration. They must gain the self-regarding attitudes necessary for autonomy competency.

This amendment requires undergoing exercises that encourage self-esteem and self-worth, and helping students gain the confidence to assert their opinions. This not only requires value-neutral projects (e.g. activities that highlight each student's unique ideas and strengths) - it also requires firm gender-egalitarian teachings. Students must be taught that men and women are of fundamentally equal worth, and their opinions are deserving of equal consideration. They must learn the ways that gender norms may have warped this perception.

(2) In presenting to students a diverse range of life-plans, teachers must emphasize the equal attainability, and acceptability, of *all* options for men and women.

This requires teaching the difference between biological sex and socially constructed gender, and encouraging critical reflection on the norms and expectations which constitute the latter. It requires teaching students that both men and women are equally capable of embodying traits that are male-stereotyped (e.g. intelligence, assertiveness, independence, ambition), and female-stereotyped (e.g. emotional openness, care, nurturance), and of pursuing future paths that reflect either. We should note that this teaching would directly contradict even the arguably “justice compatible” traditionalist views about gender (e.g. views that domestic labour should be divided between spouses along gendered lines), and thus is a departure from the strict neutrality advocated by (e.g.) Callan. Students must be taught the fact that both genders do, as a fact, possess equal future possibilities. Furthermore, they should learn that this fact is not normatively objectionable. Anything short of this would undermine the project of allowing both genders the ability to fully understand and navigate their options free of gendered bias. Furthermore, when presenting a diverse range of moral beliefs and conceptions of the good, teachers should encourage examination of the messages about gender present in these conceptions (and how they may depart from the gender egalitarian baseline they have been taught).

These are targeted amendments that can be added to each condition of the existing liberal account of autonomy-enabling education. These amendments will better allow both genders to benefit equally from an autonomy-enabling education, and help overcome the unique barriers to autonomy presented by heavy feminine socialization. While standard approaches do not seek to bias students toward certain life paths or conceptions of the good, my suggested approach has a

strongly feminist undertone, and teaches gender egalitarianism and the falseness of gender roles as a baseline fact.

However, nothing in this approach precludes students from eventually choosing to endorse a set of beliefs that conflicts with gender egalitarianism. What *does* preclude them from endorsing such a view without first being exposed to a strong endorsement of gender egalitarian views. If a set of beliefs departs from this egalitarian baseline, they will be aware of these implications, and the manner in which they contradict their previous learnings. Furthermore, it does not preclude students from pursuing life paths that cohere with traditional gender expectations. However, it *does* ensure that they don't do so on the basis of misinformation about the traits that their sex is capable of embodying. It also ensures that they do not do so because they lack the appropriate affective attitudes (e.g. self-worth and trust) to treat themselves as primary authority in deliberating between options. If they choose to pursue such a path, it will be in spite of knowing that other paths remain available to them. Thus, while this approach does contain a measure of neutrality (i.e. it does not restrict gender-traditional life paths from being presented within a diverse range of options), it encourages students to recognize the way in which these views depart from the fundamental fact of gender egalitarianism. For this reason, we might categorize it as weakly perfectionist. This weak perfectionism is warranted in the interest of making an autonomy-enabling education more effective in achieving its goals for all students (including those who have been exposed to heavy gender socialization).

c) Mental costs and reconciliatory resources

Thus far, we have established several things. First, we've established the interest that parents have in sharing their conceptions of the good with their children (and determining joint projects that

reflect it), and the practical difficulty of - in many cases - differentiating this from the practice of comprehensive enrollment into gender norms. We've also established that the solution to this is to secure outside resources which counteract hindrances to autonomy - namely, an autonomy-facilitating education. Furthermore, we've established that this education ought to be strongly gender-egalitarian (instead of neutral), and seek to overcome the constraints that gender socialization can create to full autonomy.

This brings us to an important juncture. While ideally what is taught in schools and what is taught in the home will coincide, this will not always be the case. For this reason, an autonomy-enabling education may cause students to wish to break from their parents' views about gender, and by extension the broader sets of values that inform them. This point of tension raises Clayton's concern about "mental costs" broached earlier in this chapter.

Recall Clayton's central point: behaving in a way that contradicts a particular tenet or norm will cause more psychological distress for someone who was raised in accordance with said tenet or norm (even if they subsequently rejected it), than for someone who was not (Clayton: 2006, 106). Having established the point of tension above, we should ask: does embracing gender egalitarianism create significant mental costs for those who were raised according to gender norms? In order to answer this, we need to revisit the two distinct ways (indirect and direct) that gender norms are passed down in the home, and answer this question for each in turn.

Recall the first way in which gender norms are reproduced: through parental role modelling via gendered divisions of labour (e.g. seeing one's mother involved primarily in caretaking leads to the assumption that women are more nurturing). In these indirect cases, acting against one's upbringing is unlikely to give rise to significantly increased mental costs. This is because the

norms associated said division are not directly endorsed by one's parents, or rigidly inculcated. If no normative weight was placed behind this divide (i.e. parents did not teach their children that this division was based on anything of moral significance), then there is simply no rigid norm to break. While messages about gendered traits may be role modelled through a traditional division of labour, an autonomy-enabling education would expose children to the breadth of traits available to both genders, and gently rid them of this previous assumption. Doing so does not require a massive overhaul that contradicts one's upbringing.

The second way in which gender norms can be passed down in the home is through direct normative teaching by one's parents. This may be argued by appeal to what is "natural" (i.e. biological), or it may be based in religious codes that prescribe gender differences or hierarchies. While these two may look similar in practice, the mental costs associated with acting against this upbringing may well differ depending upon the justification given for said norms. Thus, we should consider them separately.

In cases where parents support gender normative teachings by appeal to what is natural (understood in a secular sense), children may well be contradicting their upbringing by acting in ways that go against these norms, and rejecting the belief that there is a set of behavioural traits appropriate to each sex. Exposure to an autonomy-facilitating education might encourage them to critically engage with the sources that inform these previous teachings (e.g. by arguing that there is a lack of evidence linking biological sex to behavioural traits), or to challenge the logic behind basing normative prescriptions on appeals to nature. While this may cause tension, it would not put them at odds with the broader worldview undergirding their parents' teachings - namely, a

secular approach informed by the natural world. While this scenario may be associated with *some* mental costs, this latter dimension makes them appear more negligible.

On the other hand, those normative teachings about gender that are faith-based are likely the most difficult to grapple with. Before beginning, we should note that various religious perspectives reject such norms, are neutral on them, or have been re-interpreted in gender egalitarian ways. It would be vastly misleading to present *all* religious perspectives as gender-traditionalist. It would also be misleading to present all traditional conceptions of gender as being solely rooted in, or maintained by, religion. With these caveats, we can move forward with the understanding that this discussion is solely focused on the subset of religious practices, texts and teachings that *do* prescribe gender norms.

In most cases, faith-based prescriptive gender teachings are not taught in isolation. They represent one dimension of a large, complex, and interrelated set of values and beliefs by which a child is raised. While acting in a way that contradicts these teachings may indeed cause mental discomfort, to understand the implications of this simply as a “mental cost” does not do justice to the role that religion plays in various areas of life.

In many cases, rejecting faith-based religious norms requires that a citizen wholly reject certain passages in texts, or teachings from spiritual leaders, which they have previously treated as their primary source of moral guidance. While a citizen may wish to reject one central religious teaching (i.e. the roles prescribed to men and women), they might understandably fear putting themselves at odds with their religion as a whole (as doing so may appear to require giving up *other* beliefs and traditions that they find independently valuable). Furthermore, it may create familial costs. Citizens often have an interest in maintaining religious views that at least somewhat

cohere with those endorsed by their parents and family. They may find joint traditions, celebrations or worship integral to preserving their family ties, and important to their moral fulfillment and flourishing. Thus, the costs associated with contradicting one's faith-based gendered upbringing do not end at mental discomfort - it may also entail spiritual and familial costs.

In the interest of addressing this, we should introduce a second class of resources to be made publicly available in addition to an autonomy-facilitating education - these are resources that help alleviate some of the costs associated with rejecting faith-based gender norms. Call these "reconciliatory resources".

The term reconciliatory speaks to the specific purposes of said resources: namely, to reconcile certain religious commitments (which a citizen may autonomously endorse and wish to preserve), with the commitment to gender egalitarianism encouraged by an autonomy-facilitating education. I do not know the precise resources which fall into the category "reconciliatory". This should be determined by those citizens who have undergone such reconciliation themselves (of which there are many - see e.g. Hunt: 2004), and their communities. However, some broad suggestions might be to encourage single faith or interfaith community resources which provide gender-sensitive religious guidance. This might include securing access to spiritual mentorship, seminars, or literature which encourage just, gender egalitarian re-interpretations of religious texts and practices. This could help alleviate the perceived spiritual costs of rejecting faith-based gender norms, by allowing citizens to integrate gender-egalitarian views into the practice of their religion. It would also allow citizens to explore with others what it means to be committed to gender

equality whilst simultaneously practicing a religion which, in certain historical contexts, has been used to support the subjugation of women.

Finally, such resources may also allow citizens to integrate with the religious communities of their parents and family without sacrificing gender-egalitarian beliefs. It may allow them to hold beliefs that are congruent with many aspects of their parents' commitments, and provide opportunities to partake in joint traditions, celebrations or worship which provide spiritual fulfillment and flourishing, as well as familial intimacy.

Once again, I do not propose to know the appropriate content of the interpretations provided by these resources, nor the full scope of resources which may fall under the heading "reconciliatory". My goal has simply been to demonstrate that Clayton's discussion of "mental costs" raises important considerations in the case of faith-based gender norms, and gesture towards a class of resources which might speak to this. With the project of autonomy-facilitation comes notable tensions which deserve to be adequately addressed. Doing so will better facilitate a just, pluralistic society in which citizens can overcome gendered barriers to autonomy whilst still being committed to familial conceptions of the good, if they so desire.

Chapter 3, Part 2: Outward-facing dimensions of autonomy competency

3.2.1 Avoiding hostile environments

With the above analysis, I have attempted to outline the conditions necessary to ensure that citizens can form an authentic self-portrait free from the impact of gender socialization. Recall the claim that gender norms can hinder autonomy along two distinct dimensions: inward-facing (i.e. the formation of an authentic self-portrait), and outward-facing (i.e. the formation of a life-plan, the associated issue of fairness - being able to exercise a given life-plan in an equal platform to

other citizens). The inward-facing dimension is primarily hindered through gender socialization, which threatens both the self-regarding attitudes necessary for autonomy, and constraints the options one sees as available to them (by forwarding messages about one's proper skills and/or traits). The above discussion has focused on this dimension in particular. I argued that an autonomy-facilitating education could help overcome both of these barriers by exposing students to a range of options, supplemented by the skills of critical deliberation and strong gender egalitarian teachings. Against these conditions, we can be more confident that the traits, values, and aspirations of a person adequately reflects their authentic self, and not gendered aspects of their upbringing.

However, the outward-facing dimensions of autonomy (i.e. the ability to create a life-plan that reflects one's self-portrait and not gendered aspects of one's circumstance), and the associated issue of fairness (i.e. having the opportunity to pursue a given life path on a platform equal to other people) remains to be addressed. Even if people are able to form an authentic self-portrait, the fairness of their situation is threatened if their ability to act on it is severely constrained by their gender. Thus, the final facet of Luck Egalitarianism's autonomy-enabling background conditions must speak to the way public institutions - those avenues in response to which citizens create their life plans, and through which they carry out them out - are structured. Namely, such avenues must be structured so as to allow equal opportunity to create and carry out a life plan free from gendered aspects of a person's circumstances. My focus in this case will be on career paths, as these are central to most people's life plans. I will discuss three types of gender-specific external barrier which can affect a person's ability to carry out their career plan: those that are straightforwardly prohibitive, those that create increased financial costs, and those that create increased psychological costs. However, there is more to be said on the structure of *other* public

institutions (e.g. higher education, public spaces) which all warrant similar analysis in the future.

Before beginning, we should note that the subsequent discussion is not intended as concrete policy analysis. My primary intention is to highlight the external obstacles that exist to the meaningful development and fair exercise of life-plans that reflect an autonomous self-portrait. The suggestions I forward are meant as broad areas of future consideration, and some potential starting points for policy discussion - the details of which I defer to those who are experts in that field.

First and foremost, there are those barriers which are strictly prohibitive to choice. These are direct ways in which the life plans of citizens are blocked on the basis of their gender: violence, coercion, or discrimination are all possible candidates. Such phenomena can often arise in the workplace (US Bureau of Labour Statistics: 2000). As I have maintained from the beginning of this thesis, Luck Egalitarians are well equipped to deal with such straightforward, external barriers to success. For this reason, I will not invest much time into discussing them. By maintaining the choice/circumstance principle as central to their account, Luck Egalitarians have a principled reason to prohibit such constraints to the fullest extent possible (and in cases where they arise, to compensate or aid those who face them accordingly). This includes the enforcement of anti-violence and anti-discrimination law, as well as increased protections for women who work in careers with a higher risk of gendered violence such as social services, health services, and sex work (ibid: 2000).

A second class of constraints are those that aren't strictly prohibitive, but often make carrying out one's life plan more *costly* (understood in terms of resources) on the basis of gender. Examples of such constraints are leave policies that favour maternal over paternal leave (prohibiting both

partners from sharing the time removed from the labour force equally), or the absence of affordable childcare. To remedy this, workplaces should be structured so as to allow for fully transferrable leave, and publicly subsidized child care should be made available - and easily accessible - in all neighborhoods. It has also been noted that the costs associated with childrearing differ greatly depending upon the point in a career at which leave is taken, as standard childbearing age often coincides with peak “turning points” in one’s career (Adda et al.: 2011). This has interesting implications for Luck Egalitarians who are committed to removing additional costs on the basis of morally arbitrary factors such as sex. A persuasive case could be made for the public provision of reproductive resources. This includes not only contraceptives, but potentially also medical resources that help extend the age of fertility in women (assisted reproductive technologies).⁴⁰ For those women who *do* wish to take extended leave upon the birth of a child, this would provide the option of doing so later in one’s career path (an option already available to their male counterparts on the basis of biological differences).⁴¹

The third and final class of constraints that must be removed are those which are psychologically costly. These are instances of “soft sexism” which have been inadequately acknowledged on a Luck Egalitarian account. These include subtle phenomena such as sexual harassment, or hostile and exclusionary workplace environments which can wear on the resolve necessary to carry out one’s life-plan (for an empirical overview of these phenomena and associated psychological effects, see: Jones, Petty et. al: 2013, Cortina: 2008, Rowe: 1990). While a certain career path

⁴⁰ I recognize that there are likely bioethical considerations here which I am setting aside.

⁴¹ Note that this suggestion is merely in the interest of making the option to bear children later into a career more available to women, if they so choose. Employers could not justifiably ask their employees to make use of it, nor could they factor it into hiring decisions, leave policies etc.

may technically be “available” to both genders, environments such as these can make pursuing it significantly more difficult for women.

In most cases, these climates are the result of biases, stereotypes, and gender traditionalist views on the part of those maintaining them. For this reason, the gender egalitarian education proposed above will go a long way toward decreasing their likelihood. This speaks to the virtues of such an education not just in the interest of removing *inward* barriers to autonomy (i.e. combating socialization), but also in encouraging external conditions which facilitate the *outward* dimensions of autonomy and associated issues of fairness. Thus, it is autonomy-facilitating along two distinct dimensions. That said, additional measures should also be taken to ensure that such barriers do not arise in spite of this. These might include mandatory sensitivity training, as well as zero-tolerance policies for harassment. If instances of harassment or exclusion *do* arise, appropriate channels must be in place in order for workers to report it without fear of repercussions, and action must be taken in response to said reports. Furthermore, those in charge of recruitment, hiring, and promotions in the workplace should be made aware of unconscious bias, and learn strategies to prevent it from arising.

While the above recommendations are not exhaustive, they serve to highlight the importance of facilitating conditions conducive to citizens carrying out their life plans free from external gender-based barriers. I have attempted to show that facilitating such conditions requires going beyond the straightforward prohibitive barriers (such as discrimination) that are easily dealt away with on Luck Egalitarian accounts. It requires attending to oft-overlooked subtle factors which make the pursuit of certain life paths more costly resource-wise and/or psychologically for women. With background conditions free from all three types of aforementioned barriers, we can be better

assured that citizens are able to effectively carry out a reasonable life plan that reflects their self portrait (instead of gendered aspects of their circumstances). This secures the outward-facing dimension of autonomy competency, and helps remedy unfair inequalities in the ability to exercise said competency.

3.2.2 Revisiting choice-based gender inequality

There is obviously more to be said about what background conditions will effectively enable full autonomy competency in citizens, but it is sufficient to end my suggestions here. My intention has not been to provide a full account of the conditions Luck Egalitarians should endorse. Rather, it has been to isolate two key dimensions of autonomy (inward-facing and outward-facing), and articulate the conditions necessary to help overcome gendered constraints to autonomy along each. To help overcome gendered threats to autonomy that are inward-facing (i.e. gender socialization), I suggested two key areas of focus: the family, and educational institutions. I established that regulating the perpetuation of gender norms in the family faced significant practical problems. Thus, I argued that we should create opportunities for parents to raise their children free from gender socialization (e.g. by providing accessible gender neutral toys), but stop short of mandating it. Instead, I advocated for a robust, gender egalitarian autonomy-facilitating education. I also suggested the provision of “reconciliatory resources” in the interest of alleviating the “costs” associated with rejecting faith-based gender norms, as well as encouraging the preservation of pluralism despite a weakly perfectionist education. In order to overcome outward gendered restrictions on the formation of an authentic life-plan, and ensure fairness in opportunities for exercise of one’s autonomy, I suggested attending to the structure of public institutions. I argued that we should ensure they are free from three distinct types of gendered

barriers: those that are straightforwardly prohibitive (e.g. discrimination), those that create increased financial costs (e.g. unfair leave policies), and those that create increased psychological costs (e.g. hostile workplace climates).

While there remains more to be said, the above begins the project of articulating a set of background conditions to be endorsed by Luck Egalitarians prior to their use of the choice/circumstance principle. Such conditions will better equip the principle to track authentic choice, instead of those which are the result of gender norms or expectations.

3.2.3 The hypothetical cases of Cathy and Yvonne

With the above in mind, we can re-visit two hypothetical cases which have been recurrent throughout this project: those of Cathy and Yvonne. In the original presentation of the cases we saw that while in some sense their choices were freely made (as they were free from external barriers such as discrimination or coercion), they still appeared constrained in ways that their male counterpart's choices might not be. Meyers' model of autonomy competency helped us capture *how* their cases seemed to occupy this middle ground between choice and circumstance. We saw that while they were autonomous along certain dimensions, the conditions they found themselves in (e.g. those that encourage women to tie self-esteem to their looks, or meet their assertiveness with hostility), significantly hindered others. Previous Luck Egalitarian treatment of autonomy in choices either understated the influence of such factors (as is the case with Dworkin), or failed to interpret their presence as something to be remedied *prior* to employing the choice/circumstance principle (the mistake made by Roemer). Attending directly to gendered constraints (operative along both the inward and outward facing dimensions of autonomy) in articulating background conditions helped us circumvent these problems.

At this point, we can ask the following: with background conditions in place like those outlined above, how might Yvonne and Cathy's cases differ from their original presentation? I will re-visit each in turn.

Yvonne: Recall Yvonne's scenario. She is shrewd and intelligent. She sometimes feels she'd be well-suited to law, but also strongly identifies with her belief that a woman's proper role is as a homemaker. In weighing her options, she considers the fact that she is often met with discomfort or mockery when acting assertively - something crucial to success in law. She decides to forego her career aspirations, telling herself she wasn't that invested in them.

In this original case, Yvonne's circumstances raise questions about the genesis of her beliefs about caretaking, and the unfair reactions she faces to asserting herself. The fact that she changes her self-portrait (rejecting her career aspirations and telling herself she never *really* wanted to pursue them) seems largely in reaction to these conditions. Against the conditions outlined herein, Yvonne's case would differ significantly. For one, an autonomy-facilitating education would encourage her to be critical of her assumption that a woman's proper role is as a homemaker. She would be encouraged to consider whether she wishes to pursue it based on her *own* traits, instead of those stereotypically linked to her gender (ensuring that her choice is autonomous along inward-facing dimensions). She would also be significantly less likely to encounter workplace hostility, and does not face significant barriers to carrying out a career in law if she so desires (thus ensuring that her life-plan reflects her interests, and is not formed in reaction to unfair psychological costs). Whether she changes her aspirations in order to balance both goals, or maintains her choice to pursue homemaking full-time, we can be better assured that her choice is authentic and no longer unjustly constrained.

Cathy: Recall Cathy's scenario. Due to the saturation of harmful messages in her upbringing, she begins to tie her self-esteem to her level of physical attractiveness, and comes to value outward appearance highly. When deliberating about what future path to pursue, she elects to spend her assets on extensive cosmetic surgeries (enough to cripple her financially).

While Cathy does not face significant barriers to carrying out her plan, her actions raise concerns about the inward-facing dimensions of autonomy (as her self-portrait is based entirely on others' outward evaluations of her). Against the conditions outlined in this chapter, Cathy would have more opportunity to form a healthy self-portrait. An autonomy-facilitating education would encourage the kinds of self-regarding attitudes (i.e. self-confidence and worth) necessary for the formation of a self-portrait based on her *own* interests, desires and values - instead of those given to her by others.⁴² In Cathy's case, it seems unlikely that her original choice (deciding to undergo a large amount of plastic surgery - enough to cripple her financially) would be reproduced against these improved background conditions.⁴³ However, if she *did* indeed choose this against such conditions, we would be better assured that it is something she has deeply reflected on and deliberated about, and not an impulse arising from incorrect beliefs about her self-worth. This being the case, no justice-based concern would arise.

⁴² Note that a massive overhaul of media and advertising standards surrounding the portrayal of women may also be in order. I did not address this in this chapter, but a persuasive case could be made that it is integral to the formation of an authentic self-portrait in young girls.

3.2.4 Implications for large-scale patterns

What is notable about the above cases is that the gendered dimensions of these choices are removed. Instead of choosing to be a caretaker *because she is a woman*, Yvonne is free to choose it (or reject it) based on her interests and values defined independent of her gender. While in isolation this seems like a small change, it has interesting implications when expanded to the large-scale, patterned inequalities outlined at the beginning of Chapter 1.

Recall the instances gendered, choice-based inequalities such as differing commitments to childrearing (and the associated wage gaps), occupational segregation, and unequal resources invested in cosmetic procedures and products. If background conditions actively work against gendered constraints to choice, then these inequalities are unlikely to be produced along gendered lines.⁴⁴ For example, while there may be inequalities remaining between those who choose to care for dependants primarily and those who work full-time, these inequalities would not be between men and women as a group. This is because equal investment in childrearing would be facilitated (and ideally the norm), and caretaking would not have the same gendered connotations as it usually has.⁴⁵

Thus, the concerns raised by these patterns are not due to the inequalities themselves, but rather the background conditions which give them gendered implications. However, if a just state fulfills its duty to secure autonomy in citizens (in the above robust sense) as a background to a

⁴⁴ Again, this is assuming all demand-side practices have been remedied, which is implied on a Luck Egalitarian model.

⁴⁵ It may also be the case that these statistics remain gender-skewed, because of e.g. a stronger biological drive toward childrearing in only one gender. This hypothesis (informed largely by evolutionary psychology) is dubious, and has met wide empirical challenges (see e.g. Rose: 2001, Fausto-Sterling: 1997). Nevertheless, securing background conditions free from gendered constraints on choice remains a necessary precondition to declaring this the case.

choice-tracking model, the gender-skewed dimension of these choice-based inequalities is removed. What remains are freely made choices, which are candidates for cost-internalization.

Finally, it should be noted that while I have opted to focus on the topic of gender inequality in particular, the discussion thus far can - and should - be extended to unjust social structures or power dynamics affecting other marginalized groups. While the case of gender is particularly illustrative, it is by no means the only topic that Luck Egalitarians ought to attend to in articulating a fair background of interaction. Unjust dynamics built on perceptions of race, (dis)ability, sexual orientation etc. can all present threats to autonomy, and merit full attention in their own right.

3.2.5 Bridging the divide: Relational vs. Luck Egalitarianism

At this point in the project, we can return to a particular tension that began my discussion in Chapter 1. These are the criticisms offered by Relational Egalitarians against Luck Egalitarians. I will briefly re-state these criticisms, and establish that my project has given Luck Egalitarians some resources to address them. Overall, both parties have several shared goals.

Recall the Relational Egalitarian accusation that Luck Egalitarians “fundamentally misconstrue” the point of equality. Instead of being concerned with the distribution of resources or goods, egalitarians should focus on equality in status or standing, they state. Elizabeth Anderson, in *What is the Point of Equality*, argues that Luck Egalitarians fail to address the “distinctively political” aim of egalitarianism. This aim is to ensure that citizens “stand in relations of equality to others” (Anderson: 1999, 288-289) (e.g. by eradicating oppression, or unjust power structures). Iris Marion Young follows a similar line of argument, stating that a focus on tracking individual

choice necessarily obscures the ways in which the social dimensions of inequality operate (Young, 2011: 3). This singular focus manages to “reject a theoretical place for bringing social structures into view” (ibid, 64). In Chapter 1 and 2, we saw just how salient these criticisms can be in the case of gender.

However, what the above discussion has shown is that while criticisms of Luck Egalitarianism by Relational Egalitarians point to an important weakness, this does not mean the choice/circumstance principle fails. Rather, what they speak to is the dangers of endorsing the choice/circumstance principle without sufficient context. The claim that “choice excuses otherwise inexcusable inequalities” (Cohen: 1989, 931) is only acceptable against a background in which dominant ideologies do not impinge on the choices of citizens. “Choice” should be taken to mean “fully autonomous choice, free some unjust social influence or coercion”.

Because the account of autonomy developed in this thesis is sensitive to social factors such as unequal power dynamics and social norms, it not only provides a good basis from which to build an appropriate Luck Egalitarian context of deliberation - it also serves as a helpful bridge between the Luck and Relational Egalitarian projects. By interpreting these social factors as constraints on maximal autonomy, it gives Luck Egalitarians a principled way to respond to their relational critics. Employing the choice/circumstance principle does not preclude attention to the social dimensions of inequality. Rather, it contains it as a *necessary precondition*.

This goes a long way toward addressing Anderson’s claim that the goal of egalitarianism should be to ensure that citizens “stand in relations of equality” (1999, 288) to one another. We’ve seen that inequalities in status or standing are hostile to the cultivation of autonomy competency (e.g.

by transmitting harmful messages or expectations about the marginalized group). Thus, minimizing them is a goal Luck Egalitarians share. Furthermore, this approach does not “reject a theoretical place for bringing social structures into view”, nor does it “obscure the ways in which the social dimensions of inequality operate” (Young: 2011, 3, 64). Critical engagement with social structures, and widespread efforts to combat their harmful influence in the home, educational institutions, and so forth is required prior to employing the choice/circumstance principle. Thus, this discussion does indeed have a distinct theoretical place: namely, prior to any substantial distributive changes. This being the case, it is difficult to argue that all Luck Egalitarians “fundamentally misconstrue” the point of equality. While in practice they may overlook important social dimensions, their model has the potential to address them.

Overall, Luck Egalitarians and Relational Egalitarians both make crucial mistakes in their treatment of their opponents. Luck Egalitarians often dismiss Relational criticisms as being directed at overly extreme (often straw-man) versions of their project, all the while ignoring that Relational critics may be pointing to a significant gap in their discussion. Relational Egalitarians, meanwhile, fail to see *just how much* can be implied in the proper use of the choice/circumstance principle. By contextualizing the Luck Egalitarian model, both parties can be shown to share many of the same goals, albeit at different stages in their project.

However, we should note that even in light of this discussion, Luck Egalitarians would remain committed to the project of responsibility-sensitivity where Relational Egalitarians continue to reject it. Thus, they may diverge on the question of whether choice justifies certain forms of gender inequality.

Recall that in Chapter 1, I raised for discussion the position that certain patterns of gender inequality were acceptable on the grounds that they are chosen. Following this, I showed how this claim *fails* to adequately justify such inequalities once we consider the presence of soft constraints, and their potential impact on the choices of women. However, if we adequately address these constraints, the role of choice in justifying inequality appears plausible. Namely, with the above robust account of autonomy incorporated into a Luck Egalitarian project, we should be prepared to accept a highly qualified version of this claim. *If* the choices that give rise to them are sufficiently autonomous (i.e. are made against the autonomy facilitating background conditions outlined in this chapter), then the presence of choice *can* in theory justify certain forms of gender inequality.

However, we should note that this is a significant departure from merely accepting the inequalities as they were outlined in Chapter 1. This is because such inequalities (e.g. the choice-based portion of the wage gap, unequal investment in cosmetic surgeries and products), as they currently stand, arise against background conditions which raise significant questions about their authenticity. Conversely, against the ideal background conditions outlined in this chapter (provided they are further articulated and solidified), we would expect very few - if any - patterns of choice-based gender inequality to actually arise. Thus, while the justification may hold in theory, it is highly unlikely that the conditions which would mark its deployment would materialize in practice. It is unlikely that significant patterns of choice-based inequalities between men and women would arise against robustly autonomy-facilitating background conditions.⁴⁶

⁴⁶ Once again we are assuming that all formal constraints are also dealt away with, as is to be expected on a Luck Egalitarian model.

Relational Egalitarians, on the other hand, reject the project of responsibility-sensitivity.

Relational Egalitarians claim that an overzealous commitment to personal responsibility actually *allows* for objectionable inequalities in status or standing, if they are the result of choice. Thus, they are unlikely to see the presence of autonomous choice alone as exonerating a given case of gender inequality, and may choose to reject it on independent grounds. However, we should re-iterate what was stated above. Against background conditions which mitigate both formal and soft constraints, inequalities such as those discussed in Chapter 1 (e.g. between people who choose to care full-time for dependents, and those who do not) are unlikely to be produced along gendered lines. When cleared of their gendered dimension, the grounds on which such inequalities are independently objectionable remains to be shown.

3.2.6 Some concluding thoughts

With this thesis, I have attempted to achieve several things. First, I attempted to show that Luck Egalitarianism, as it currently stands, is inadequate in dealing with the topic of gendered choice. I argued that this was due in large part to the fact that they have been minimal in their discussions of gender. Because of this, the choice/circumstance principle is often appealed to in abstraction, without due attention to the role of social forces in shaping gendered choice.

I also attempted to rehabilitate the Luck Egalitarian project in light of this. I attempted to show that attending to autonomy in choices gives Luck Egalitarians a potential way to incorporate a discussion of soft constraints into their model. I attempted to show that contextualizing the choice/circumstance principle is the key to ensuring that it tracks truly autonomous choice, and avoids treating choices shaped by soft constraints as justifiably disadvantage-conferring. I set out to begin the project of articulating a set of background conditions against which we can deem

choices authentic, and free from gender-specific social constraints. I also hope to have shown that certain feminist approaches to the philosophy of autonomy contain resources that are invaluable to the project.

The most important lesson to be garnered from this discussion is that we should not deal with abstract principles (i.e. the choice/circumstance principle) without paying due attention to the context in which they are employed. Attending to this context not only allows Luck Egalitarians to better incorporate discussions of gender justice in their model, it also helps allay the Relational concern that they obscure the social dimensions of inequality.

Of course, there remains much more to be said. It is not my intent to suggest that my final chapter presents an exhaustive account of the background conditions sufficient to ensure that choices are autonomous. Rather, it is intended as a broad gesture toward the project to be carried out. My suggestions are meant as a starting point – one given in the interest of showing how Luck Egalitarianism *can* and *should* begin the project of dealing with gender justice.

As was stated at the beginning of this thesis, this discussion has dealt almost exclusively in the realm of ideal theory. However, it is perhaps worth noting the potential to extend the discussion beyond this. The overarching project of this thesis has been to show that choice justifies gendered inequality *only* against a very specific set of background conditions. The implications of this, however, are that if such background conditions *don't* obtain, then appeals to choice cannot serve as justifications for inequality. This effectively severs any analogy between Luck Egalitarians, and those who claim that inequalities such as the wage gap are undeserving of attention under *current* circumstances. Pressures such as socialization, gendered norms and expectations, and hostile climates in the workplace (and other public spaces) abound. It is clear that current conditions

depart significantly from those which are outlined in this thesis, and thus gendered inequalities (even if they appear chosen) are deserving of immediate critical scrutiny.

It also helps focus our efforts going forward. Scrutinizing inequalities that are sustained (at least in small part) by individual choices often falls into the trap of expressing condescension or paternalism toward those who make such choices. It is my hope that the discussion in this thesis helps direct attention *away* from the content of individual choices (about which we should be neutral), and toward the background conditions against which they are made. In order to truly address the problem of choice-based inequalities, efforts should be focused on securing social conditions which encourage authentic self-development, and fair exercise of one's autonomy regardless of gender. This is where fruitful discussion should begin – both for Luck Egalitarians, and those outside of political philosophy.

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