

# Gender and Distributive Justice<sup>1</sup>

Forthcoming in Serena Olsaretti (ed.) *Oxford Handbook of Distributive Justice*,  
Oxford University Press 2016

Anca Gheaus, Umea University/University of Sheffield

## 1. Introduction

On one influential view, distributive justice concerns the fair sharing of the burdens and benefits of social cooperation (Rawls, 1971). Another mainstream view of distributive justice identifies it with the elimination of inequalities in how well people's lives go for which individuals do not bear responsibility (Arneson, 2000). In most societies women appear to have a lesser share of benefits than men, a greater share of burdens than men, or both: even in countries where women enjoy the same legal rights as men there are large disparities among women and men with respect to wealth, income, and the holding of desirable social positions such as well-paid or high status jobs and political functions. World-wide, more women than men live in poverty (UN, 2010; UNDP, 2014). The gender pay gap – that is, the fact that women on aggregate earn less than men – and women's under-representation in positions of responsibility and power appear especially problematic in those societies where women have started to outperform men educationally. On the side of burdens, the massive entrance of women in the labour market over the past decades has not been accompanied by a redistribution of domestic work between women and men on a similar scale; as a result, it has been argued that on average women – and especially mothers – work longer hours than men when both paid work and unpaid domestic labour are taken into account (Hochschild, 1989; UN, 2010). Some deny this is still true in Europe (Hakim, 2010). These facts generate a strong *prima facie* case to think that gender – that is, the implicit and explicit norms we associate with being female or male – bears on matters of distributive justice. The general purpose of this chapter is to explore the relationship between gender and distributive justice and the difficulties of addressing the causes of inequalities between women and men.

Which disparities in the benefits and burdens – in short, 'outcomes' – of social cooperation between women and men, if any, one identifies as indicative of gender injustice will depend on the theory of distributive justice that one endorses. Theoretical decisions concerning the *distribuenda* of

---

<sup>1</sup> I am grateful to Daniela Cutas for comments on previous drafts, to James Lenman for a helpful discussion and to Serena Olsaretti for much feedback and unfailing editorial support.

justice (the goods whose distribution is relevant for justice) and the site of justice (institutions-only or individual behaviour, too) will all influence how one thinks about gender justice. This chapter discusses gender in relation to the most influential current accounts of distributive justice.

According to John Rawls, distributive justice mandates a fair distribution of primary goods: wealth, income, opportunities to obtain desirable social positions, and the social basis of self-respect. The inequalities of outcome between women and men with respect to all these goods could be indicative of gender injustice, especially if gender turns out to negatively influence the women's *opportunities* to secure desirable social positions.

According to luck egalitarianism, inequalities in how well off people are can be just only if they result from individuals' responsible choices. We do not choose whether to be born as women or as men, and therefore on a luck egalitarian account it is objectionable to be worse off *merely* because of one's sex. Luck egalitarianism is a principle of distribution and is as such consistent with different views on what the *distribuendum* of justice is. Depending on what one takes to be the relevant *distribuendum*, various facts in addition to those already mentioned can be identified as forms of gender injustice – for instance, women's suffering more social marginalisation and exclusion than men, their objectification through pornography or their getting less credibility as epistemic agents than men.

An upfront methodological clarification is in order. Some philosophers distinguish between two forms of social justice: distributive justice and recognition-based justice. The first concerns just distributions while the second concerns egalitarian relations between individuals – that is, relations free from marginalisation, domination, exploitation, violence and powerlessness; both have important connections to gender (Young, 1990; Bird, 2015). Whether or not one form of justice can be reduced to the other, and whether or not one is more important than the other (Fraser and Honneth, 2003), I assume here that kinds of injustices that are relational in nature also have an important distributive aspect. This is because, by dint of suffering from a form of relational injustice, one is also likely to be worse off in terms of one or more of the following: one's well-being, one's overall resources and one's opportunities. Therefore, unless one thinks that justice is restricted to the distribution of some material resources (like money), one will have to acknowledge that relational injustices can represent a form of distributive injustice.

In this chapter I address three main, and closely related, issues at the core of contemporary debates on gender justice. The first regards the nature of gender injustice. I discuss whether gender disparities can be unjust even if they reflect individual choices. The answer to this question is particularly important for liberal accounts of justice that require equality in individuals' opportunity for welfare, or resources (understood broadly), or capabilities, or access to advantage, and view inequalities in outcomes along these dimensions as compatible with justice. According to such

theories, the causes of gender disparities are important, since not all inequalities in outcome are unjust. Several issues are relevant here: whether the inequality-inducing choices that women make are non-coerced and voluntary. And whether those choices that are in this sense free nevertheless sanction gender inequalities, for instance by expressing preferences shaped by gender norms. Finally, whether gender injustices affect only women.

The second question I consider is how to legitimately change the problematic facts that result in women and men having unequal access to positions of advantage. Assume that, as Rawls argued, justice is a virtue of some institutions only and that, to a large extent, the inequalities between women and men are perpetuated by the family and by interactions on the labour market. An account of legitimate change will turn on whether the family and interactions on the labour market ought to be regulated by principles of justice – for instance, by abolishing sexist upbringing and the gendered division of labour. Even if interventions in the family and the work market are as such legitimate, there remains the question of finding adequate policies and institutions that can diminish the impact of gender on distributions; at least in some cases it is difficult to promote gender fairness efficiently without upsetting other important liberal desiderata such as freedom of individual choice. By contrast, some think that justice also applies at the level of individual behaviour (Cohen, 1997) – that, as the popular feminist slogan has it, the personal is political; I will also consider individual duties to change the gendered norms that result in inequalities.

A third question concerns the existence and relevance of an unconscious, pervasive tendency to associate normatively laden characteristics with either women or men in ways that result in their discrimination. They are said to operate in spite of the fact that more and more individuals explicitly endorse gender egalitarianism. Theorists concerned with unjust distributions between women and men have not, so far, sufficiently considered the relatively recent research on implicit bias and stereotype threat.

I employ the classical distinction between sex and gender; 'sex' refers to the biological features of individuals – such as chromosomes, sex organs, hormones and other physical features – while 'gender' represents the social meanings associated with sex, including gender norms. Sex and gender map onto each other – albeit imperfectly – and inequalities between women and men are most obviously problematic when they result from gender norms that nudge individuals to make disadvantageous choices, or otherwise encumber their access to valuable goods. It is important to note a recent proposal to equate the social fact of being identified as female with systematic subordination. Sally Haslanger proposed the following definition of “woman” to refer to an individual's gender rather than sex:

“S is a woman iff(df)<sup>2</sup> S is systematically subordinated along some dimension (economic,

---

<sup>2</sup> This means 'by definition'.

political, legal, social, etc.), and S is ‘marked’ as a target for this treatment by observed or imagined bodily features presumed to be evidence of a female’s biological role in reproduction” (Haslanger, 2000, 39).

This definition has the advantage of capturing what is wrong with many gender norms: the fact that they subordinate a class of individuals to another class of individuals, merely in virtue of (perceived) biological facts. However, I do not rely on it. Others have noted that in everyday language we often use the term 'woman' to indicate a person's sex, rather than her gender (Saul, 2006). Moreover, by building hierarchy in the very notion of gender, this definition obscures the fact that men, too, are systematically disadvantaged by gender norms (Benatar, 2012). This is not to deny that women are overall more negatively affected by gender injustice. If reference to hierarchy is not necessary to see why gender norms are inimical to justice, it is better to employ a non-moralised concept of gender.

## **2. Gender norms, individual choice and justice**

According to most theories of justice, outcomes are not unjust if they reflect non-coerced and voluntary choices. If just distributions are sensitive to individual choice, the causes of inequalities of outcome between women and men will bear on whether or not they are unjust. A possible source of obvious gender injustice is legislation that openly discriminates against women. Historically, this was the case in most societies. But nowadays, at least in the so-called developed countries, laws do not raise formal obstacles to women's access to economic, political or social opportunities. Yet, it is likely that in such countries some of the current disadvantages faced by women continue to stem directly from legislation which, while itself gender-neutral, necessarily affects women and men differently partly due to sexual difference. For instance, when laws ban abortion and encourage the teaching of abstinence as the best form of contraception (with little success) it is inevitable that women will get pregnant, be forced to carry to term and therefore have to pay the costs, including the opportunity costs, of unwanted pregnancies, while men escape these costs. Laws can generate unfair outcomes for men, too – for instance, the conscription of men-only into the army is probably unfair (Benatar, 2012).

However, even legislation that does not engage in direct discrimination can only explain to a small extent the disparity in economic, social and political outcomes between women and men. Explanations must be sought elsewhere, in the content and working of informal gender norms. Therefore, one must consider the processes most likely to explain the disparities in outcomes between women and men, in order to see if these disparities are indeed morally arbitrary or whether they can be traced to individual responsibility.

### *2.1. Gender norms*

Gender norms are the rules, formal or informal, explicit or implicit, concerning the way in which women and men ought to be and behave; they shape not only social interactions but also individuals' expectations and preferences (and hence, indirectly, our bodies too).

In societies where laws do not discriminate against women, individuals' micro-choices – many of which reflect and shape gender norms – explain to a large extent the above-mentioned disparities. Consider, for instance, interactions between men and women in the context of co-parenting within nuclear families: gender norms, embedded in the working of institutions and/or directly guiding individual behaviour, encourage and sometimes make it rational that women, rather than men, take long leaves from work and/or settle for part-time or otherwise less demanding jobs in order to rear children (Allen, 2008). This is because women are more encouraged to specialise as care givers and men as bread-winners – for instance through gendered education and social expectations that women face as adults – and due to the facts that only women breast-feed and that in many countries parental leaves are available only to, or disproportionately to, women. Amongst the opportunity costs of these choices are significantly reduced life-time earnings and other work-related benefits for women, which often involve economic dependency on one's spouse and less access to powerful or prestigious social positions.

Individual interactions between women and men outside the family, too, play some explanatory role. For instance, professions that are more feminised also tend to pay less (UN 2010). Amongst professions that do not require higher education, some male dominated professions offer not only better pay but also more interesting jobs than other professions; but they can be very inhospitable to women. A working class woman who wanted to work in, say, constructions, may have to put up with significantly more hostility than if she was to become a cleaner. It is likely that expected interactions with potential co-workers dissuade some women from seeking the jobs they would otherwise want; in an important sense, they have less opportunity than men to enter and remain in such professions. Men, too may face comparable obstacles in entering some highly feminised professions (Benatar, 2012) but jobs in such professions come with less pay and social status than jobs which welcome men. This means that two separate issues of justice are at stake here: (a) that the gender segregation of the labour market can leave women worse off than men in terms of outcomes due to differences in pecuniary and non-pecuniary payoffs between 'feminine' and 'masculine' jobs. And (b) that the gender segregation of the labour market can leave women worse off than men in terms of opportunities if there is a greater range of jobs from which women are excluded and if the obstacles women face to enter the of masculine jobs are greater than those men face to enter feminine jobs. This means that, in effect, women on average enjoy less freedom of occupational choice.

Choices in the above examples are not legally coerced; does this mean that they do not raise

issues of justice? Much of the debate around this issue is whether the choices in question reflect genuine preferences or whether they are made under the pressure of either gender norms or gender-biased institutional arrangements.

Some believe that behaviour caused by gender norms that significantly harms women – for instance, breast implants – cannot be autonomous as long as the preferences that lead the choice are the result of socially constructed gender norms (Chambers, 2004). The thought here is that, if preferences are socially formed, one cannot appeal to the value of individual autonomy in order to justify non-intervention with individuals' behaviour: autonomy has already been compromised by the existence of gender norms. It is debatable whether the existence of gender norms precludes individual autonomy sufficiently to justify paternalist intervention. The real worry is that gender norms impose unacceptable costs on the pursuit of autonomous choices; for example, a woman's choice to bear and rear children can be autonomous even if it partly results from gender socialisation, but paying the price of forgoing her career to be able to parent is unfair (Mason, 2000). Most gender norms contribute to gender unfairness, and most cases of gender unfairness are at least in part the result of gender norms. Plausible complaints of justice against gender norms are that they result in unequal capability sets for women and men (Robeyns, 2007); and that gender norms are objectionable because they make women's access to some valuable goods, and men's access to other valuable goods unduly difficult or costly, thereby diminishing individuals' valuable freedom merely due to their sex (Gheaus, 2012). If gender norms encumber women's freedom more than men's, they introduce an unfair inequality of valuable freedom.

It is important to note that some of the individual interactions that result in women's disadvantage, and which are generated by gender norms, do not involve any choices made by the women who are affected. One example is statistical discrimination against women: cases when an employer decides against hiring a woman although she is as competent as any of her male counter-candidates, because the employer thinks that the woman in question is more likely than a man to take on caring responsibilities in her family – most usually, childcare – making her a less resourceful employee in the long run. Both Rawlsian and luck egalitarians may be able to explain why outcome resulting from statistical discrimination are unjust. Other examples involve biases against women, biases that are not conscious or fully conscious and which lead to evaluating women as less competent merely because they are female. For instance, some studies show that the very same c.v. gets a worse evaluation if it is attributed to a woman than if it is attributed to a man (Holroyd, 2012). It is difficult to classify the effects of implicit bias as a form of injustice: because implicit bias is, by assumption, largely unconscious, it is not clear that there is any agent to whom we can attribute responsibility for any outcomes it generates. Also, it is not clear whether implicit bias can be entirely eliminated, and therefore whether anyone can have a duty to entirely eliminate it.

A gender just society would be free of inequality-generating gender norms. Yet, participants in public debates on gender justice often assume this cannot be so because they believe that gender norms reflect natural preferences – for instance, that women on average genuinely prefer to perform more care work than men, whether at home or as paid work. They think that many differences between women's and men's behaviour can be explained by reference to inborn differences between them – for instance, differences between how women's and men's brains are naturally 'wired'. On this view, women are more inclined to nurture, cooperate and display empathy while men are more inclined to display logical, systematic thinking. Some scientific research endorses the theory of innate differences between women and men (Baron-Cohen, 2003; Pinker, 2008); but there are also scientists who criticise this research for employing spurious methodology, and explain how differences (including brain differences) could be instead attributed to nurture (Fine, 2010.) This includes brain differences, because experience “creates neural activity that can alter the brain either directly or through changes in gene expression.” (Fine, 2010, 236).

Whatever the truth of this matter, it would be simplistic to assume that the different outcomes between women and men are morally unproblematic to the extent to which they result from natural factors determining choice.<sup>3</sup> Some philosophers think that the likelihood of inborn behavioural differences between women and men can make some inequality in outcomes unproblematic, since all that matters for gender justice is that women and men be given equal opportunities to engage in social competition – that is, to compete unencumbered by socially created obstacles related to them being female or male (Janet Radcliffe-Richards, 2014). This, however, would be true only if (a) the scope of justice was restricted to regulating competition and (b) the rules of social competition were, themselves, gender-neutral. (a) is an implausibly restrictive conception of justice: many think that justice is about more than regulating social competition – that it requires, for instance, the improvement of the situation of the worst off, or distributions that are not sensitive to brute luck. Moreover, behavioural differences between women and men may have moral significance independently of whether they lead to competitive advantage; for instance, some of the 'feminine' behaviour likely results in the provision of goods essential to human survival and flourishing the differences between women and men and so are directly relevant to distributive justice. I do not discuss (a) further. I discuss point (b) in the next subsections.

At least four distinct issues pertaining to the behavioural differences between women and men are relevant to thinking about justice; I address each of them in the next four subsections: 1) Whether their causes are innate or socially constructed (subsection 2.2); 2) What kinds of advantage they are conducive to (subsection 2.3.) ; 3) Whether all gendered behaviours are, in themselves, equally morally desirable (subsection 2.4). 4) Whether or not it is possible to change them, and at what cost

---

<sup>3</sup> On the normative importance of 'the natural' see also Casal (2015) in this volume.

(subsection 2.5).

## 2.2. *Are differences of behaviour between men and women innate or socially constructed?*

Three things are beyond doubt: that women and men behave differently, that there are biological differences between their bodies and that there are social norms encouraging them to behave differently. Many gender norms are explicit and train individuals to behave differently according to their sex starting from early childhood. If research on gender schemas is correct,<sup>4</sup> much of the encouraging is also done unconsciously (Valian, 1999). Psychoanalysts have argued that some of the gender norms that entail women's domination are formed unconsciously, in psychological processes that take place in infancy (Benjamin 1988.) Since it is hard to deny that gender norms exist, one question is to what extent gendered behaviour is natural, i.e., inborn, and to what extent is it nurtured, i.e., acquired? John Stuart Mill (1869/1973) noted that we cannot determine the answer, since there is no social environment free of gender norms that would allow us to find out how much of the behavioural difference is inborn.

It is important to note that in any case innate differences between women and men are unlikely to explain, alone, the full extent of outcomes related to economic advantage and political and social power. The most that the inborn theory purports to show is that women and men differ in their *average* levels of various abilities, and so it can explain only relatively small differences in skill at the higher end of the range. Even if, for instance, men have higher innate mathematical ability, this alone could only provide a partial explanation of the extent to which some desirable professions – such as computer science – are dominated by men. And only a minority of women *express* gender-conservative preferences concerning the division of household labour and the combining of paid work and care work.

What is the import of the nature-nurture debate on gendered behaviour for justice? As we have seen, it is unlikely that we shall ever be able to determine precisely to what extent gendered behaviour is shaped by nature and to what extent it is shaped by gender norms. Fortunately, the *source* of individual preferences that lead to significantly inequality-inducing choices does not seem to be very important: one cannot be any more responsible for one's innate desires than one can be for socially constructed ones (at least assuming that people can equally identify with both kinds of desires.) And if some desires are sufficiently powerful to qualify as urges (for instance, to have children) they diminish individuals' responsibility for acting on them independently of their source. If gendered preferences result in inequality-inducing choices, they are objectionable independently of what causes them. The case for objecting to them does not depend on the resolution of the

---

<sup>4</sup> These are implicit assumptions that people make about gender differences, according to which small behavioural sex differences indicate differences between women's and men's characteristics (rather than socially constructed differences). Gender schemas are said to lead to different normative evaluations of women and men.

nature/nurture debate.

On a luck egalitarian conception of justice, the question of whether individual choices give legitimacy to disparities in outcomes turns on whether they are truly voluntary choices – which in turn can be equally affected by their natural and social causes. Inborn differences between women and men can impact on the voluntary nature of individual choices; for instance, if some women were to truly experience over-powering urges to procreate, it would be unfair to require them to bear the full responsibility of their procreative decisions. On a Rawlsian conception of justice, the legitimacy of gendered disparities in outcome will depend on whether they occur against fair background, institutional, conditions. But on any account, the question of whether or not those gendered disparities of outcome which are unjust are changeable will be very important.

### *2.3. What kinds of advantage result from behavioural differences between women and men?*

The answer to this question will depend on the choice of a metric of justice and on whether justice requires individuals to be equally well off globally, or, more demandingly, to be equally well off in an irreducible plurality of respects.

On the first issue, it seems important to look beyond the usual currencies of justice – such as money and opportunities for desirable positions – in order to see how gender can impact on differences in women's and men's access to relational goods, such as credibility or social respect. This inquiry blurs the line between theories of distributive justice and theories of relational equality that are primarily concerned with how individuals relate to each other as equals. Some feminist theorists insist that lack of recognition and oppression, which comes in different expressions, are forms of injustice towards women at least as significant as unfair distributions of material resources (Young 1990). But, as already explained, it is likely that non-materialist versions of luck egalitarianism can accommodate these concerns as matters of distributive justice.

Recently, important feminist work has been focussing on the marginalisation of women as knowers. According to Miranda Fricker (2007) women are subject to both testimonial injustice, when they are being wrongly treated as unreliable sources of information due to the hearers' prejudice, and hermeneutical injustice, when their epistemic disadvantage results from insufficient collective interpretive resources – for instance, when a woman's complaint that she has been sexually harassed is incomprehensible because the concept of 'sexual harassment' is lacking. These phenomena are interesting both as explanations of why women and men achieve different outcomes in spite of gender-neutral legislation and, possibly, as forms of injustice in themselves.

As already noted, that it is the result of gender norms is neither sufficient nor necessary for an inequality to be unfair. Take, for instance the norm that says that girls ought to wear pink and boys ought to wear blue. In itself the inequality introduced by this norm seems innocent; however, the

problem with the norm is that it marks individuals depending on their sex for different treatment with respect to things other than the colour of dress; the gendered colour scheme is part of a convention that shapes individuals' different responses to baby girls and baby boys, reflected for instance in different choice of presents or praise. Furthermore, it is not necessary that unfair inequalities be the result of gender norms; men's lower life expectancy, to the extent to which it is not determined by any (gender) norm, can nevertheless be deemed unfair by a luck egalitarian theory of justice.

Not only do women have a lesser share of economic and status-related benefits and may work more hours than men; they also carry most of the procreation-related burdens – the health-related burdens and most of the emotional burdens of pregnancy and breast-feeding. (Moreover, to different extents in different countries, they are also expected to pay for pregnancy-related health care.) But note that women's choices – to bear children, to take time off paid work and settle for less attractive jobs in order to care for them, or to get employed in caring professions – do not result in disadvantages independently from how institutions reflect gender norms. The disadvantage is partly due to the institutional set-up which does not compensate women for bearing the costs of childbearing, which attaches financial and other penalties to part-time or flexible jobs and which does not reward feminised jobs as well as non-feminised jobs. Identical choices by women made against a different institutional set-up – one that rewarded formal and informal care work better – would not result in (the same level of) disadvantage. Because the payoffs of particular choices are determined by the context of choice, even if women's choices were to express their genuine preference for caring activities this could not alone justify the different outcomes between women and men. (Unless men incurred a similar degree of overall disadvantage due to their being men.)<sup>5</sup>

One way to argue that current institutional arrangements are just is to say that there is a general and fair division of labour between women and men, in which women as a group are mostly responsible for reproductive and caring work and men as a group are mostly responsible for productive work and self-defence. As already mentioned, men, too, are in some contexts disadvantaged *qua* men. For instance, there is less sympathy for male victims of (especially sexual) violence and men are expected to repress their emotions to a greater extent than women (Benatar, 2012). Many of the disadvantages that men incur *qua* men can be traced to women specialising in care-giving and men being the bread-winners. Most obviously, if men on average spend more time in paid employment and less time caring, they are also likely to miss out to some extent on the valuable goods of hands-on parenting (Brighouse and Wright, 2008). Caring for a dependent person that one loves entails both burdens and benefits. Political theorists usually discuss care-giving in the context of fair sharing of burdens, but some have recently turned their attention to how being an involved parent can play an important role in people's flourishing (Brighouse and Swift, 2014). More

---

<sup>5</sup> For a similar line of reasoning see Olsaretti 2009.

generally, to the extent to which they give less weight to intimate relationships in their lives, men are also less well positioned to enjoy their value; but if intimate relationships objectively contribute to well-being, men are, in one respect, worse off than women. Thus, some think that if we look at the *overall* rather than *local* distribution of burdens and benefits in liberal democracies, women are not on balance worse off than men (Benatar, 2012).

Here is a way to challenge the above argument. Many although not all disadvantages that gender norms impose on women and on men may be thought to result from a traditional gendered division of labour. But such a division of labour could be itself fair only if (i) women and men really were to be the subject of overall equal disadvantage and, at the same time, (ii) such a division of labour was necessary in order to give all individuals an equal chance to lead maximally good lives.

The above picture may have been plausible at a time when people believed there were large inborn differences between women and men, making each uniquely fit for some kind of activities *and* when frequent wars imposed very high burdens on men. Yet, given current knowledge about women and men's abilities and current social circumstances, it is unlikely that any of the two conditions are met – let alone both: first, in this day and age it is more likely that, on the whole, being a woman is more disadvantageous than being a man, even in liberal democracies. And second, some women express preferences for doing little or no care work (whether formal or informal); presumably, at least some men would prefer to do more care work if the institutions that regulate paid work gave them better opportunities to combine that with earning a living. The traditional gendered division of labour does not seem to be either efficient or fair.

Assume it is true that both women and men are, in different contexts and at least partly due to gender norms, worse off than members of the opposite sex. There are several important questions that pertain to the relevance of this fact for distributive justice. First, does the fact that men, too, suffer some disadvantages *qua* men, make things overall worse or better from the point of view of injustice? Does justice require the elimination of each kind of disadvantage one by one, or the equalisation of the overall amount of (dis)advantage that one can expect in virtue of being a woman and, respectively, a man? Whether we should take an aggregationist or a non-aggregationist view on what constitutes unjust disadvantage is a difficult and, at least in the context of gender justice, under-researched question. Similarly, any division of labour whereby some people do significantly more care work than others while others spend more time in paid employment will entail unequal burdens and benefits for people in both groups. Given this fact, some think that justice requires the abolition of gender norms such that, for all individuals, the costs of a gender-neutral lifestyle – understood as one combining care-giving and paid work – are no higher than the costs of leading a gendered lifestyle (Gheaus, 2012). Others believe that justice, understood as comprehensive equality of opportunity, is compatible with a type of gendered division of labour that would truly promote equal

overall life prospects for women and men (Arneson, 1998).

Gender norms are in part responsible for various disadvantages accruing to women and, sometimes, to men – that is, for gender unfairness. Does this fact make all gender norms that create unfairness equally objectionable? The answer to this question must depend on the independent question whether all gendered behaviours promoted by various gender norms are, in themselves, equally morally desirable. I explain this point below.

#### *2.4. Are all gendered behaviours, in themselves, equally morally desirable?*

Some of the gender norms that regulate women's and men's behaviour seem to be, in themselves, morally neutral: for instance, those related to dress, appearance or courtship codes. (This is not to say that it cannot be harmful to try to attain some ideals of feminine beauty, or that it is fair to expect women to invest more in their appearance than men in order to be socially acceptable.) When such gender norms disadvantage individuals by making their access to goods more or less difficult depending on their sex they are unfair and there is a strong *pro tanto* case for abolishing them if we can.

Other gender norms have moral content. Women are expected to be more nurturing and caring than men. The (contested) belief that they do in fact tend to think in terms of individual needs and relationships rather than rights and competing interests has generated an ethical tradition – the ethics of care (Gilligan, 1982.) This tradition builds on the insight that care in face-to-face encounters is essential for creating new human beings by nurturing and socialising them (Ruddick, 1989) and instilling a sense of morality in them (Held, 1993). Some have argued that personal care is an all-purpose-means, making it akin to a Rawlsian primary good and hence a matter of direct concern for just distributions (Brake, 2010; Kittay, 1999). It is not clear how feasible it is to distribute equally the affective component of care, nor how desirable it is to attempt to do so (Gheaus, 2009; Lynch, Baker and Lyons, 2009); yet this is not to deny that some affection is necessary for all children's and most adults' ability to lead flourishing lives, and hence a matter of distributive justice.

At the same time, many feminists are critical of the ethics of care tradition because it makes those who endorse it vulnerable to exploitation and likely to entrench their subordination (Card, 1990; Held, 2015.) If women have indeed been by and large subordinated to men, it seems that an ethics of care is a particularly counterproductive set of norms to be endorsed by women. As long as most goods are distributed through competition, and social success is more available to those who promote their own, rather than others', interests, being nurturing and caring comes at a prudential cost. Conversely, social norms encourage men, but not women, to be highly competitive, self-assertive or even aggressive; these dispositions are also likely to advance the competitive advantage of individuals who display them, but it is far from clear that they are morally desirable.

In the case of gender norms encouraging behaviours that are in themselves morally desirable, it is particularly difficult to arrive to an all things considered judgement about their desirability. Because they encourage morally praiseworthy behaviour, there is a strong *prima facie* case for universalising, rather than abolishing, them. But this may be impossible as long as background conditions remain unchanged – that is, as long as competition regulates access to most goods, and self-assertiveness, rather than being nurturing, improves one's chances of social success. Such conditions make it very unlikely that feminine norms of nurturance and care can be universalised and promoted with equal success amongst men. On the one hand, someone concerned with gender justice will want women to have the same chances to acquire social success as men, and hence will see the case for socialising women in the same highly competitive spirit rather than in the spirit of care. On the other hand, there is the problem of weighing a gain in gender justice against a loss in morally valuable kinds of human relationships. The only way out of this dilemma is to reshape the social world such that the traditionally feminine virtues of care do not entail competitive disadvantage; this may be a long shot.

Here is another example of how non-ideal social conditions – a failure to train men to competently care for babies – can generate conflicts between gender justice and other moral goals in relation to the abolishment of gender norms. Assume that men could be adequate care-givers for babies, but they are either not helped to or outright discouraged from being so. If being able to form intimate relationships with babies is a kind of advantage, this norm is perpetuating gender injustice because it makes it harder for men to become care-givers as well as increasing the amount of morally required care that women must perform. In particular this creates unfairness for those men who, in spite of gender norms, are willing to care for babies and who would make very good care-givers. But, at least as long as men, on average, really are significantly less capable than women to provide competent care to babies, these norms also help protect some of the most vulnerable individuals from neglect or abuse. Again, it is not clear that, all things considered, it is desirable to abolish these norms until and unless we rectify the underlying problem: significant average disparities in women's and men's competence to care for babies, if indeed such disparity exists.

### 2.5. *Are inequalities of preferences between women and men changeable?*

If some gendered behaviours lead to disadvantage, many will think that they can be identified as objectionable injustices (rather than mere unfortunate facts) only if they can be changed.<sup>6</sup> A related question is at what material and moral cost they can be changed. This is a very different question to that of the relative contribution of nature and nurture to these differences. Some facts that are (co-)determined by innate features can be easily changed (like short-sightedness.) Other features that

---

<sup>6</sup>I dispute that only facts that we can change can constitute injustices (Gheaus 2013).

are entirely the result of nurture are very resistant to change (for instance, one's ability to hear and reproduce some of the sounds of languages to which one has not been exposed as a child). Similarly, some differences between women and men may be due to natural factors – for instance, differences in life expectancy or susceptibility to particular diseases – but changeable – for instance, through medical or technological progress.

For the time being it is likely that there exist both biological and social facts which play a role in some inequalities of outcome between women and men and which we do not know how to change. The fact that only women can bear and breast-feed children goes some way towards explaining why women and men start to specialise in care-giving and, respectively, bread-winning and often create a path-dependent development towards even greater specialisation (Allen, 2008.) Some feminists have argued that full equality between women and men will not be possible before we break the connection between sex and childbearing (Firestone, 1971). Whether it would be, all things considered, desirable to break this connection – for instance, by artificial gestation – is itself an under-researched question that may soon become timely. Other causes of discrepancies of outcome between women and men that we do not yet know how to change are implicit biases and susceptibility to stereotype threats; to the extent to which they are the sediments of a long history of explicit sex-based discrimination and prejudice they are unlikely to be easily shattered. But even if it is impossible to eliminate all the causes of discrepancies of outcome between women and men, it is possible to limit their influence (for instance, anonymising job applications and exams before evaluating them keeps some biases under check) or try to compensate individuals for unfair disadvantage. And it may be possible to compensate for those inequalities of outcome which we don't know how to avoid.

The four questions discussed above – concerning the socially constructed nature of gender norms, their relation to advantage, their independent moral desirability and their immutability – are different from each other; the last three seem more important than the first. This is because the extent to which innate factors contribute to behavioural differences between women and men does not determine either the possibility or the desirability of changing them. The next section discusses the legitimacy of rectifying gender-based disadvantages.

### **3. Gender, justice and institutional change**

Many of the disadvantages that accrue to people in virtue of being female (or male) result from interactions in the private sphere, within institutions such as the family or economic enterprises.

If one believes that justice does not regulate individual behaviour it is difficult to classify such disadvantages as forms of injustice and to attempt to legitimately rectify them through policy. According to Rawls (1971), the justice of a society is determined by the rules that regulate its basic structure, which is that society's major political, economic, and social institutions. These institutions – rather than individual behaviour within voluntary associations – are the proper site of justice. It is not clear whether interactions within the family and the workplace ought to come under the purview of justice; for instance, is it unjust for parents to encourage their children to internalise gender norms (Macleod, 2015)? And is it unjust for spouses to engage in a gendered division of labour? (Neufeld, 2009; Schouten 2013). A main aim of feminist thinking about justice is to criticise the belief that private interactions are outside the scope of justice and that policies attempting to regulate them are therefore illegitimate. Much of this work engages with Rawls' thought, and most feminist proposals to regulate private interactions in the name of gender justice concern at once family life and working life. These proposals are about policies promoting particular kinds of parental leaves, flexible work schedules for parents and subsidised, high quality care for small children.

### *3.1. Gender and justice in the family*

Systematic unjustified inequalities can arise between different groups of individuals (for instance, physically attractive people may have better chances on the job market). Some of these are particularly troubling because, like in the case of ethnicity or gender, they result from a long history of active discrimination and their endurance may indicate bigotry. But gender poses a unique challenge to distributive justice because a large number of women and men, perhaps a majority, want to share their lives substantially with one or more members of the opposite sex – that is, set house and raise children with them, and allow the kind of intimacy which, over time, shapes one's self as well as one's life. In liberal societies women are legally free to not enter, and to exit, relationships with any particular man. But the subjective costs of foregoing all close relationships with a member of the opposite sex, and in particular forgoing co-parenting in the context of a heterosexual relationship, are very high. This makes it unreasonable to expect most women to lead, as a price for their liberation, a life devoid of close relationships with men. In a sense, women and men are locked in mutual relationships. This defines a special negotiation dynamic between women and men, and imbalances of power may easily get reproduced and magnified over time. The expectation that women perform most of the housework, including childrearing, significantly weakens their position on the market – especially after they have children. Yet, as long as this expectation is widespread, it affects women's chances to find partners who are ready to engage in an egalitarian division of labour. Moreover, as discussed in the next subsection, many existing policies and institutions encourage the members of a couple to specialise in either care-giving or bread earning; and the biological fact that

women bear and breastfeed children, together with men's typically higher earning power, often leads couples into a traditional division of labour even when its members endorse an egalitarian division of labour (Gerson, 2010).

Another special issue of gender justice raised by the family is that most children are being brought up within (more or less stable) heterosexual relationships. Through processes of socialisation children are likely to internalise and then reproduce imbalances of power between women and men. A traditional gendered division of labour makes these imbalances very obvious: because women's position on the market is worsened by their taking on caring responsibilities, they are less likely to economically afford to exit the relationship with their partner, absent special regulations to enable them to do so. As Susan Moller Okin noticed, women engaged in unequal marriages suffer disadvantage not only while married but also if they divorce, in which case women and their resident children, but not men, tend to be worse off economically (Okin, 1989). These disadvantages, in turn, undermine women's negotiation power within the couple and can generate everyday subordination. To what extent women's direct involvement in care-giving can also be a source of negotiation power over one's (male) spouse is an interesting question, not yet explored by political theorists. Such power may stem from men's interest in continuing to be an involved parent and it depends on legal provisions for deciding custody and visitation rights after divorce.

For these reasons, the family – or, at least, the heterosexual family – is a main site of gender (in)justice. Because the ideal family is a cooperative venture freely entered into, grounded in affective ties and supposed to last for a lifetime, it is easy to assume a unity of interest amongst its members and thus to bracket the question of its internal justice. Classical liberals as well as Rawls (1971) assumed that justice only regulates the public relationships between (heads of) families, not relationships between family members. But this seems wrong. First, as already mentioned, the subjective costs of avoiding all heterosexual family life are, for most individuals, very high, which qualifies the voluntary nature of a decision to avoid all heterosexual family life.<sup>7</sup> Second, the existence of affective ties does not preclude conflicts of interest between family members: if men have an opportunity to combine a career and family life, women must have the same opportunity to do so. And if it is unavoidable that one parent makes more career compromises in order to raise children than the other parent, then combining a career and family life is a scarce good to which both female and male spouses have a claim. Finally, affective ties wither, many families disintegrate and therefore it is important to ensure that participation in the family does not systematically leave one group of people worse off than others in case of divorce. All these considerations, distilled in the slogan that 'the private is political', ground the conclusion that a credible theory of distributive justice

---

<sup>7</sup> At least on the view according to which a choice is voluntary if and only if it is not only or mostly motivated by a lack of acceptable alternatives (Olsaretti, 2004).

cannot leave out the family.

To what extent can the Rawlsian framework of thinking about justice accommodate this feminist insight? Or, in the words of Susan Lloyd (1995), 'in what way must families be just in order for society to be just'? (Lloyd, 1995) It is not difficult to show that the family is part of the basic structure, that is an institution which distributes that main benefits an burdens of social cooperation – for instance, through the pervasive influence it has on people's opportunities. In addition, both Rawls and Susan Moller Okin (1989) – his main feminist critic – agree that the family is the context where children, that is, future citizens, form a sense of justice. This last fact may be enough to rule out some forms of injustice within the family as illegitimate. For instance, the denial of basic freedoms to women, and perhaps gender (or other) hierarchies that are enduring and humiliating are inconsistent with cultivating a sense of justice in the children who are reared within such families. Moreover, as Elizabeth Brake has recently noted, such overt forms of sexism can undermine girl's access to self-respect, which Rawls himself deemed the most important of the primary goods (Brake, forthcoming).

However, recognising the family as part of the basic structure does not entail that it has to be internally structured by (the Rawlsian) principles of justice – for instance, that it has to observe fair equality of opportunity. Okin (1994) suggests that a sexist upbringing can interfere with children's acquisition of a sense of justice to the point of threatening the stability of a well-ordered society. Yet it is implausible that *all* kind of sexism can threaten stability and therefore that no forms of sexism should be tolerated within the family. In particular, the traditional gendered division of labour is not as such an overt form of injustice that can undermine children's moral development. This is in part because – as I explain below – individual endorsement of gender norms is not necessary to explain why the traditional gendered division of labour endures. Sometimes it is a rational response to institutional and biological constraints; at other times it is genuinely and equally conducive to both spouses' well-being.<sup>8</sup> But even when it is a result, and an expression, of sexist socialisation of women and men, the endorsement of a traditional division of labour is one among the many conceptions of the good life over which citizens can reasonably disagree. According to Rawls' later thinking about justice, principles of justice and state interference cannot be justified by appeal to any particular, contestable, conception of the good life (Rawls, 1993). Rawls' response to Okin's criticism was is that, to ban all sexism from the family on pain of injustice, one would have to show that children who grow up in sexist families are thereby unable to choose a feminist, or gender-egalitarian lifestyle. Individuals brought up in sexist families are likely to find it psychologically more difficult to pursue a non-sexist conception of the good as an adult. But this observation pertains to the adoption of any conception of the good inimical to that in which one has not been socialised (Lloyd, 2005).<sup>9</sup> The only

<sup>8</sup> Even then it may be objectionable because the aggregated effect of many couples engaging in it perpetuates gender norms and makes it more costly for individuals to choose gender-egalitarian arrangements.

<sup>9</sup> Some believe that Rawlsian justice bans the enrolment of children in any conception of the good (Clayton 2015).

way out of this problem would be to show that sexism in general – or at least norms encouraging the traditional gendered division of labour – cannot be part of a reasonable conception of the good.

It is more plausible that, just like other institutions that are part of the basic structure, the family need not have its internal workings regulated by the principles of justice. Recognising the family as part of the basic structure does not entail that it has to be internally structured by (the Rawlsian) principles of justice – for instance, that it has to observe fair equality of opportunity. It seems legitimate for families to make decisions about how to distribute goods within families in ways that fail to observe the difference principle. An anti-perfectionist theory of justice may be unable to accommodate the feminist criticism of the gendered division of labour in the family as a matter of justice and as an object of legitimate state intervention. All of the likely harms it entails – the socialisation of children into gender norms, the way in which it affects women's opportunities on the market, the unequal negotiating power between spouses – are disputed, *qua* harms, by some reasonable members of society. Better allies to the feminist project may have to be sought amongst theories of justice that (a) consider individual behaviour a proper site of justice and/or (b) can account for the injustice of the above harms in terms of how they impact on individuals' opportunity to welfare, access to advantage, resources, or capabilities. The next section discusses prominent policy proposals meant to address gender injustices on the assumption that such interventions can be legitimate.

### 3.2. *Gender, justice and the life-work balance*

Even if the family was a fully voluntary association, its interface with the wide society is shaped directly by coercive legislation governing marriage, divorce, inheritance and tax law; on the other side of the interface, welfare policies regarding safety nets for the worst off, institutional childcare and employment regulation all function on the assumption that domestic and care work is largely performed informally by women (Neufeld, 2009).

Some feminists think that marriage itself is incompatible with gender justice; others have recently argued for retaining marriage but radically reforming it (Brake, 2010). I leave this matter largely aside since I assume that, even if marriage was abolished or radically reformed, women and men would continue to co-parent and co-habitat, thus perpetuating some kind of division of labour amongst them. Married or not, women who dedicate too much time to the provision of domestic services and care at home are economically vulnerable in case of separation; As a solution, Okin (1989) suggested that both spouses should have a legal entitlement to their combined earnings, by having employers pay split salaries to the employee and their partner who provides free domestic services.

One worry with proposals like Okin's 'housewife wage' is that they encourage women to stay

out of the job market.<sup>10</sup> This deprives them from the non-monetary advantages of being employed such as opportunities for meaningful work outside the home, for social respect, for a proper social life, and for political participation. Clearly, this objection has more force in the case of better off women who could have real opportunities for such goods in the first place. Women's lower participation in the labour market is also likely to trap them in their gender roles, if only by entrenching statistical discrimination against women on the labour market. (Although the introduction of generous 'housewife wages' may allow those women who prefer to entirely avoid the labour market to do so, making statistical discrimination less rational.)

Other feminists think that social policy should instead make it possible for women to compete on the market on equal terms with men. This can be achieved for instance through wide-scale early, state subsidised,<sup>11</sup> socialisation of childcare (Bergmann, 2004). To decide whether this institutional solution is just, one would first have to settle the contentious questions regarding what kind of institutional care, if any, is good for children. Whatever the answer, it is unlikely that it is desirable or possible to outsource all care work. Therefore, if women continue to do whatever care work will have to be done within the family, this solution is only partial. Another possible difficulty with this proposal is that it will go against the expressed and persistent preferences of a significant group of women, who want to work on a part-time basis and spend the rest of their working time in the household (Hakim, 2000). Policies incentivising women's and men's equal participation in the labour market therefore seems to sponsor a particular, contestable conception of the good – in which case it would be, at least by liberal non-perfectionist standards, illegitimate.

Finally, some think that the best way to bring about gender justice is to eliminate the institutional incentives that maintain the traditional gendered division of labour (Fraser, 1994; Williams, 2000). They argue that at present the workplace is structured by the assumption that an ideal worker – the one to be employed in the best jobs – is free from caring responsibilities, including childcare, and free from domestic work: that is, an individual with a partner who takes on this kind of work. The solution they see involves a structural transformation of both the workplace and childcare institutions (Gornik and Meyers, 2003), one that would make it possible for both spouses to combine similarly good jobs and childcare. This is what Nancy Fraser calls the model of the universal care-giver (Fraser, 1994) and would require a restructuring of the labour market to include flexible working hours and special leaves allowing parents to look after their sick children, the creation of part-time jobs that pay the same *pro rata* wages as full time jobs (and come with similar benefits), generous and gender-egalitarian parental leaves as well as adequate and affordable

---

<sup>10</sup> The payment of a universal basic income to all citizens is another policy suspected to have a similar effect (Robeyns 2001).

<sup>11</sup> If justice requires all members of society to pay for childcare, such policies ought to be funded by universal taxes; if not, by taxing only parents.

childcare.

Leaving aside questions of feasibility, there are several matters of desirability concerning this proposal, too. The largest is about the legitimacy of state interference with the structure of jobs. Then, like in the case of other proposals, there is the worry that a liberal neutral state ought not to sponsor particular views of the good life, such as a gender egalitarian view. Moreover, allowing parents to work flexible hours can raise the objection that it discriminates against non-parents who also have an interest in a more harmonious combination of working lives and life outside the workplace. This is a complaint of justice if one understands childrearing to be a lifestyle amongst others, for which parents are not entitled to special support (Casal and Williams, 2004; Rakovsky, 1991; Vallentyne, 2002). That child-rearing is a mere lifestyle is of course contested (Olsaretti, 2013; Gheaus, 2015).

Debates surrounding parental leaves in particular illustrate the difficulties of compensating women for their unpaid care work while at the same time undoing the traditional gendered division of labour. They also illustrate the difficulties of realising gender justice by legitimate means – that is, without failing to show respect to individual freedom and state neutrality. A first issue, having to do with the length of the leaves, concerns their impact on women's participation in the labour market. The choice is between generous (long and paid) parental leaves and less generous leaves (only long enough to allow women to recover properly from childbirth plus a few additional months). The first are recommended by gender justice because they acknowledge and support women who look after children in their first year or few years of life; however, these very features of long leaves entrench the gendered division of labour: they help perpetuate gender norms and keep women away from paid jobs for years. The second is women-friendly because it creates less disincentive for employers to hire women, and in general it is less likely to keep women out of the job market for long. The first type of policy makes it easier for women to combine career and family life (given the current structure of jobs and a shortage of affordable quality childcare); the second makes it easier for them to compete on equal terms with men in their career. Yet, for reasons explained above, it is not clear that either of these proposals can be legitimised by appeal to gender justice.

A second issue concerns the impact of parental leaves on the dismantling of gender norms and has to do with who takes them up. Maternal leaves, which exclude fathers, are obviously unjust. But experience shows that gender-neutral parental leaves are disproportionately taken by women. Some countries try to combat this by making at least part of the leave non-transferable to the other parent (the 'use it or lose it' model) and some theorists proposed to take a step further and to make the availability of the leave to one parent dependent on the other parent taking his or her leave (Brighouse and Wright, 2008). Yet, in cases of couples that lead gender-traditional lifestyles this proposal can backfire; fathers could refuse to take the leave, forcing mothers back into the family.

Moreover, if parents are owed parental leaves, it is unclear that conditioning one spouse's entitlements on the choice of the other spouse is consistent with respect for individual rights (Gheaus and Robeyns, 2011). In any case, men's uptake of parental leaves on a par with women does not guarantee that the time of the leave is actually be spent on doing childcare.

It seems that efforts to dismantle the traditional gendered division of labour by institutional means will, to some extent, run against the difficulty of entrenched gender norms. This leads some theorists to think that at least some responsibility for change lies with individuals.

### *3.3. Is there a duty to resist gender injustice by individual behaviour?*

According to Ann Cudd (2006) the oppressed have a duty to resist their own oppression. In the case of gender-related injustices, this means that women ought not to collaborate in reproducing the gendered division of labour because it entrenches gender stereotypes. They ought to engage in household strikes: that is, refuse to be housewives and instead participate in the labour market (Cudd, 1998). The question of what individual duties people have to change the unjust circumstances in which they live has been attracting increasing attention, and much work remains to be done on this topic in general and with respect to gender justice in particular. Here are a few problems raised by Cudd's suggestions.

First, there is the usual concern that individuals cannot have duties to do what they cannot do and, since the change of gender norms and behaviour is only achievable through collective action, separate individuals cannot have duties in this respect before they start coordinating with each other. Cudd acknowledges this problem, but thinks that women who do not resist their own oppression are nevertheless guilty of harming other women by strengthening gender norms. It is not clear this line of reasoning is successful, unless perhaps one can show that every instance of women's resisting gender norms contributes something to the advancement of gender egalitarianism: for instance, women leading gender egalitarian lifestyles may represent good role models for other women and men.

A second worry – which Cudd's theory may be able to accommodate – is that, in many women's case, a duty to resist the traditional gendered division of labour seems overly demanding. Presumably, some women who choose to be full time home-makers could only take jobs that are themselves exploitative, highly stressful, and meaningless. In comparison, being a home-maker, especially if one raises children, can be a meaningful and fulfilling, even when hard and exploitative, type of work (Baker, 2008). Gender injustices intersect with other kinds of injustice. Would it not be more plausible to expect only well-off individuals – that is, women and men who do not suffer, at the same time, injustices related to their class, ethnicity or disability – to take on the burdens of undermining gender norms?

Third, a duty to refuse to do more than one's fair share of household work must depend on

how it impacts on innocent third parties, especially parties towards whom the 'striker' has duties of care. For instance, striking becomes problematic once children enter the picture. A woman's duty to participate in the labour market may be incompatible with her duty to provide adequate care to her children in cases when her partner refuses to engage in domestic and care work (And so she has to pick up his slack.) This, again, makes the duty to hold a job appear overly demanding.

#### 4. The new 'the personal is political': implicit bias, stereotype threat

Much gender injustice is relational in nature – that is, it consists of relationships that give women less recognition for their work, or marginalise, exploit or disempower them. These injustices have a distributive aspect – to the extent that they suffer from them, women are worse off than men. Women enjoy certain important relational goods to a lesser extent than men do; this is the first distributive aspect of relational injustice. In addition, these relationships impact on women's opportunities to various goods they may pursue – for instance, career advancement or positions of authority and power – and therefore can be at the root of further unfair distributions.

It is debatable whether feminists have traditionally been interested exclusively in intentional relational injustices; but in any case, they focussed on relational injustices that tend to spring from individuals' conscious attitudes – typically, from explicit, formal or informal gender norms endorsed by both women and men. Recently however much attention has been devoted to gender norms that are not conscious and that are said to shape the evaluation of women in all walks of life (Staats and Patton, 2013). They are personal in the sense that, being unconscious, they are never formal. At the same time they are political, because they have a pervasive impact on how women are being treated by others, how fairly they are being rewarded and eventually on their economic, social and political opportunities. Even bracketing the disadvantages that flow from these implicit norms, it is plausible that it is in itself a disadvantage to be the recipient of unconscious discrimination, provided one has a right to be perceived in a particular way. The latter is a contentious claim which connects, once again, gender justice to issues of recognition (Bird, 2015).

The most widely discussed mechanisms through which unconscious gender norms operate are implicit bias and stereotype threat. Implicit bias refers to the attitudes or stereotypes concerning other individuals, that people hold unconsciously and which affect their thinking and behaviour. Not only is implicit bias unconscious: often its content is significantly different from the content of the explicit attitudes and beliefs held by that same individual. Implicit bias is robust, pervasive and activated automatically (Staats and Patton, 2013). Stereotype threat refers to people's tendency to confirm negative stereotypical expectations that others typically have of them, especially in social

contexts that make the stereotypes salient.. The content of both implicit biases and stereotype threats seem to be highly gendered: As an example of the first, women's achievements are evaluated as less impressive than men's exact same achievements. As an example of the second, girls perform worse at maths if, just before an exam, they have been explicitly reminded of their gender. Some authors explain how these mechanisms are partly responsible for women's failure to be recruited, retained and promoted in some attractive jobs (Saul, 2013).

If empirical research on implicit bias, stereotype threat and gender is correct, it raises several fascinating issues concerning individuals' duties of justice. Even those who believe that justice evaluates individual behaviour (and not merely laws and institutions) will want to say that someone can behave unjustly only to the extent to which they are responsible for their action. But it is difficult to attribute responsibility for unconscious beliefs. If implicit bias really is universal, does this mean that we all should assume that we are going to act on it and be held responsible to minimise its influence on our behaviour as well as we can? We know that some procedures can block implicit bias or minimise its effects. For instance justice might require that evaluators of exams or job applications do not know whether the applicant is a woman or a man (Holroyd, 2012). And if we know that people are susceptible to stereotype threats related to their gender (or ethnicity), which is likely to negatively affect their performance, does this mean that we have a general duty to avoid activating stereotype threats? Is it objectionable, for instance, to praise a woman's kindness just before she has to exercise a technical skill? These questions indicate new directions of research on gender justice.

Finally, what, if anything, does the existence of implicit bias mean for appeals to state neutrality in discussions about gender justice? We believe that states ought to be neutral with respect to their citizens' conceptions of the good and this means that they ought to allow explicit discrimination within voluntary associations *to the extent to which individuals themselves endorse such discrimination*. For example, if people endorsed a traditional division of labour within a couple, policies that nudge them into gender egalitarian roles would compromise state neutrality. But if we hold implicit biases which contravene the ideals we explicitly endorse, this means we are also discriminating against some individuals *against* our best judgement. It is not clear that the appeal to state neutrality delegitimises political interventions meant to mitigate such discrimination. Assume that a very large proportion of the population explicitly rejects the gendered division of labour<sup>12</sup>, yet perpetuates it *via* implicit biases and susceptibility to stereotype threats. It is an interesting topic for future research to consider what a neutral state should do in such cases.

## References

---

<sup>12</sup> There is some evidence that this is the case in the United States (Gerson 2010).

- Allen, A. (2008). "Rationalising Oppression." *Journal of Power* 1(1): 51-65.
- Arneson, R. (1998). "What Sort of Sexual Equality Should Feminists Seek." *Journal of Contemporary Legal Issues* 9: 21-36.
- Arneson, R. (2000). "Luck Egalitarianism and Prioritarianism." *Ethics* 110(2): 339-349.
- Baker, J. (2008). "All Things Considered, Should Feminists Embrace Basic Income?" *Basic Income Studies* 3(3).
- Baron-Cohen, S. (2003). *The Essential Difference* (London: Allen Lane).
- Benatar, D. (2012). *The Second Sexism: Discrimination Against Men and Boys*. Wiley-Blackwell.
- Benjamin, J. (1988). *The Bonds of Love: Psychoanalysis, Feminism and the Problem of Domination* (New York: Panthenon).
- Bergmann, B. (2004). "A Swedish-Style Welfare State or Basic Income: Which Should Have Priority?" *Politics and Society* 32 (1): 107–118.
- Bird, C. (2015). "The Theory and Politics of Recognition." In S.Olsaretti (ed.) *The Oxford Handbook in Distributive Justice* (Oxford: Oxford University Press).
- Brake, E. (2010). *Minimizing Marriage* (Oxford University Press).
- Brake, E. (forthcoming). "Feminism, Family Law, and the Social Bases of Self-Respect." In R. Abbey (ed.) *Re-reading the Canon Series: Feminist Interpretations of Rawls* (Penn State University Press).
- Brighouse, H. and Wright, E. O. (2008). "Strong Gender Egalitarianism." *Politics and Society* 36: 360–372.
- Brighouse, H. and Swift, A. (2014). *Family Values. The Ethics of Parent-child Relationships* (Princeton University Press).
- Card, C. (1990). "Caring and Evil." *Hypatia* 5.(1): 101-8.
- Casal, P. (2015). "Equality and Evolution: On the Relevance of Human Nature to Distributive Justice." In Olsaretti, S. (ed.) *The Oxford Handbook in Distributive Justice* (Oxford: Oxford University Press).
- Casal, P. and Williams, A. (2004). "Equality of Resources and Procreative Justice." In J. Burley (ed.) *Dworkin and His Critics* (Malden, Mass.: Blackwell).
- Chambers, C. (2004). "Are Breast Implants Better than Female Genital Mutilation? Autonomy, Gender Equality and Nussbaum's Political Liberalism." *Critical Review of International Social and Political Philosophy* 7(3): 1-33.
- Clayton, M. (2015). "Education." In Olsaretti, S. (ed.) *The Oxford Handbook in Distributive Justice* (Oxford: Oxford University Press).
- Cohen, G.A. (1997). "Where the Action Is: On the Site of Distributive Justice." *Philosophy and Public Affairs* 26(1): 3-30.

- Cudd, A. (1998). "Strikes, Housework, and the Moral Obligation to Resist." *Journal of Social Philosophy* 29(2): 20-36.
- Cudd, A. (2006). *Analysing Oppression* (New York: Oxford University Press).
- Engster, D. (2007). *The Heart of Justice: Care Ethics and Political Theory* (Oxford: Oxford University Press).
- Fine, C. (2010). *Delusions of Gender, How Our Minds, Society and Neurosexism Create Difference* (New York and London: W. W. Norton & Company).
- Firestone, S. (1971). *The Dialectic of Sex: the Case for Feminist Revolution* (New York: Bantam Books).
- Fraser, N. (1994). "After the Family Wage. Gender Equity and the Welfare State." *Political Theory* 22(4): 591-618.
- Fraser, N. and Honneth, A. (2003). *Redistribution or Recognition? A Political-Philosophical Exchange* (London: Verso).
- Fricker, M. (2007). *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press).
- Gerson, K. (2010). *The Unfinished Revolution: How a New Generation is Reshaping Family, Work, and Gender in America* (New York: Oxford University Press).
- Gheaus, A. (2009). "How Much of What Matters Can We Redistribute? Love, Justice and Luck." *Hypatia* 24(4): 63-83.
- Gheaus, A. (2012). "Gender Justice." *Journal of Ethics and Social Philosophy* 6: 1-24.
- Gheaus, A. (2013). "The Feasibility Constraint on the Concept of Justice." *Philosophical Quarterly* 63(252): 445-464.
- Gheaus, A. (2015). "Could There Ever be a Duty to Have Children?" In Hannan, S, Brennan, S. and Vernon, R. (eds.) *Permissible Progeny. The Morality of Procreation and Parenting* (Oxford: Oxford University Press).
- Gheaus, A. and Robeyns, I. (2011). "Equality-promoting Parental Leave." *Journal of Social Philosophy* 42(2): 173-191.
- Gilligan, C. (1982). *In a Different Voice : Psychological Theory and Women's Development* (Cambridge, Mass.: Harvard University Press).
- Gornick, J. C. and Meyers, M. K. (2003). *Families That Work. Policies for Reconciling Parenthood and Employment* (New York: Russel Sage Foundation).
- Hakim, C. (2000). *Work-lifestyle Choices in the 21st Century: Preference Theory*. (Oxford: Oxford University Press).
- Hakim, C. (2010). "(How) can Social Policy and Fiscal Policy Recognise Unpaid Family Work?" *Renewal* 18 (1/2): 23-34.

- Haslanger, S. (2000). "Gender and Race: (What) Are They? (What) Do We Want Them To Be?", *Noûs* 34(1): 31-55.
- Held, V. (1993). *Feminist Morality: Transforming Culture, Society and Politics* (University of Chicago Press).
- Held, V. (2015). "Distributive Justice and the Ethics of Care". In S. Olsaretti (ed.) *The Oxford Handbook in Distributive Justice* (Oxford: Oxford University Press).
- Hochschild, A. R. with Machung, A. (1989). *The Second Shift. : Working Parents and the Revolution at Home* (New York: Viking Penguin).
- Holroyd, J. (2012). "Responsibility for Implicit Bias." *Journal of Social Philosophy* 43(3): 274-306.
- Kittay, E. F. (1999). *Love's Labor : Essays on Women, Equality, and Dependency* (New York: Routledge).
- Lloyd, S. A. (1995). "Situating a Feminist Criticism of John Rawls's Political Liberalism", *Loyola of Los Angeles Law Review* 28: 1319-1344.
- Lynch, K, Baker, J. and Lyons, M. (2009). *Affective Equality Love, Care and Injustice* (London: Palgrave).
- Macleod, C. (2015). "Distributive Justice and the Family". In Olsaretti, S. (ed.) *The Oxford Handbook in Distributive Justice* (Oxford: Oxford University Press).
- Mason, A. (2000). "Equality, Personal Responsibility, and Gender Socialisation." *Proceedings of the Aristotelian Society* 100(3): 227–246.
- Mill, J. S. (1869/1973). *The Subjection of Women*. In Mill, J.S. and Taylor Mill, H. *Essays on Sex Equality* (Chicago: University of Chicago Press).
- Neufeld, B. (2009). "Coercion, the Basic Structure, and the Family." *Journal of Social Philosophy* 40: 37–54.
- Okin, S. M. (1989). *Justice, gender, and the family* (New York: Basic Books).
- Okin, S. M. (1994). "Political Liberalism, Justice, and Gender." *Ethics* 105(1): 23-43.
- Olsaretti, S. (2004). *Liberty, Desert and the Market* (Cambridge: Cambridge University Press).
- Olsaretti, S. (2009). "Responsibility and the Consequences of Choice." *Proceedings of Aristotelian Society* CIX, 165-189.
- Olsaretti, S. (2013). "Children as Public Goods?" *Philosophy and Public Affairs* 41(3): 226-258.
- Phillips, A. (2004). "Defending Equality of Outcome." *Journal of Political Philosophy* 12: 1–19.
- Pinker, S. (2008). *The Sexual Paradox: Extreme Men, Gifted Women and the Real Gender Gap* (New York: Scribner).
- Radcliffe-Richards, J. (2014). "Only X%: The Problem of Sex Equality." *Journal of Practical Ethics* 2(1): 44-67.
- Rakowski, E. (1991). *The Price of Justice* (Oxford: Clarendon Press).

- Rawls, J. (1971). *A Theory of Justice* (Oxford: Oxford University Press).
- Rawls, J. (1993). *Political Liberalism* (New York: Columbia University Press).
- Robeyns, I. (2001). "Will a Basic Income Do Justice to Women?" *Analyse und Kritik* 22(2): 88–105.
- Robeyns, I. (2007). 'When will society be gender just?', in J. Browne (ed.) *The Future of Gender* (Cambridge: Cambridge University Press).
- Ruddick, S. (1989). *Maternal Thinking. Towards a Politics of Peace* (Boston: Beacon Press).
- Saul, J. (2006). "Philosophical Analysis and Social Kinds: Gender and Race." *Proceedings of the Aristotelian Society* Supplementary Volume 80, 119-144.
- Saul, J. (2013). "Implicit Bias, Stereotype Threat, and Women in Philosophy". In Hutchison, K. and Jenkins, F. (eds.) *Women in Philosophy: What Needs to Change* (Oxford University Press).
- Schouten, G. (2013). "Restricting Justice: Political Interventions in the Home and in the Market." *Philosophy and Public Affairs* 41(4): 357-388.
- Staats, C. and Patton, C. (2013). *Implicit Bias Review 2013* (Kirwan Institute for the Study of Race and Ethnicity, Ohio State University).
- Young, I. M. (1990). *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press).
- United Nations. (2010). *The World's Women*
- United Nations Development Programme. (2014). *Gender Inequality Index*. Available at: <http://hdr.undp.org/en/content/table-4-gender-inequality-index>
- Valian, V. (1999). *Why So Slow? The Advancement of Women*. Cambridge, MA: MIT Press.
- Vallentyne, P. (2002). "Equality and the Duties of Procreators." In Archard, D. and Macleod, C. (eds.) *The Moral and Political Status of Children* (Oxford: Oxford University Press).
- Williams, J. (2000). *Unbending Gender: Why Family and Work Conflict and What to Do About It* (New York: Oxford University Press).