

Feminism, Agency and Objectivity

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Abstract: In this article I defend the capability approach by focusing on its built-in gender-sensitivity and on its concern with comprehensive outcomes and informationally-rich evaluation of well-being, two elements of Sen's work that are too rarely put together. I then try to show what the capability approach would have to gain by focusing on trans-positional objectivity (as Elizabeth Anderson does) and by leaving behind the narrow confines of states in favor of a more cosmopolitan stance. These preliminary discussions are followed by two more precise applications. At first, I show how a gender-sensitive capability approach that respects the criteria of trans-positional objectivity and cosmopolitanism can enhance the agency of women inhabiting third-world societies. I turn next to show how mainstream feminism can insulate itself against criticisms such as bell hooks' by switching to trans-positional objectivity in public reasoning.

Key words: agency, capabilities, gender-sensitive theory, informational parsimony, open impartiality, positional objectivity.

The capability approach was proposed as a way to account for the ubiquitous element of human diversity (Robeyns 2000, 6-7). Sen's background in social choice led to the development of an approach to justice that sacrifices simplicity for the sake of providing more adequate answers to the problems human beings encounter. In order to accomplish that objective, the capability approach is concerned not merely with the outcomes of applying distributive principles, but with what Sen calls *comprehensive outcomes*, which assess consequences as well as "social process, including the exercise of duties and responsibilities" (Sen 2010, 22). Furthermore, the capability approach has a built-in gender sensitivity that lacks from many other accounts of justice.

The capability approach thus has various elements that make it attractive for feminist theorizing.¹ By focusing on real freedom and on comprehensive outcomes, it can identify and provide adequate answers to problems that have a negative impact on the well-being of women, such as adaptive preferences (Teschl and Comim 2005). The main claim of the paper is that feminist studies would have much to gain by focusing on another, less discussed aspect of Sen's work, the concept of trans-positional objectivity (Sen 1982; 1992; 1993; 2010, 155-74). Furthermore, unlike current extensions of Sen's work on positional objectivity to feminist deliberative democracy (Anderson 2003), I argue that we must renounce at the arbitrary confinement of the scope of justice to states and instead advocate a global scope. Albeit Sen endorses open impartiality and public

1] I have in mind here Western feminist theories, committed to the idea that women are oppressed in various ways in patriarchal societies and that this should cease to be the case. I do not refer particularly to one or another feminist theory.

reasoning at a global scale, certain feminist applications of the capability approach have the aforementioned shortcoming.²

In order to accomplish this objective I proceed as follows. In the first section I introduce the various lines of Sen's arguments, focusing on his criticism of informationally-parsimonious theories of justice and on his defense of capabilities as the proper metric of distributive justice. In the second section I present Sen's case for trans-positional objectivity and his criticism of Rawls' "closed impartiality" (Sen 2010, 128). In the third section I argue that focusing on a narrow scope of justice, the state, flaws Anderson's application of Sen's work on positional objectivity. The fourth section shows what mainstream feminism would have to gain by incorporating the aforementioned considerations. At first, I show how a gender-sensitive capability approach that respects the criteria of trans-positional objectivity and cosmopolitanism can enhance the agency of women inhabiting third-world societies. I turn next to show how mainstream feminism can insulate itself against criticisms such as bell hooks' by switching to trans-positional objectivity in public reasoning (hooks 1999). Section V concludes.

I. ESCAPING INFORMATIONAL PARSIMONY – A JUSTIFICATION FOR THE CAPABILITIES APPROACH

One of Amartya Sen's far-reaching contributions has been the emphasis on informational constraints in social choice theory, political philosophy or ethics. Although the focus of this paper is on the latter two, Sen's work on social choice theory plays an important role in understanding some of his criticisms regarding utilitarianism. In his main contribution to the field of social choice, Sen showed how the anonymity and neutrality conditions left out important information regarding relations between individuals or the intensity of agents' preferences³ (Sen 1970, 198-99). In the field of justice, Sen similarly showed how moral principles exclude certain categories of information and that usability of information is highly dependent on what principles are chosen (1985, 169-184; 1993, 73-88). For instance, utilitarianism proposes a flawed evaluation of well-being, since it comprises three distinct elements that combined reduce its informational scope, *i.e.* consequentialism, welfarism and sum-ranking (Sen 1985, 175). Sen argues that utilitarianism is informationally parsimonious and that it lacks the means to judge adequately the goodness of states of affairs. The main problem is with the welfarist component, which deliberately ignores all information that is not based on utility when evaluating end states, which reverberates on its muteness pertaining to evaluating actions: "had welfarism not been additionally imposed, consequentialism could have coexisted

2] I refer here mainly to Anderson, as she is the most prominent theoretician who has linked feminist problems with Sen's work on positional objectivity.

3] For an account of the lessons that can be learned by feminists from social choice and vice versa see Peter (2003).

with taking note of such things as the values and disvalues of actions through the valuation of states, which include these actions” (Sen 1985, 182)⁴.

What motivates Sen’s (and Nussbaum’s) capability approach is human diversity, which is purportedly not satisfactorily taken into account by other approaches. The human diversity aspect is strongly related to the evaluation of states of affairs. Capabilities have been proposed as replacements to other metrics of justice – what Sen calls evaluative space (1992, 20) and Cohen “currency of justice” (1989) – because those are severely limited by informational constraints. For instance, Rawls’ primary goods approach⁵ is inadequate because it would give nothing to a cripple who has access to primary goods.⁶ Rawls’ contractarian theory of justice is based on the premise that rational and reasonable parties placed behind a veil of ignorance will choose the principles of justice as fairness⁷ (which stand in a lexicographical order) – the principle of an equal right to sets of equal basic liberties and the second principle, comprising the fair equality of opportunity and the difference principle (2001, 302). Rawls justifies the device of the veil of ignorance by holding that any personal contingencies have to be removed in order to reach a truly fair agreement (2001, 15)⁸. What he proposes is a political conception of justice for a democratic society, conceiving citizens as free and equal (Rawls 1999, 31) and taking part in the affairs of a “mutually advantageous cooperative venture” (1971, 112).

4] Elsewhere, Sen criticizes utilitarianism, for its leading to counterintuitive implications. For instance, utilitarians would distribute more to a pleasure wizard than to a cripple, because the pleasure wizard’s marginal utility is higher than the cripple’s: “the cripple would then be doubly worse off [...] both since he gets less utility from the same level of income, and since he will also get less income” (1979, 203).

5] Rawls considers that the index of well-being should comprise primary goods, which are “all-purpose goods” that individuals with diverse conceptions of the good would want in the original position, because “other things equal, they prefer a wider to a narrower liberty and opportunity, and a greater rather than a smaller share of wealth and income (1971, 396).

6] Another variant of resourcism, Dworkin’s equality of resources, would uphold distributions to those who lack physical endowments – what he calls “personal resources”: “Someone who is born with a serious handicap faces his life with what we concede to be fewer resources [...]. This circumstance justifies compensation” (through his favored hypothetical insurance market) (Dworkin 2002, 81). However, Dworkin’s view faces other problems. For some of the most relevant criticisms, see Burley (2004).

7] Rawls writes that “[...] the principles of justice are the result of a fair agreement or bargain” (1971, 12). The idea of agreement has been interpreted differently. One operationalization of the agreement in the original position does not require ontologically distinct parties. Alexander (1974) argued that Rawls’ is not a contract theory, because it could be replaced by an individual choice theory or a sympathetic observer theory at no loss for its substantial claims. Jean Hampton (1980, 337) holds that because behind the veil of ignorance parties are indistinguishable it is better to interpret the deliberation as being the result of the reasoning of a single party.

8] Earlier (Rawls 1971, 12), he mentioned that parties do not know “their place in society, their class position, social status, intelligence, fortune in the distribution of natural assets and abilities, their conceptions of the good or their special psychological propensities”. In his later work he includes comprehensive doctrines since “not allowing the parties to know people’s comprehensive doctrines is one way in which the veil of ignorance is thick as opposed to thin” (Rawls 1999, 31).

The definition advanced by Rawls of society as a “mutually advantageous cooperative venture” has attracted the criticism of feminists such as Young (2006) for ignoring those who are not able-bodied and thus are not contributing parts of the society. One related criticism is that Rawls fails to include in his index care and dependency related primary goods, such as “the understanding that we will be cared for if we become dependent, the support we require if we have to take on the work of caring for a dependent, the assurance that if we become dependent, someone will take on the job of caring for those who are dependent upon us” (Kittay 1999, 102)⁹. Similarly, Nussbaum holds that caregivers are disregarded by Rawls’ theory of justice, a deficiency that her capability approach tries to solve. These considerations are integrated in her own version of the capability approach, which acknowledges that securing capabilities entails a process of designing the material and institutional framework “so that it provides the requisite affirmative support for all the relevant capabilities” (Nussbaum 2003, 51-55). Capabilities are combinations of functionings, which in turn are doings and beings that a person can achieve if she desires (Sen 1992, 40). While capabilities represent the opportunity/freedom aspect, functionings concern the outcome/achievement aspect (Robeyns 2003, 63). In order to differentiate between these two aspects, the capability approach needed to escape the narrow confines of informationally-parsimonious accounts of justice such as utilitarianism. Thus, it could be argued that informational richness and the case for assessing comprehensive outcomes are the main sources of the capabilities approach.

The capability approach is not a full theory of justice and by itself it proposes just an evaluative space – the metric of capabilities. According to Robeyns, the capability approach operates at three levels, being capable of taking various forms according to one’s needs. It can be a framework of thought, a critique of other approaches to well-being assessment and a formula for making interpersonal comparisons of well-being (Robeyns 2000, 3). The fact that the capability approach is “underspecified” can be double-edged: the sensitivity of the approach to gender is dependent on what additional theories are brought to complement it. Robeyns develops a gender-sensitive capability approach, which shows what feminism has to gain from resorting to this conceptual apparatus. She emphasizes 3 elements of the capability approach that make it a good candidate for being complemented by feminist theories, *i.e.* i) its evaluative space, ii) the attention given to human diversity and iii) its employment of ethical individualism. The second of these is of paramount importance for feminism because it can be seen as a way to internalize Okin’s (1989) criticism of theories of justice for their failure to acknowledge the way in which the different experiences of females and women affect their subsequent development.

i) One of the reasons why Sen endorses the capability metric and not a functioning metric is because of what he calls an “informationally inclusive advantage” of the former, since focusing on capabilities allows one to account for the opportunities and choices of the agent, who is not perceived as a simple recipient, but whose interests and engagement

9] For a defense of Rawls, see Wong (2010, 127-146).

are taken into account in a proper way (2010, 236). This is not without criticism – Cohen argues that behind the capability approach is a certain “athleticism”, which consists of “overestimating the place of freedom and activity in well-being” (1990, 377)¹⁰. Sen argues that in assessing well-being freedom, one should look at the capability levels, but concedes that “limits of practicality may force the analysis to be confined to examining the achieved functioning bundle only” (1992, 53). This is nonetheless not desirable from a normative standpoint, and capabilities should be the evaluative space. Of course, going further, well-being is not the only aspect that people should be enabled to reach – agency plays an important role too, as I will show later on. For feminists, the capability metric is more appropriate than a resourcist or a welfarist one because it focuses on people’s doings and beings and thus has something to say on the inequalities within the family. According to Nussbaum (2003, 39) “inequalities in resources and opportunities, educational deprivations, the failure of work to be recognized as work, insults to bodily integrity” are all hindrances that diminish the capability sets of women and thus should be solved. The fact that the capability approach is so sensitive to structural injustices affecting the conversion of bundles of goods into functionings is held to be a powerful argument in favor of this evaluative space (Anderson 2010a, 87).

ii) Robeyns (2000, 6) holds that the capability approach takes account of human diversity in two distinct ways: by focusing on capabilities as the evaluative space (assessing thus the opportunities held by people and not imposing outcome desirability) and by looking at individual and social factors of converting commodities into functionings.¹¹ Among the social factors affecting the conversion of commodities into functionings is gender discrimination. Furthermore, by looking not only at market processes, but also at what happens in the private households, the capability approach internalizes another criticism raised by feminists against other theories of justice (Robeyns 2008, 89-90). Capabilitarians hold that personal heterogeneities cannot be accounted for by other evaluative spaces, which cannot deal with feminine experiences such as breast-feeding. However, there have been arguments that gender-sensitive versions of resourcism could be developed, which would take into account the needs of the infants. This is closely related to a criticism addressed to the capability approach that it proposes a vertical conception of the human nature – “that it falsely suggests that women’s terrible and disproportionate suffering in most of this world is due to their being insufficiently compensated for their inferior natural endowments” (Pogge 2002, 181-83). One capabilitarian response has been that this criticism is based on the idea that capability theorists try to compensate people for bad luck in the natural allocation of internal resources (Anderson 2010a,

10] Arneson (2006, 37) also expresses concern towards the focus on what he calls real option freedom – “in many contexts, adding extra valuable options and thus increasing a person’s real option freedom would come at a cost or lesser achieved well-being, and in these contexts we should favor achieving more functioning. Beyond some point, expansion of real option freedom is wasteful of resources that are better spent targeted at boosting functionings”.

11] Commodities here represent the resources distributed, i.e. income or rights.

95). While this is a powerful argument, it is based on Anderson's democratic egalitarian proposal, which constrains, as I will show, the scope of justice in an illegitimate way.

iii) Robeyns argues that the capability approach is based only on ethical individualism, which postulates that the fundamental unit of human concern is the individual. This does not imply ontological individualism, on which it has nothing to say. It can be complemented by various theories regarding ontology. This is important for those feminists who emphasize the necessity of accounting in a theory of justice for the relations between people or between people and nature (Robeyns 2000, 19). Nussbaum's (2000, 79) list of central human capabilities includes the capability of being able to have a connection with the nature, which should make this view attractive to eco-feminism, for instance.

Having established how the capability approach is responsive to gender, I turn now to the main concern of this paper, the problem of positional objectivity and its impact on feminist agendas. In the next section I will briefly present Sen's arguments for open impartiality, his account of positional objectivity and his endorsement of transpositional objectivity. In order to understand what open impartiality is and why Sen criticizes Rawls' contractarianism, it is necessary to explain the relation between justice as fairness and global justice.

II. SKEWED IMPARTIALITY, POSITIONAL OBJECTIVITY AND THE BIASES BEHIND PUBLIC REASON

Although Rawls (1971) leaves an element of ambiguity regarding the scope of justice¹², in later works it becomes clear that justice as fairness is meant to be a political conception of justice for well-ordered peoples. Rawls holds that principles of global justice are to be established following a second original position, where the parties are now representatives of peoples. The veil of ignorance device is once again implemented and this time it excludes from knowledge facts such as the size of territory or of the population, the relative strength of the peoples whom the parties represent, the natural resource endowments, the level of economic development (Rawls 1999, 31-32). The peoples and their representatives are moved by reasonable interests, which is congruent with a fair equality and a due respect for all peoples. The idea of public reason is generalized, since the parties do not invoke principles related to their comprehensive doctrines of truth or right, but in terms that can represent a common ground to all the different peoples taking part in the deliberation. More controversial, Rawls includes decent hierarchical societies along the liberal ones. These are not reasonable, but decent (this is a weaker criterion than reasonability) (Rawls 1999, 83-84). Decent hierarchical societies have a process of public consultation and minorities are encouraged to have a flourishing life, but are not allowed

12] The scope of justice refers to "the range of persons who have claims upon and responsibilities to each other arising from considerations of justice" (Abizadeh 2007, 323).

to hold offices (in contradistinction with the fair equality of opportunity part of Rawls' second principle of justice as fairness) (Rawls 1999, 77-78). This aspect is important for the subject discussed here because Rawls employs a "narrow doctrine of human rights" (Macleod 2006, 134-49). In one of his examples, a decent hierarchical society can be one in which women are relegated to a status of second-order citizens, if important reforms have been undertaken in regard to their rights.

Furthermore, Rawls does not uphold a global difference principle, but a weaker duty of "assistance to burdened society" (1999, 37). The fact that Rawls includes decent hierarchical societies and scales down the principles of justice and the requirements of justice in order to appeal to these has been criticized as an inadequate concession. Kok Chor Tan (2004, 75) argues that "the normative individualism fundamental to Rawls' domestic theory is replaced by a communitarianism of a sort that takes societies or peoples to be the basic subject of justice". Tolerating and accepting as justified (although not as fair) decent hierarchical societies leads to ignoring dissenting individuals from those nonliberal societies (Tan 2006, 75).

Now we can begin to understand Sen's arguments against Rawls' *closed impartiality*. According to Sen (2010, 182), limiting the original position to peoples inhabiting a society "extracts a heavy price in the absence of any procedural guarantee that local values will be subjected to an open scrutiny". Sen (2010, 125) advocates Adam Smith's impartial spectator device, which allows one to examine values, convictions and principles "at a distance". Rawls, unlike Smith, limits the deliberation to a "given focal group" which might reflect pre-contractarian biases (Sen 2010, 133). In this light, there are several limitations of the original position device, such as "exclusionary neglect" (people who do not belong in that society are excluded, although they might be affected by the outcomes of the deliberation) or "procedural parochialism" (other worldviews are excluded from considerations, and even the veil of ignorance cannot prevent the decisions from "being swayed only by local group prejudices") (Sen 2010, 139, 150). These are some reasons why closed impartiality is morally flawed and why Sen endorses open impartiality. It is important to note here that Sen's endorsement of open impartiality is partially (and implicitly) based on his work on informational constraints.

Sen (1985, 184) engages in a discussion on objectivity insisting on cases that are position-relative but authorship-invariant. For instance, irrespective of the identity of a poor-sighted professor, she would not know that the student in the last row is cheating. If that student had been in the professor's position, having the same characteristics (poor sightedness), she would hold the same belief. This is what he later calls objective positionality (1992), a concept with implications for decision theory, gender discrimination, morbidity rates assessment and ethics. It is to be distinguished from subjectivity, since it does not depend on psychological processes peculiar to a person or another – anyone being in the same circumstances and being endowed with the same quantity of information

would hold the same view. Later, Sen insists on the relevance of this sense of objectivity, proceeding with a criticism of Nagel's "view from nowhere" – type of objectivity.¹³

Against Nagel, he argues that this view is not "from nowhere, but from a delineated somewhere" (Sen 1993, 127). This concept is important because it shows how beliefs can be *objective*, irrespective of their truth value.¹⁴ What values one has, what position in society she occupies, what knowledge she holds, all these elements influence her objective assessment of the world – Sen calls these features *positional parameters*. In order to avoid the inevitable biases associated with this positional relativity, Sen recommends trans-positional assessments, the aggregation of different positional observations into a whole. Trans-positional assessments transcend the biases of positional parameters by making more information accessible to others and by allowing the public agenda to be influenced by opinions who hitherto have been ignored in an *objective* way (Sen 1992, 6). Pursuing trans-positional objectivity has important implications for feminism. Sen shows that living in a society where women are considered second-order citizens and accordingly paid less than men might contribute to one's holding an objective positional belief that women value less than men. It is an objective assessment because anyone living in that society, having access to the same sources of information, would hold the same opinion. However, the need for trans-positionality is relevant because this is the only way in which dissenting views could be taken into account. Trans-positionality allows criticism to be *internal* and not a form of cultural imperialism (Sen 1992, 6). Women who had access to more sources of information than their male and female counterparts would then be allowed to expose others to these new sources and maybe to alleviate through public deliberation the condition of women. Sen argues that a similar procedure is proposed by Adam Smith, and that the impartial spectator is introduced as a way to obtain such a trans-positional view (Sen 1992, 5-6).

The connections between positional objectivity and the capability approach are easy to understand, especially when one sees through this filter the criticisms raised against desire satisfaction or happiness-based assessments of the quality of life. Sen gives the example of self-reported morbidity rates among Indian women. According to Sen, this reflects not only their lack of education, but also of accepting this state of affairs. Sen (1992, 14) admits that:

by constraining the positional parameters very thoroughly, it would be possible to attribute positional objectivity to the Indian rural women's lack of sense of relative deprivation in health or well-being...on the other hand, this positional objectivity, achieving through extensive constraining, would not readily translate into trans-positional objectivity of women's relative deprivation.

13] In which Nagel argues that "the standpoint of political theory is necessarily detached and objective" (1986, 188).

14] "Truth is quite a different issue from the objectivity of the reasoning leading to a particular belief, given the access to information that the person has" (Sen 1993, 127).

Would it be paternalistic or imperialistic to criticize this state of affairs and promote women participation in public debates? Martha Nussbaum (2000) offers many examples of how educated women set out to reform their communities, examples which contradict the thesis that this is how the Indian culture is and any attempt to change the state of affairs would be intrusive. Positional objectivity can and should be transcended in order to leave behind such cultural biases, nonetheless. I end this section by quoting at length Sen's own view on the necessity of trans-positional objectivity, which provides a direct link to the next section as well:

"[...] in denying the objectivity of the belief in women's inferiority one can of course invoke the need for a trans-positional assessment involving international perspectives, drawing on observations and beliefs from vantage points prevailing in other societies where women have more opportunity to show their ability. But the more immediate issue is the non-necessity of taking an establishment view of feminine inferiority even for those living in such a society. Contrary views can be taken consistently with living in such a society, and the critique of that view can be internal" (1993, 139).

III. WHOSE DEMOCRATIC EQUALITY? NARROW SCOPE, NARROWER CAPABILITY SETS

In this section I try to accomplish three things: 1. to show how Sen's concept of positional objectivity has been applied to deliberative democracy by Elizabeth Anderson; 2. to refute Anderson's capability-based democratic equality on cosmopolitan grounds and 3. to argue for a gender-sensitive and cosmopolitan relational egalitarianism. This section is meant to defend an approach to justice inspired by Sen's conceptualization of informational constraints, positional objectivity and capabilities, with further inputs from global justice theories and democratic equality philosophers. I will briefly present the central line of argumentation in the next section, so that the uninterested reader can skip this section.

Anderson interprets Sen's positional objectivity as a conceptual apparatus that could reduce the tension between woman perspectives and moral objectivity (2003, 239). She argues that we could place evaluative perspectives on a continuum ranging from local to global. Those who employ the global perspective hold that local perspectives are biased, sectarian and inadequate. This is the view adopted, *inter alia*, by Nagel or Rawls. The other end of the continuum is occupied, among others, by feminists, and it advocates perspective pluralism. Each different perspective, being forged in different circumstances, is unique and brings something new to the debate. For good reason, Anderson quotes among those holding this position Sandra Harding (1993, 49-82). Harding proposes a standpoint feminist epistemology that bears resemblance to Sen's justification for open impartiality and trans-positional objectivity. According to Harding, the experiences of those at the bottom of society, disadvantaged on racial, ethnical or gender criteria, should be brought on research agenda. The fact that their experiences, opinions and values have been ignored means that what happens in the public sphere lacks comprehensiveness.

As it accounts for the fact that “one’s social situation enables and sets limits on what one can know”, her proposed standpoint feminist epistemology is based on the premise that basing research on women’s lives will generate “less partial and distorted accounts not only of women’s lives but also of men’s lives and of the whole social order” (Harding 1993, 55-6). Similarly, to Anderson, she contests the view that the only alternatives to “the view from nowhere” are ethnocentrism and relativism (1993, 58). It is interesting to see how a version of epistemology feminism has been developed in parallel to Sen’s work on positional objectivity leading basically to the same conclusions.

Anderson (2003, 242-43) shows, however, that obtaining a trans-positional account can be done on distinct grounds, some with more appealing implications than others. She offers four main such reasons: ascriptive identification (on the basis of gender, ethnicity, race), sympathy, practical identification and respect. Ascriptive identities refer to relations established by birth (kinship, ethnicity, race, caste) or through religious or cultural affiliation and are hopelessly parochial and sectarian, creating conflict between different viewpoints and unable to generate a fully universal evaluative position. For Anderson, attempting to obtain an inclusive trans-positionality is meant to solve some informational constraints of democratic rules. Sen has argued for the inclusion of “procedural considerations in consequential analysis” (1995, 13) – although they may seem efficient, some outcomes cannot be judged irrespective of the procedure that led to their appearance. Democratic aggregative procedures are intrinsically flawed because they tend to ignore minorities’ needs from consideration. Sen gives the example of famines, which would be easily preventable, had people been aware of their occurrence and recurrence in many parts of the world. However, the fact that less than 5% of the globe’s population is stricken by poverty and has to suffer the hardships of famine means that only by public discussion could this problem be solved (Sen 1995, 17). As Anderson puts it, “only a vivid awareness of the feasibility of alternatives inspires dissatisfaction with normal states of chronic deprivation” (2003, 248).¹⁵ Democracy in its aggregative form is weakly equipped to respond to people’s needs. This is why Sen has endorsed a deliberative conception of democracy, with broader informational bases (Anderson 2003, 248-49). Anderson takes Sen’s instrumental arguments for democracy and extends them in order to make these compatible with her democratic egalitarian framework. Anderson holds that for Sen democracy is a universal value in that it reflects, promotes and is the result of practical reason. Anderson provides in this regard the following example: if a society

15] She links this with the problem of adaptive preferences. Subjective preferences are introduced by Sen as a criticism of subjective metrics such as welfarism, which are informationally parsimonious and do not take into account the fact that a person may have rationally developed preferences for her deplorable state just because she sees no other feasible alternatives. For an interdisciplinary approach to adaptive preferences, which combines the capability approach with research from behavioral economics, psychology and cognitive dissonance, see Teschl and Comin (2005). See also Peter (2003) for an overview of how Sen has attempted to accommodate the problem of adaptive preferences within social choice (and thus to enlarge the informational scope of the latter domain).

afflicted by adaptive preferences problems such as women's underestimation of their own problems would become more responsive to public demands for gender justice, this would have a transformative effect on individual women's desires: "once women no longer perceive women's lesser access to (healthcare) as normal, they may no longer adapt their desires to this condition" (Anderson 2003, 251). However, raising women's problems on the public agenda should not be based on identity politics strategies. Anderson emphasizes that one of Sen's concerns is that "resigning to separate, mistrustful identities can be a self-fulfilling prophecy, entrenching suboptimal parochial self-understandings" (2003, 255).

The incorporation of the concept of positional objectivity in deliberative democracy implies a cosmopolitan conception. Sympathy and respect are applicable on a global scale. The endpoint of deliberative processes that bring together different positional perspectives is a synthesis that can legitimize the decisions. The global transpositional outcome is meant to "pay due regard to the interests and perspectives of all". Anderson considers that the political significance of positionality is given by its being an epistemological mechanism, not "a matter of parochial solidarity" (Anderson 2003, 255-58). All in all, it seems that Anderson takes further Sen's project by emphasizing the role of public reasoning in improving disadvantaged individuals' capability prospects. However, one problem that has to be solved is what is the scope of justice. If public reasoning takes place within the boundaries of a state, then it fails to account for the perspective of those from distant lands. This narrower scope of justice is suggested by Anderson's relational egalitarianism.

In several papers (1999, 2007, 2010b), Anderson has endorsed what she calls relational egalitarianism or democratic equality, which represents a reaction to the luck egalitarianism of Arneson (1989) or Cohen (1989). According to Anderson, modern egalitarian writings have lost their grip with the realworld problems. The politically oppressed, race, gender, class inequalities, victims of nationalist genocide, slavery and ethnic subordination, all have been more or less ignored by recent egalitarian thought. In their attempt to eliminate the effects of brute luck on distributions, luck egalitarians have forgotten that the purpose of equality is to end oppression and to ensure that people can effectively stand as equals in the community (Anderson 1999, 288). For Anderson, luck egalitarians have put the wrong questions, to which they have later given the wrong answers. Luck egalitarians have searched for states of affairs whose distributions of goods are morally desirable. Relational egalitarians are asking what justice demands of each agent, institutional or individual. Justice, for relational egalitarianism, is constrained by several elements: principles of justice must be feasible so that agent can realistically pursue them (the "ought implies can" maxim), they must be publicly articulable, stable and satisfying a Pareto improvement condition, in that no action can be forbidden if it can advance some people's interests to no one else's loss (Anderson 2010b, 16-18). Luck egalitarianism fails to respect the basic principles of any egalitarian theory: that people be treated with equal respect and equal concern. It would leave faulty drivers to die on the side of the road (*the abandonment of negligent victims objection*). It would leave people who

live in risk-prone areas to incur all costs if they fail to insure, where such an opportunity exists (*problem of geographical discrimination*). It considers that the desire to procreate is an expensive taste, and it has no concern for dependent caretakers (*problem of vulnerability of dependent caretakers*). The only way it can take care of such problems is by becoming as paternalistic as it gets, telling citizens that they lack the ability to conduct their own lives as they should (Anderson 1999, 296-301).

In relational egalitarianism, equality is a notion characterizing a type of social relations between people, instead of being a distribution of non-relational goods. Equality entails not a distributive pattern but reflects the idea that all people are equally moral agents. Everyone should have the power to develop and exercise moral responsibility, to cooperate with others according to some principles of justice, to shape and fulfill a conception of their good (Anderson 1999, 312). To this end, goods have to be distributed according to principles and processes that express respect for all. Being capable of functioning as an equal citizen has to be understood in a very broad sense, from having the ability to exercise specific political rights, to participate in the activities of civil society, in economy. It is linked to being capable of functioning as a human being, which in turn involves effective access to means of subsistence, such as food, shelter, clothing, medical care, further backed by the capability to function as a human *agent* in the proper sense of the term. This involves “knowledge of one’s circumstances and options, the ability to deliberate about means and ends, psychological conditions of autonomy, freedom of thought, of movement, access to education, freedom of occupational choice, the right to receive fair value for one’s labor”. Democratic equality’s purpose is not to ensure effective access to equal levels of functioning, but to guarantee access to levels of functioning sufficient to stand as an equal in society. Anderson considered that democratic equality ought to guarantee effective access to a package of capabilities, and that people have to function as equals over the course of their entire lives (1999, 317-18).

It is unclear if Anderson’s democratic equality is meant to apply just to Western, developed states, or globally. At one point, she mentions that “the point is to identify the demands of justice that flow from citizenship in a democratic state [...] Citizens have a claim to a capability set sufficient to enable them to function as equals in society” (2010a, 83). It is obvious, however, that in order for trans-positional objectivity to be achieved, it is necessary to surpass the confines of the modern nation-state, towards global democratic deliberative processes. Achieving an equal standing in a modern democratic society could still mean that the interests of those far from that society would be ignored. If people were to be concerned over securing a sufficient level of capabilities throughout a democratic state, would they really be concerned to include distant others’ points of view? If people were indeed “entitled to access to a level of functioning in virtue of their citizenship” (2010a, 95), this would be a narrow conception of justice. Such a narrow scope would restrict the capability sets of the distant others. What is needed is to include all viewpoints in a deliberative process that is global in scope. Furthermore, it seems peculiar to resort to what can be called principle asymmetry – upholding an egalitarian principle of justice at

the national level and a sufficientarian conception at the global level. Anderson mentions that, on the one hand, all citizens should function as equals, but at the global level, they should function as *humans* (2010a, 88).

Thus, democratic equality should not be perceived as a distributive view confined to a state, but in cosmopolitan terms. Simply put, cosmopolitanism is based on the idea that each human being has equal moral worth, and that we have certain responsibilities towards all human beings *qua* human beings (Brock and Brighouse 2005, 1-10)¹⁶. This is in the spirit of Sen's open impartiality, who actively endorses public reasoning at the global level (2010, 151). Ensuring that democratic equality perceives justice's scope as global would be beneficial for those who nowadays are excluded from deliberation processes and whose viewpoints are (objectively) neglected. Fortunately, there is nothing in democratic equality that precludes it from dropping this principle asymmetry and from embracing a global scope.

IV. APPLICATIONS

In the previous section I presented Elizabeth Anderson's extension of Sen's concepts to feminist deliberative democracy. This is a view according to which positional objectivity – and its associated misdeeds such as women's neglect of their own problems pertaining to well-being and health – should be transcended towards trans-positional objectivity. Trans-positional objectivity is epistemologically richer because it comprises the values, viewpoints and interests of numerous distinct groups, which are all biased by their own positional parameters. I argued that although Anderson seems to favor a global deliberation, her democratic equality approach can act as a counterweight. Therefore, I argued for the extension of the democratic equality approach to justice at the global level. I have not provided a particular account, though this should be, based on what has been mentioned before a gender-sensitive capability approach. In what follows I will briefly present two distinct applications of the Sen-Anderson work on positional objectivity.

Women, agency and objectivity. Once upon a time in a patriarchy

The concept of agency is one of the fundamental differences between Sen's and Nussbaum's capability approach (Nussbaum 2000, 13). While Sen distinguishes between agency and well-being, Nussbaum considers that the capability/functioning distinction can accommodate both concepts. Although in some cases this might be true, problematic here can be those cases where agency promotion comes at odds with well-being promotion.¹⁷ These fringe cases are important in the context of the capability

¹⁶ See Dumitru (2017, 234) for some distinctions pertaining to cosmopolitanism and global justice.

¹⁷ It seems as if Sen employs the fox' view, while Nussbaum is more of a hedgehog: "the hedgehog [...] has faith that all true values form an interlocking network, that each of our convictions about what is good or right plays some role in supporting each of our other convictions in each of these domains of value",

approach because Sen himself has emphasized that one way in which a moral theory can be criticized is by the *case-implication* techniques, which sets out to show that in particular circumstances what a normative theory advocates would have counterintuitive results (1979, 197). In this subsection I will show how women's agency can be enhanced. The benefits will accrue especially for women from disadvantaged societies, societies which in turn might benefit from this enriched objectivity.

Sen distinguishes between the well-being and the agency aspects of a person. Each of these can be conceived either in terms of results or of opportunities. Thus, we have four logical possibilities: well-being freedom, well-being achievement, agency freedom, agency achievement. Agency refers to "what the person is free to do and achieve in pursuit of whatever goals or values she regards as important [...] A person's agency aspect cannot be understood without taking note of his or her aims, objectives, allegiances and the person's conception of the good" (Sen 1985, 204). The freedom aspect is emphasized more in the concept of agency, because it is directly related to people being responsible for their condition. Agency and well-being draw attention to different aspects of a person's life – whereas well-being conveys information regarding a person's advantage, the agency aspect provides an assessment of a person's ability to do certain things in accordance with her conception of the good (Sen 1985, 204-206).

As mentioned before, the two aspects can come in direct conflict. Imagine a rich society in which women scored well in terms of well-being freedom and achievement. Take the particular case of Anne, who is a middle-class citizen whose conception of the good gravitates around helping the poor. In order to show that Nussbaum's value-unity endorsement is flawed, let us further suppose that Anne has reached the threshold in regard to all 10 capabilities on Nussbaum's list (2000). For instance, she developed a social network that aims at helping the poor by raising funds (the "Affiliation" capability). She is well-regarded in society, she really cares about the poor (Emotions). She has been able to form her own conception of the good, and she holds a degree in Political Philosophy (Practical Reason). She has Control over her environment, being able to "participate effectively in political choices that govern one's life" (Nussbaum 2000, 80). There is no necessity for trades off between capabilities, because she scores so high in all of them. However, among those subjects that enter the public debate in which she is involved and on which she can vote there is no *redistribution* proposal. Let us suppose that this happens in a parallel universe, where they had no Marx, no Rawls, no Nozick, no Sen, no Nussbaum, no Anderson. There is an implicit bias towards a voluntarist ideology, and free market processes are supposed to solve all poverty-related problems. The poor, who could argue for redistribution, lack the capability Control over one's environment, because they have to struggle with their condition and are not able to engage in political deliberation. Thus, the fact that free market processes are fair is positionally objective, since, had the poor been in the exact same position as Anne or other rich citizens, they would have had the

while the fox acknowledges value-conflict (Dworkin 2011, 120; Knight 2015).

same *Weltanschauung*. Nonetheless, Anne feels that something is not right, and she would deeply want to do something more for the poor. Had the poor been helped to engage in public reasoning and to bring their own positional parameters on the agenda, Anne would realize that there is in fact something more that she could do in order to help the poor. Her *agency freedom* would go up, and perhaps, if she convinced enough of her friends to vote for redistributive programs, her *agency achievement* would go up too. Nevertheless, her well-being freedom and her well-being achievement would go down a little. This example shows that there is conflict between agency and well-being. Furthermore, it shows how the concept of positional objectivity can be used in connection with the capability approach.

Imagine now what could happen in today's patriarchal societies if women's voices had been heard and if they had had a word to say in political decisions. Not only would this help those particular women improve their life chances and their well-being freedom and achievement, but many others would have a boost in their agency freedom. Of course, this process might result in losses of well-being freedom, but as long as everybody's capabilities remain above a certain threshold – that I will not specify here – this is not an argument against this reform. In this light, policies to adopt gender quotas can be justified on new grounds. Furthermore, they would not reflect a subsumption/abstraction strategy, but

a pragmatic-epistemic strategy to dealing with positional differences [...] concern for the representation of disadvantaged groups arises not from a desire to reinforce parochial group identities as ends in themselves, but from a desire to construct a more global perspective that can pay due regard to everyone's interests and perspectives (Anderson 2003, 253-55).

Peter (2003, 24) draws attention to another usage of the concept of, in Sen's reconceptualization of social choice. Peter notes that the informational basis provided by agency considerations enriches social choice theory. As a consequence of assessing agency levels, attention is refocused "from problems of aggregation of unexamined individual preferences to participation and inclusion in democratic decision-making". According to Peter (2003, 27), "the challenge for social evaluation of policy alternatives is to register and take seriously the interpretations and evaluations of women as situated agents, thus identifying the means by which their participation in policy discourses can be enhanced and their effectiveness reinforced". These arguments should not be too surprising. Sen's concept of agency has been considered one of his main contributions for gender-equality research programs (Qizilbash 2005).

The race, the deliberation and the trans-positional objectivity

No one bothered to discuss the way in which sexism operates both independently of and simultaneously with racism to oppress us. No other group in America has so had their identity socialized out of existence as have black women. We are rarely recognized as a group separate and distinct from black men, or as a present part of the larger group "women" in this culture. When black people are talked about, sexism militates against the acknowledgment of the interests of black women; when women

are talked about racism militates against a recognition of black women interests. When black people are talked about the focus tends to be on black men, and when women are talked about the focus tends to be on white women. No where is this more evident than in the vast body of feminist literature [...]. All too often in our society, it is assumed that one can know all there is to know about black people by merely hearing the life story and opinions of one black person [...]. From the onset of my involvement with the women's movement I was disturbed by the white women's liberationists' insistence that race and sex were two separate issues [...]. My life experience had shown me that the two issues were inseparable (hooks 1999, 7-12).

There could be employed several filters through which bell hooks' words could be interpreted. I resort now to one of them, which is Sen's (2010, 122) urge to validate ethical claims by subjecting these to public reasoning processes characterized by open impartiality. Sen (2010,123) argued convincingly that in order to achieve such open impartiality we have to invoke judgments from "others, outside our focal group". Similarly, bell hooks holds that the woman liberation movement has been characterized by a lack of concern for the experiences of the black women. This disregard does not come from a malfeasance of white women, but from their positional parameters which disallow certain kinds of information from entering the public debate. Sen (2010, 169) argues that the fact that our perception of the world is inevitably tied to our position in the world affects our understanding and our way of thinking about ethical subjects: "in the pursuit of justice, positional illusions can impose serious barriers that have to be overcome through broadening the informational basis of evaluations". Whereas Smith has proposed a device such as the impartial spectator, Sen advocates transpositionality. We cannot have a view from nowhere, but we can have a view from a plurality of somewhere. Sen uses a great deal of the space in *The Idea of Justice* endorsing the idea that "judgments about justice have to take on board the task of accommodating different kinds of reasons and evaluative concerns" (2010, 395). Although broadening the plurality of justice might lead to incomplete preference orderings, this is not necessarily a problem (2010, 398). The richness of human diversity should not be hidden but taken advantage of.

The implications of Sen's approach to justice can be shown by listing the reasons why he considers social choice to be relevant as a "framework for reasoning": "recognition of the inescapable plurality of competing principles, allowing and facilitating re-examination, permissibility of partial orderings, diverse interpretations and inputs" (Sen 2010, 106-109). These are at odds with approaches that exclude from consideration inputs from social groups whose preference orderings might be different than those of the majority. Furthermore, there are numerous biases related to one's positional parameters that can be overcome only by switching to a trans-positional view.

These are some of the conceptual tools that can be employed to analyze bell hooks' criticisms. Black women's views have been neglected, since the woman liberation movement had incorporated only certain parameters – those inspired by the lives

of white women. Albeit discrimination against white women is not to be ignored, it cannot be considered the only form of discrimination. The absence of black women voices from public debate meant however that their particular experiences had been neglected. By advocating the broadening of positional perspectives, the Sen-Anderson feminist deliberative democracy can internalize bell hooks' criticism. The concern for including in the public debate the voice of neglected categories is of crucial importance for Sen, and this is what provides democratic deliberation with legitimacy (Anderson 2003, 225). Had black women interests, values and opinions been incorporated earlier into the public agenda, trans-positional objectivity would have characterized the woman liberation movement. Instead, what happened was that "the efforts of white women activists to expand employment opportunities for women were focused exclusively on improving the lot of white women workers, who did not identify with black women workers" (hooks 1999, 132). Although bell hooks notes that there had also been a persistent rivalry between white women and black women for access to the job market, this does not mean that a conciliatory relationship would have solved anything. No matter how good their intentions, white women could not have known the positional specificities of black women experiences. In this subsection I have argued for interpreting this criticism of feminism by resorting to Sen's conceptual apparatus. This puts in a new light radical feminists' criticism of "white woman feminism" and shows that it is justified both ethically and epistemologically. Although the white women liberation movement had made objective assessments of the state of affairs, these evaluations had been hopelessly positionally objective, biased by their own positional parameters.

V. CONCLUSIONS

I advocated in this paper a version of gender-sensitive capability approach which accounts for positional objectivity. I presented the capability approach, insisting on Sen's endorsement for open impartiality and trans-positional objectivity. I followed Sen and Anderson in showing what public reason has to gain from the inclusion of women problems on the agenda. I held that the capability approach can contribute to women's gaining equal standing in society. On the other hand, I have argued for a version of cosmopolitan democratic equality, which satisfies the criterion of open impartiality and goes beyond the confines of a narrow set of denizens of the globe. I have not advanced a specific proposal in this regard, which is a task that I leave for another paper. However, on a more constructive note, I have shown how we can use Sen's research on positional objectivity, agency and social choice in order to accommodate some radical feminist criticisms of mainstream women's movements, specifically regarding bell hooks' diatribe against the lack of concern for the black women's particular situation. I reconceptualized bell hook's arguments in Sen's terms, since her criticisms can be considered to refer to the informational parsimony of mainstream feminist theories.

The stake of the paper, however, is not limited to the applications mentioned above. The concept of positional objectivity can be employed in regard to other issues as well, bridging together feminist theories, political philosophy and social choice.¹⁸

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