

# Relational Equality and Vulnerability to Social Disrespect

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## 1. Introduction

Relational egalitarians reject the distributive paradigm, which holds that what matters is ensuring individuals have an equal share of valuable goods, such as resources or welfare.<sup>1</sup> Instead, they argue that a just society is one where the state treats its members as equals and individual citizens treat each other as equals.<sup>2</sup> Perhaps because of this, relational egalitarians have mainly focused on working out which relationships are incompatible with, and which are required by, the ideal of relational equality, whereas they have said less about what distributive implications are entailed by it.<sup>3</sup> But if relational equality is to be a complete theory of social justice, it must offer an account of how the political, social, and economic institutions of society should be arranged so as to distribute burdens and benefits fairly across its members. In this chapter, I aim to contribute to this debate. Specifically, I argue that relational egalitarians must hold that, whatever else distributive justice requires, it requires ensuring that persons only have a *sufficient*, not equal, capability to function as equals in society.<sup>4</sup>

To be sure, the idea that relational equality demands that each member of society is sufficiently capable of functioning as an equal is not new. Most notably, this view has been defended by Elizabeth Anderson, who argues that ‘democratic equality guarantees not effective access to equal levels of functioning but effective access to levels of functioning sufficient to stand as an equal in society’.<sup>5</sup> However, this sufficientarian capability view faces several challenges: some have pointed out that it is not clear which capabilities persons are entitled to.<sup>6</sup> Others have questioned how the sufficiency threshold can be set in a non-arbitrary way: at what

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<sup>1</sup> Arneson, ‘Equality and Equal Opportunity for Welfare’; Cohen, ‘On the Currency of Egalitarian Justice’; Dworkin, ‘What is Equality?’.

<sup>2</sup> Anderson, ‘What Is the Point of Equality?’; Floris, ‘The Invisible Social Class’; Lippert-Rasmussen, *Relational Egalitarianism*; O’Neill, ‘What Should Egalitarians Believe?’; Scheffler, ‘What Is Egalitarianism?’; Schemmel, *Justice and Egalitarian Relations*; Wolff, ‘Fairness, Respect, and the Egalitarian Ethos’.

<sup>3</sup> For a notable exception, see Schemmel, ‘Distributive and Relational Equality’.

<sup>4</sup> To be clear, the aim of this chapter is to demonstrate that the possession of a sufficient capability to function as an equal is a requirement of distributive justice entailed by a commitment to the ideal of relational equality, albeit *not* the only one. See also footnote 45.

<sup>5</sup> Anderson, ‘What Is the Point of Equality?’, 318.

<sup>6</sup> Robeyns, ‘The Capability Approach’, 119-22.

point can we determine that individuals have a sufficient capability to function as equals in society?<sup>7</sup> Perhaps even more worryingly, many have noticed that it is unclear why distributive inequalities should be of no intrinsic moral concern if individuals have enough. This is the so-called *indifference objection*.<sup>8</sup> The indifference objection presents a significant challenge to relational egalitarians, for ignoring distributive inequalities above a minimum threshold not only seems independently implausible but also appears inconsistent with their commitments. After all, if the state should treat its members as *equals*, how can they be *unequal* in the possession of some valuable goods?

In this chapter, I propose a novel relational egalitarian response to the indifference objection. I argue that relational egalitarians have a principled and compelling reason for holding that the state should ensure that individuals *only* have a *sufficient*, not equal, capability to function as equals in society. This is because ‘directly pursuing equality of capabilities’<sup>9</sup> above the sufficiency threshold has the disturbing effect of rendering individuals vulnerable to being singled out as ‘less competent’ agents, thus creating a ‘pathogenic vulnerability’ to social disrespect.<sup>10</sup> This, however, is inconsistent with the expressive demands of equal respect for persons. Therefore, contrary to what is sometimes held in the literature, at least a certain degree of distributive inequality is not only compatible with but also required by a commitment to the ideal of relational equality.

This chapter is structured as follows. In Section 2, I argue that, from a relational egalitarian perspective, providing the capability to function as equals is essential for the state to fulfil its duty to protect and support vulnerable members of society. In Section 3, I present the indifference objection and reject some responses to it that have been proposed in the literature. In Sections 4 and 5, I develop a novel relational egalitarian response to the indifference objection. In Section 4, I put forward a dualist account of how the state should express appropriate respect for persons as equals. In Section 5, I argue that the dualist account of respect provides an intrinsic expressive rationale for why the state should refrain from directly pursuing equality in the space of capabilities above the sufficiency threshold. In Section 6, I conclude by considering a pressing objection to my argument.

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<sup>7</sup> Arneson, ‘Distributive Justice and Basic Capability Equality’, 23.

<sup>8</sup> Shields, ‘Sufficientarianism’, 3; Timmer, ‘Justice, Thresholds, and the Three Claims of Sufficientarianism’, 10.

<sup>9</sup> By directly pursuing equality of capabilities, I mean an approach that evaluates each individual's level of capabilities and then addresses any inequalities identified through this assessment. For the distinction between the ‘direct’ and ‘indirect’ pursuit of equality, see Carter, ‘Respect and the Basis of Equality’, 562.

<sup>10</sup> A ‘pathogenic vulnerability’ is the kind of vulnerability that ‘arises when a response intended to ameliorate vulnerability has the paradoxical effect of exacerbating existing vulnerabilities or generating new ones.’ Mackenzie, Rogers, and Dodds, ‘Introduction’, 9.

## **2. Relational Equality, Capabilities, and Vulnerabilities**

To determine the distributive implications of the ideal of relational equality, we need to address the following two questions:

1. The question of the *currency* of distributive justice: *What* significant goods should individuals be provided with?
2. The question of the *pattern* of distributive justice: *How* should these goods be distributed among individuals?

I address the question of the currency in this section, and the question of the pattern in the next.

According to relational egalitarians, a just society is one where the state treats its members as equals and individual citizens treat each other as equals. Consequently, prominent relational egalitarians hold that the state should ensure that individuals are *capable* of functioning as equals, that is, capable of standing in relations of equality with others. For instance, Anderson argues that ‘negatively, people are entitled to whatever capabilities are necessary to enable them to avoid or escape entanglement in oppressive social relationships. Positively, they are entitled to the capabilities necessary for functioning as an equal citizen in a democratic state.’<sup>11</sup> In this section, I first introduce the ‘capability approach’. Second, I explain how the notion of vulnerability helps illustrate why ‘capabilities’ is a particularly compelling currency of distributive justice for relational egalitarians.

Capabilities are commonly defined in contrast to *functionings*. Functionings are “‘beings and doings”, that is, various states of human beings and activities that a person can undertake.’<sup>12</sup> For example, being physically and mentally healthy, being well-nourished, and being educated are functionings. Each functioning corresponds to a capability, that is, the *substantive* freedom, or the *real* opportunity, to achieve that functioning.<sup>13</sup> Accordingly, ‘[i]f we say that person A has a capability to obtain functioning X, we are saying that if A chooses to (be or do) X, then A will succeed to (do or be) X.’<sup>14</sup> For example, A has the capability to be well-nourished if, and only if, A will succeed in being well-nourished, should they choose to be well-nourished.

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<sup>11</sup> Anderson, ‘What Is the Point of Equality?’, 319.

<sup>12</sup> Robeyns, ‘The Capability Approach’, 112.

<sup>13</sup> Sen, *Inequality Reexamined*, 40.

<sup>14</sup> Robeyns, ‘The Capability Approach’, 112.

But when exactly does an individual have the capability to obtain functioning X? Capability is a broad metric comprising several determinants. Martha Nussbaum, for example, distinguishes three kinds of capabilities.<sup>15</sup> First, individuals have (1) *basic capabilities*, which consist of ‘the innate faculties of the person that make later development and training possible.’<sup>16</sup> Provided with suitable external conditions, individuals acquire (2) *internal capabilities*, which are trained or developed traits and abilities of a person, such as intellectual and emotional capacities, and states of bodily fitness and health. Basic and internal capabilities are an individual’s *internal factors* which, when combined with appropriate *external factors* – such as social, economic, and political resources – constitute an individual’s (3) *combined capability*, namely, the real opportunity or substantive freedom to choose or to act in a given context. Accordingly, an individual has the combined capability to obtain functioning X when (i) they have adequate basic and internal capabilities (ii) along with suitable social, economic, and political resources and conditions, such that they can obtain X if they so choose.

Once we have clarified what it means for an individual to have the capability to obtain functioning X, the relevant question is: why should the state provide individuals with capabilities instead of, or at least in addition to, other significant goods such as resources or opportunities from a relational egalitarian perspective?

According to relational egalitarians, the state should enable everyone to relate to each other as equals. Therefore, a core obligation of the state is to protect and support its most vulnerable members.<sup>17</sup> In what follows, I argue that the capability approach provides the necessary theoretical framework for (i) identifying *who* is vulnerable and (ii) understanding *how* various types and sources of vulnerabilities should be addressed. Consequently, providing the capability to function as equals is essential for the state to discharge its duty to protect and support vulnerable members of society.

Several definitions of vulnerability have been proposed in the literature, each emphasising different aspects of the concept and highlighting its complexity and multidimensionality.<sup>18</sup> For the purposes of this chapter, I define vulnerability as ‘being at increased risk of harm or having reduced capacity or power to protect one’s interests.’<sup>19</sup>

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<sup>15</sup> Nussbaum, *Creating Capabilities*, 20-24.

<sup>16</sup> Nussbaum, *Creating Capabilities*, 24.

<sup>17</sup> Floris, ‘What Is the Point of Harm Reduction?’.

<sup>18</sup> Armstrong, ‘An Extrinsic Dispositional Account of Vulnerability’; Fineman, ‘The Vulnerable Subject’; Mackenzie, Rogers, and Dodds, ‘Introduction’; Goodin, *Protecting the Vulnerable*; Schroeder and Gefenas, ‘Vulnerability: Too Vague and Too Broad’; Stoljar, ‘Distributive and Relational Vulnerability’; Wrigley, ‘An Eliminativist Approach to Vulnerability’.

<sup>19</sup> Mackenzie, ‘The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability’ 33-4.

Accordingly, from a relational egalitarian perspective, vulnerability arises when (i) individuals are at a heightened risk of being subjected to social inequalities, such as disrespect, domination, exploitation, and exclusion; or (ii) they have a reduced capacity to protect their interests by fully participating in society.

Based on this, I suggest that, by recognising that persons vary in their susceptibility to social inequalities and in their ability to protect their interests due to differences in social circumstances and internal capabilities, the capability approach enables the state to fulfil its obligation to protect vulnerable individuals from objectionable unequal relationships and ensure that they can engage in relations of equality with others.

First, the capability approach is sensitive to social, economic, political and environmental factors that generate or exacerbate people's 'situational vulnerability' to social inequalities – vulnerability caused by an individual's specific social context.<sup>20</sup> For instance, consider a homophobic society where the prevailing norm permits only heterosexual couples to display affection in public. Simply focusing on the amount of external material resources individuals possess does not capture how this social norm exposes homosexuals to a greater risk of stigmatisation, social exclusion, and even violence, thereby diminishing their ability to relate as equals with other members of society. Nor does providing homosexuals with external material resources alone address their vulnerability, as it fails to challenge the social norms that perpetuate their marginalisation and inequality.<sup>21</sup>

Second, by taking account of how differences in physical and cognitive impairments affect individuals' ability to convert resources into valuable functionings, the capability approach also addresses persons' 'inherent vulnerability' to social inequalities – vulnerability that 'arises from our corporeality, our neediness, our dependence on others, and our affective and social natures'.<sup>22</sup> For instance, consider the inherent vulnerability of persons with mental health issues. Individuals with substance use disorder face a heightened risk of being dominated and exploited, and they are less capable of exercising their political rights as well as of participating in the economy and civil society. Similarly, persons who suffer from depressive

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<sup>20</sup> Mackenzie, Rogers, and Dodds, 'Introduction', 7.

<sup>21</sup> Anderson, 'Justifying the Capabilities Approach to Justice', 89.

<sup>22</sup> Mackenzie, Rogers, and Dodds, 'Introduction', 7. It is important to note that the distinction between inherent vulnerability and situational vulnerability is not always clear-cut. While inherent vulnerability refers to those aspects of vulnerability that arise from an individual's physical, cognitive, or emotional capacities, inherent vulnerabilities are often intertwined with situational factors. For example, social norms, institutional structures, and access to resources can significantly exacerbate or mitigate the vulnerabilities associated with mental health. Thus, although we may classify certain vulnerabilities as 'inherent', they are frequently influenced, and even intensified, by the surrounding social context, making the boundary between inherent and situational vulnerability complex.

disorders have a reduced capacity to establish and contribute to meaningful social relationships and are therefore especially susceptible to isolation and loneliness. Consequently, from a relational egalitarian perspective, the state should mitigate the vulnerabilities of people with mental health issues by providing targeted assistance and extra resources to help them (re-)acquire and maintain their ability to function as equals.

The capability approach recognises that both the social environment and differences in internal capabilities contribute to individuals' vulnerabilities to various forms of social inequalities and affect their ability to protect their interests by fully participating in society. Therefore, by addressing these vulnerabilities the capability approach offers a comprehensive framework for a relational egalitarian state to fulfil its obligation to protect and support its most vulnerable members from objectionable unequal relationships and ensure that they can function as equals in society.

### **3. Just Sufficient Capabilities?**

In the previous section, I argued that, from a relational egalitarian perspective, the state should provide its members with the *capability* to function as equals. This is crucial to enable the most vulnerable members of society, who are at increased risk of social inequalities and have a reduced capacity to protect their interests by engaging in society, to stand in relations of equality with others. We can now turn to the question of the pattern of distributive justice: how should capabilities be distributed among individuals?

It is often held that sufficiency is the most plausible distributive pattern for capabilities. For instance, Anderson argues that relational equality requires each individual to have a level of capability sufficient to function as an equal in society.<sup>23</sup> Similarly, Nussbaum affirms that her view 'uses the idea of a *threshold level of each capability*'.<sup>24</sup> If relational equality implies a sufficientarian pattern of distribution in the space of capabilities, then the distributive requirements entailed by the relational ideal are as follows:

1. *Positive thesis*: It is of fundamental moral importance that persons have a sufficient capability to function as equals in society.
2. *Negative thesis*: Inequalities of capabilities above the sufficiency threshold are of no intrinsic moral importance.<sup>25</sup>

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<sup>23</sup> Anderson, 'What Is the Point of Equality?', 318.

<sup>24</sup> Nussbaum, *Frontiers of Justice*, 71. For a prominent capability theorist who instead argues that a just society is one where everyone has *equal* capabilities to achieve valuable functionings, see Sen, *Inequality Reexamined*.

<sup>25</sup> For an instructive analysis of the sufficiency view, see Casal, 'Why Sufficiency Is Not Enough'.

However, the idea that relational equality entails a sufficientarian view of distributive justice has faced criticism. Specifically, it has been argued that it is unclear why, as long as persons have enough, inequalities above the sufficiency threshold are of no intrinsic moral concern. The *indifference objection* presents a particularly daunting challenge for relational egalitarians because being indifferent to inequalities above the sufficiency threshold seems not only independently implausible – or at the very least in need of an explanation – but also potentially irreconcilable with the ideal of relational equality. After all, if the state should treat its members as *equals*, how can it justify distributing significant goods *unequally* among them? As Christian Schemmel observes, ‘relational egalitarians should endorse a – defeasible – *presumption of distributive equality*’.<sup>26</sup> In other words, if the state provides some of its members with more valuable goods than others, then it seems to fail to treat everyone as equals. Therefore, a society where people are not *equally* capable of functioning as equals – where some are more vulnerable to objectionable social inequalities and less able to fully engage in society than others – does not appear to be a society of *equals*.

Few attempts have been made to address the indifference objection. Some have observed that a sufficientarian capability view does not offer an exhaustive theory of distributive justice. For instance, Nussbaum holds that: ‘[t]he capabilities approach is not intended to provide a complete account of social justice. It says nothing, for example, about how justice would treat inequalities above the threshold’.<sup>27</sup> However, this is not a sufficientarian response to the indifference objection, as it simply denies the negative thesis. Furthermore, it would be preferable if relational egalitarians were not silent on this issue but could instead explain why inequalities in capabilities above the sufficiency threshold should be ignored.

Others have argued that sufficientarians need not disregard all inequalities in capabilities but should focus exclusively on those that result in insufficiency. For example, Lasse Nielsen and David Axelsen argue that ‘if we care about having *enough* of certain capabilities, then, there are still good reasons to worry about inequalities – but because inequalities in certain capabilities can lead to insufficiencies in others’.<sup>28</sup> More precisely, we should care about inequalities in *positional* capabilities – namely, capabilities whose value is relative to what others have (e.g., the capability for political participation) – because sufficiency requires equality with respect to positional capabilities. In contrast, we should be

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<sup>26</sup> Schemmel, *Justice and Egalitarian Relations*, p. 236. See also, Scheffler, ‘The Practice of Equality’, 38.

<sup>27</sup> Nussbaum, *Frontiers of Justice*, 75.

<sup>28</sup> Nielsen and Axelsen, ‘Capabilitarian Sufficiency’, 54.

indifferent towards inequalities in non-positional capabilities (e.g., the capability for housing and nutrition) above the sufficiency threshold because they do not prevent people from relating to one another as equals.

The problem with this response is twofold. First, strictly speaking, most examples of goods whose inequality leads to insufficiency are not *capabilities*. For instance, following a similar line of argument, Anderson observes that ‘each citizen is entitled to the same number of votes in an election as everyone else’<sup>29</sup>: if people do not have an equal vote, then those whose vote counts less do not have an adequate right to vote. Similarly, Nussbaum points out that ‘it appears that all the political, religious, and civil liberties can be *adequately* secured only if they are *equally* secured’.<sup>30</sup> However, equal basic *liberties* do not necessarily translate into equal *capabilities* for their meaningful exercise.<sup>31</sup> For example, consider a society where everyone has an equal right to vote, but members of a religious group are discouraged from exercising this right. Consequently, while all individuals possess the equal basic liberty to vote, social and political conditions provide some with greater substantive opportunities to exercise this liberty than others. But then why should an avowedly egalitarian theory remain indifferent to this inequality in the capability to vote, thereby neglecting the situational vulnerability to unequal political participation faced by members of the religious group? In other words, this response to the indifference objection might explain why *some* inequalities in external resources (e.g., having an unequal right to vote) are morally objectionable when and because they lead to capability insufficiency. However, it does not provide a coherent rationale for why inequalities in external resources and internal capabilities, which do not lead to insufficiency but rather to inequality, are of no intrinsic moral concern.

Second, this response fails to provide a convincing explanation for why relational egalitarians should be indifferent to inequalities of *non-positional* capabilities. For instance, consider the capability for housing. It might well be plausible to hold that a sufficient but unequal level of capability for housing is compatible with everyone being able to relate to each other as equals. However, simply affirming that distributive inequality of some goods may be consistent with the ideal of relational equality in practice does not establish their compatibility as a matter of principle. A more compelling answer to the indifference objection would demonstrate that relational egalitarians have a principled rationale for affirming that directly pursuing equality of capabilities above the sufficiency threshold is not simply unnecessary, as

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<sup>29</sup> Anderson, ‘What Is the Point of Equality?’, 318.

<sup>30</sup> Nussbaum, *Frontiers of Justice*, 292-3.

<sup>31</sup> Kelly, ‘Equal Opportunity, Unequal Capability’, 68.

a matter of fact, but also inconsistent, as a matter of principle, with the ideal of relational equality.

Moreover, even if holding a sufficient but unequal level of housing capability is deemed adequate for standing in relations of equality, this does not imply that all inequalities in housing capability above the sufficiency threshold can be ignored from a relational egalitarian perspective. This is because, according to relational egalitarians, a society is just when people relate to each other as equals *and* when they are treated as equals by the state. Thus, consider a society where everyone has access to decent housing, yet the state provides financial assistance to some individuals to buy nicer houses. Although, *ex hypothesi*, everyone has a sufficient housing capability to stand in relations of equality with others, the distributive inequality above the sufficiency threshold should be condemned because it is incompatible with the state's duty to treat everyone as equals.<sup>32</sup>

In conclusion, standard responses to the indifference objection either sidestep the problem or fail to provide a compelling and distinctively relational egalitarian solution to it.

#### **4. Relational Equality and Equal Respect**

In what follows, I develop a novel relational egalitarian response to the indifference objection. My main suggestion is that to address the indifference objection, we need to consider not only which goods are necessary or unnecessary for individuals to stand in relations of equality but also how the state should treat them as equals. Specifically, I argue that understanding how the state should express appropriate respect towards persons as equals offers a principled and compelling explanation for why the state should refrain from directly pursuing equality of capabilities above the sufficiency threshold. I proceed as follows. In this section, I propose a dualist account of how the state should express appropriate respect for persons as equals. In the next section, I argue that this dualist account yields an intrinsic expressive rationale for why the state should not directly pursue equality of capabilities above the threshold of sufficiency from a relational egalitarian perspective.

According to relational egalitarians, the state should treat persons as equals by *expressing* the appropriate and morally required attitudes towards them *qua* equals.<sup>33</sup>

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<sup>32</sup> Similarly, Robert Huseby argues that the sufficiency view is compatible with condemning inequalities above the sufficiency threshold if and because they violate deontic requirements of equal treatment. Huseby, 'Sufficiency: Restated and Defended'. See also Harting, 'Distributive Sufficiency, Inequality-Blindness and Disrespectful Treatment'.

<sup>33</sup> Anderson, 'What Is the Point of Equality?'; Hojlund, 'What Should Egalitarian Policies Express?'; Schemmel, *Justice and Egalitarian Relations*; Voigt, 'Relational Equality and the Expressive Dimension of State Action'.

Therefore, from a relational egalitarian standpoint, the expressive demands of institutional actions constrain the requirements of distributive justice. As Schemmel puts it, ‘we do not only have to distribute properly, we also have to treat people properly while doing so: the latter considerations function as *constraints* on the former’.<sup>34</sup> Hence, the state should distribute significant goods ‘according to principles and processes that express respect for all’.<sup>35</sup> Consequently, only those distributive justice requirements that are entailed by, or at least compatible with, the expressive demands of equal respect for persons are justified from the standpoint of relational equality.

The relevant question is thus the following: how should the state express appropriate respect for persons’ status as equals? Relational egalitarians typically define ‘persons’ in Rawlsian terms, as free and equal participants in social cooperation, endowed with two basic ‘agential capacities’ or ‘internal capabilities’<sup>36</sup>: the capacity to develop, revise, and pursue a conception of the good, and the capacity to elaborate and act on principles of justice.<sup>37</sup> Therefore, they argue that the state expresses appropriate respect towards persons by abstaining from making demeaning judgments about their basic agential capacities, which would allow ranking them on a scale of competence.

For example, Anderson criticises luck egalitarianism for being deeply disrespectful precisely because it authorises the state to make ‘demeaning and intrusive judgements of people’s capacities to exercise responsibility’<sup>38</sup> to determine whether their shortfall is due to brute or option luck, thereby establishing if it warrants compensation. By assessing individuals’ internal capabilities and granting special compensation to those deemed to have inferior agential capacities – ‘the stupid and untalented’<sup>39</sup> – luck egalitarianism fails to express equal respect for all members of society. In a similar vein, Jonathan Wolff points out that the value of fairness is sometimes incompatible with the principle of respect because it compels worse-off individuals to prove that their social condition is due to innate deficiencies in internal capabilities, making them vulnerable to ‘shameful revelations’.<sup>40</sup> Finally, Schemmel argues that it would be ‘fundamentally disrespectful for agents of social justice to undertake any assessments of moral qualities that would allow them to rank individuals on a scale of moral

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<sup>34</sup> Schemmel, *Justice and Egalitarian Relations*, 51.

<sup>35</sup> Anderson, ‘What Is the Point of Equality?’, 314.

<sup>36</sup> In what follows, I use ‘agential capacities’ and ‘internal capabilities’ interchangeably.

<sup>37</sup> Rawls, *Political Liberalism*, 48-53.

<sup>38</sup> Anderson, ‘What Is the Point of Equality?’, 289.

<sup>39</sup> Anderson, ‘What Is the Point of Equality?’, 305.

<sup>40</sup> Wolff, ‘Fairness, Respect, and the Egalitarian Ethos’, 113-5.

competence’.<sup>41</sup> Thus, in a relational egalitarian society, the state should abstain from ranking people on a scale of competence based on their capacities to develop and pursue worthwhile life plans and form reasonable value commitments, as a matter of respect for their equal status. This kind of respect is what Ian Carter calls ‘opacity respect’.<sup>42</sup>

However, as I have argued elsewhere, from a relational egalitarian perspective, the state does not always express appropriate respect for persons by conveying an attitude of opacity respect. This is because refraining from assessing persons’ agential capacities is insufficient for, and may conflict with, the state’s duty to respond appropriately to the vulnerabilities of individuals whose agential capacities are impaired due to mental health issues, such as depression or substance use disorder.<sup>43</sup>

As highlighted in Section 2, people with mental health issues face a heightened risk of being marginalised, exploited, and dominated. They also have a reduced capacity to protect themselves from these harms through active participation in social cooperation, engagement in society as political agents, and establishment of meaningful social relationships. But if the state abstains from assessing their agential capacities, then it cannot provide them with the additional support and extra resources necessary to alleviate their vulnerability to objectionable social inequalities. Therefore, the state expresses an appropriate attitude of respect towards persons with mental health issues by recognising that, due to their deficits in internal capabilities, they require targeted assistance and additional resources to (re-)acquire and maintain their capability to function as equals in society. I call this kind of respect, ‘positive respect’.

Overall, then, I argue that the state expresses appropriate respect for *all* persons *qua* equals by balancing two distinct requirements: 1) a duty of opacity respect to refrain from ranking persons on a scale of competence based on their level of agential capacities; 2) a duty of positive respect to assess individuals’ agential capacities when this is necessary to provide them with additional help and extra resources to be able to relate to others as equals. The upshot is that any distributive requirement that violates these demands of equal respect is incompatible with the ideal of relational equality.

## **5. Equal Capability and Vulnerability to Social Disrespect**

In this section, I argue that the dualist account of respect for persons’ agential capacities yields a distinctively relational egalitarian rationale for holding that, whatever else distributive

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<sup>41</sup> Schemmel, *Justice and Egalitarian Relations*, 108.

<sup>42</sup> Carter, ‘Respect and the Basis of Equality’.

<sup>43</sup> Floris, ‘What We Owe to Impaired Agents’.

justice requires, it requires that each member has only a sufficient, not equal, capability to function as equals in society.

On the one hand, the state has a duty to address persons' vulnerabilities to objectionable social inequalities such as domination, exploitation, and exclusion. Therefore, the state should recognise that differences in agential capacities can increase the risk of some individuals being subjected to unequal relationships and diminish their ability to protect their own interests and fully participate in society. Consequently, it should provide persons whose agential capacities are impaired due to mental health issues with targeted help and extra resources necessary to (re-)acquire and maintain an adequate capability to function as equals in society. By addressing the vulnerabilities of persons with mental health issues, therefore, the state demonstrates an appropriate attitude of positive respect towards them as equal members of society. Hence, the provision of the capability to function as equals is compatible with and required by the expressive demands of equal respect for persons.

On the other hand, when persons have a sufficient capability to function as equals, I argue that the state should refrain from inquiring into their level of agential capacities above the sufficiency threshold, as a matter of opacity respect for their status as equals. Specifically, the state should not directly pursue equality of capabilities above the threshold of sufficiency because doing so has the paradoxical effect of rendering individuals vulnerable to being singled out as 'less competent' agents, thereby creating a pathogenic vulnerability to social disrespect. Accordingly, I suggest that appealing to a duty of opacity respect provides a coherent and distinctively relational egalitarian answer to the indifference objection: as long as persons have a sufficient capability to function as equals in society, directly pursuing equality beyond the sufficiency threshold – by allocating different amounts of external resources based on persons' level of agential capacities<sup>44</sup> – is incompatible with the expressive demands of equal respect for persons. Therefore, equalising persons' capabilities above the sufficiency threshold is not simply unnecessary, as a matter of fact, but also inconsistent, as a matter of principle, with the ideal of relational equality.<sup>45</sup>

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<sup>44</sup> For two individuals to have an equal capability to obtain functioning X, they must either (1) have (i) equal agential capacities (or internal capabilities) and (ii) hold equal external factors (i.e. economic, social, and political resources), or (2) an inequality in (i) must be offset by an inequality in (ii), and *vice versa*. Therefore, if the state has a duty to refrain from assessing the level of agential capacities of those individuals who have a sufficient capability to function as equals, then it follows that it cannot directly pursue equality in capabilities above the sufficiency threshold.

<sup>45</sup> To be sure, as noted above, I am not arguing that relational egalitarians should be sufficientarians about *all* currencies of distributive justice. For example, I am not suggesting that, provided individuals have enough external resources to satisfy their basic needs, inequalities in external resources are of no intrinsic moral concern from a relational egalitarian standpoint. Instead, I am arguing that relational egalitarians must hold that,

To illustrate this point, it is useful to consider two capabilities essential for avoiding objectionable social inequalities and being able to function as equals in society. We can then examine why a society that seeks to provide its members with *equal* capabilities creates a pathogenic vulnerability to social disrespect, which is incompatible with the ideal of relational equality.

Consider first the capability to avoid exploitation. From a relational egalitarian perspective, the state should ensure that its members are not vulnerable to being exploited by others. Imagine a society where everyone has sufficient wealth to satisfy their basic needs, and political and social conditions prevent anyone from having the formal or legal authority to exploit others. Furthermore, suppose that no one suffers from mental health issues that impair their ability to resist exploitation. In this scenario, everyone is sufficiently capable of avoiding exploitation. Yet this does not entail that everyone is *equally* capable of not being exploited by others. The inequality might arise from the unequal possession of some external resources: for instance, individuals with greater wealth are less vulnerable to economic exploitation, other things being equal. Alternatively, the inequality might stem from individuals' unequal levels of basic agential capacities, such as assertiveness and decision-making effectiveness. For example, agreeable individuals, who have a strong desire to maintain harmony and get along with others, often find it difficult to assert their own needs and wants. This difficulty can make them more susceptible to manipulation and exploitation because they may prioritise others' desires over their own. Conversely, individuals who are determined and possess a high sense of self-esteem typically exhibit greater confidence in their abilities and decisions. This confidence, coupled with a high degree of critical thinking ability, enhances their capacity to effectively advocate for their own interests. As a result, they are less susceptible to exploitation because they can recognise and resist attempts at manipulation.

Now, if the state is committed to providing everyone with an *equal* capability to avoid exploitation, it should assess the degree to which each individual possesses the agential abilities relevant to this capability. The state should, then, offer special treatment or additional resources to those who hold them to a lower degree, thus ensuring that everyone has an equal capability to avoid exploitation. For example, the state could implement an 'Assertiveness Assessment Test' to gauge individuals' confidence in expressing their needs and standing up for themselves. Individuals who demonstrate lower levels of assertiveness could be required to

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whatever else distributive justice requires, it requires refraining from *equalising capabilities* above the sufficiency threshold because this violates the expressive demands of equal respect for individuals' status as equals.

participate in training sessions designed to build their self-confidence and assertiveness skills, thus enhancing their capacity to resist manipulation and coercion. Alternatively, the state might introduce an ‘Emotional Intelligence Test’ to assess how well individuals understand and manage their own emotions and those of others. Citizens with lower scores could be asked to attend workshops that improve their emotional regulation and interpersonal skills, reducing their vulnerability to emotional manipulation and exploitation.

However, while these social policies aim to mitigate the vulnerabilities of those individuals who are less capable of avoiding exploitation, they have the troubling effect of generating a pathogenic vulnerability to social disrespect. In particular, these policies render individuals vulnerable to being ranked at the bottom of a scale of competence and singled out as less capable of effectively furthering their interests. This form of vulnerability is incompatible with the expressive demands of equal respect, as it presupposes a violation of the duty of opacity respect that the state has towards its members as equals. Accordingly, social policies aimed at achieving distributive equality in the space of capabilities above the sufficiency threshold are irreconcilable with the ideal of relational equality.

Consider next the capability for political participation. Imagine a society where each member is sufficiently capable of participating in politics: everyone is provided with sufficient external resources (e.g., money and time) and appropriate social and political conditions (e.g., equal right to vote). Furthermore, no one suffers from mental health issues that affect their real opportunity for political participation. However, this does not imply that there are no inequalities beyond the sufficiency threshold for political participation. Some individuals might have more external resources, affording them greater influence in politics. Additionally, certain individuals may exhibit higher political competence due to superior intellectual abilities, including the capacity to articulate their views effectively, reason while considering diverse interests, and exercise astute political judgment.

Once again, if the state is committed to ensuring *equal* capability for political participation, then it should test the political competence of its citizens, focusing on skills such as effective communication, critical reasoning, ethical decision-making, and strategic political judgment. It should then offer targeted assistance or extra resources to the ‘less competent’ political agents, thereby ensuring that everyone has an equal capability for political participation.<sup>46</sup> For instance, the state could implement the ‘Political Knowledge Assessments’ by administering tests to assess individuals’ knowledge of political systems, current affairs,

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<sup>46</sup> For a discussion of the permissibility of political competence tests, see Brennan, *Against Democracy*.

and civic rights and responsibilities. Those scoring lower could be required to participate in educational programs or online courses to enhance their ‘political understanding’. Alternatively, the state could launch the ‘Policy Analysis and Decision-Making Scenarios’, presenting individuals with hypothetical policy dilemmas or real-world case studies. Test-takers are required to analyse the implications of different policy options, consider various stakeholder perspectives, and make informed recommendations. Participants identified with lower political competence could be asked to attend workshops aimed at enhancing specific political skills, such as critical thinking and understanding policy issues.

These social policies are intended to equalise individuals’ capability for political participation above the sufficiency threshold by providing targeted help and extra resources to those with a lower degree of political competence. However, they have the disturbing effect of causing a pathogenic vulnerability to social disrespect. Specifically, they make persons vulnerable to being singled out as ‘less competent’ political agents. Therefore, while these policies are designed to achieve distributive equality in the space of capabilities, they convey an objectionable attitude of disrespect towards persons by exposing them to the risk of being ranked at the bottom of a scale of competence. Accordingly, a society that aims to provide everyone with an equal capability for political participation is not one where everyone is respected as an equal.

To conclude, in this section, I developed a relational egalitarian response to the indifference objection. I argued that the state treats persons as equals when it fulfils two requirements of respect. On the one hand, the state has a duty of positive respect to ensure that no one is especially vulnerable to being subjected to social inequalities by providing targeted assistance and extra resources to those who do not have a sufficient capability to protect themselves from these harms. On the other hand, when persons have a sufficient capability to function as equals, the state has a duty of opacity respect to refrain from assessing their level of agential capacities, which would otherwise allow for ranking them on a scale of competence.

Accordingly, from a relational egalitarian perspective, the state should avoid directly pursuing equality of capabilities above the sufficiency threshold not solely if and because they are, as a matter of fact, unnecessary for individuals to function as equals. Rather, it should do so as a matter of respect for their status as equals. Far from ameliorating the social condition of those who are less capable of functioning as equals, directly pursuing equality of capability above the sufficiency threshold renders individuals vulnerable to being singled out as ‘less competent’ agents, thereby creating a pathogenic vulnerability to social disrespect. This, however, violates the expressive demands of equal respect for persons. Therefore, at least a

certain degree of distributive inequality is not only consistent with but also entailed by a commitment to the ideal of relational equality.

## **6. A Dilemma for Relational Egalitarians**

In this final section, I address a pressing objection to my argument. According to this objection, my argument faces the following dilemma. If relational egalitarians are committed to a requirement of opacity respect, then – contrary to what I argued in Section 2 – they must reject ‘capabilities’ as a plausible currency of distributive justice because opacity respect is incompatible with it. Conversely, if relational egalitarians reject a commitment to opacity respect, then – contrary to what I argued in Section 5 – my response to the indifference objection fails to provide a coherent and distinctively relational egalitarian solution to it.

In what follows, I argue that the dualist account of respect for persons’ agential capacities developed in Section 4 provides a solution to this dilemma. It shows that although (i) relational egalitarians should be committed to a requirement of opacity respect, and (ii) opacity respect is inconsistent with the capability approach, (iii) this does not entail that relational egalitarians must reject the capability approach because opacity respect is not the only requirement of the principle of respect for persons.

To start with, let us explain why the capability view is irreconcilable with a duty of opacity respect. The reason for this is that, as discussed in Section 2, the capability view takes into account internal individual differences that affect persons’ ability to convert resources into valuable functionings. However, as critics have pointed out,<sup>47</sup> this entails ranking persons on a scale of internal capabilities to offer targeted assistance and additional resources to those individuals who are deemed disadvantaged in terms of agential capacities, thereby violating the requirement of opacity respect.<sup>48</sup>

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<sup>47</sup> Pogge, ‘Can the Capability Approach Be Justified?’, 207.

<sup>48</sup> Carter also argued that the incompatibility between opacity respect and the capability view rules out ‘capabilities’ as a plausible currency of egalitarian justice. However, Carter’s objection is not merely that ‘capabilities’ should be rejected because it conflicts with a requirement of equal respect for persons. Rather, more fundamentally, ‘capabilities’ cannot be the currency of egalitarian justice because it violates opacity respect which is also the *basis* of persons’ moral equality. In other words, the capability view is conceptually incoherent, for it aims to promote egalitarian justice while violating its basis. Carter, ‘Respect and the Basis of Equality’, 564-7. This raises complex issues concerning the basis of moral equality, which cannot be adequately addressed here. Nevertheless, two points are worth noting: first, relational egalitarians can consistently maintain that opacity respect is an important – albeit not the only – requirement of respect for persons, but that persons’ moral equality does not rest on a commitment to opacity respect. For alternative views of the basis of moral equality, see Floris and Kirby (eds.), *How Can We Be Equals?*. Second, as I have argued elsewhere, a commitment to opacity respect does not impose as stringent a constraint on the *equalizanda* as Carter suggests, for not all violations of opacity respect are incompatible with the principle of moral equality. Therefore, even if opacity respect is the basis of persons’ moral equality, this does not necessarily entail that ‘capabilities’ is not a plausible currency of egalitarian justice. Floris, ‘What We Owe to Impaired Agents’, 8-13.

One response to this criticism has been offered by Anderson, who argues that the capability view attributes individuals' shortfall in the level of capability not to their internal endowments but rather to the absence of a supportive social environment and sufficient external resources necessary to function as equals. For example, persons suffering from severe disfigurement are entitled to plastic surgery not because they are considered 'worse endowed', but because it represents the most effective response to their situational vulnerability to discrimination and marginalisation caused by societal beauty standards, which are hard to change. Therefore, a social policy offering free plastic surgery to severely disfigured individuals does not presuppose passing judgment on their internal endowments. Consequently, it does not express an objectionable attitude of disrespect by ranking them at the bottom of an absolute scale of 'physical beauty'.<sup>49</sup>

However, whatever the merits of this response,<sup>50</sup> it is less clear whether this explanation applies to the case of individuals whose agential capacities are impaired due to mental health issues. To be sure, the capability approach does not assert that the vulnerabilities of individuals with mental health issues stem (solely) from deficits in their internal capabilities, thus acknowledging the significant causal role of environmental and social factors. Nor does it deny that the appropriate response to their vulnerabilities is not (only) to address their medical condition but (also) to change the social environment by fostering inclusive social norms that combat the stigma associated with mental illness, and expanding the range of activities considered valuable contributions to society. Yet the capability approach is committed to maintaining that people with mental health issues hold impaired agential capacities and that it is their deficit in internal capabilities that grounds their claim of justice to policies that respond to their vulnerabilities to objectionable unequal relationships. Accordingly, the capability view does imply singling out individuals based on their disadvantage in terms of agential capacities to provide them with targeted assistance and extra resources necessary to have a sufficient capability to function as equals in society. Therefore, it is incompatible with opacity respect, at least sometimes.

I argue that the dualist account of respect for persons' agential capacities offers a more compelling framework for relational egalitarians to reconcile their focus on 'capabilities' as an appropriate currency of distributive justice with their commitment to opacity respect. This account reveals that, while relational egalitarians should be committed to opacity respect, they

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<sup>49</sup> Anderson, 'Justifying the Capabilities Approach to Justice', 96.

<sup>50</sup> For further instructive discussion, see Steuwer, 'Equal and Ashamed?'.

need not insist that treating persons as opaque is the only requirement of the principle of respect for persons. Instead, the state also has a duty of positive respect to assess persons' level of agential capacities when necessary to offer them the assistance and support required to function as equals. The dualist account of respect, therefore, dissolves the dilemma by providing a coherent and plausible framework for balancing the expressively objectionable nature of neglecting the vulnerabilities of individuals who are not sufficiently capable of functioning as equals, against the expressively objectionable nature of creating a pathogenic vulnerability to being ranked at the bottom of a scale of competence.

On the one hand, a commitment to positive respect explains why, on balance, it is not disrespectful to assess individuals' agential capacities *if* the reason for doing so is to address their vulnerabilities to objectionable social inequalities by offering them additional help and extra resources necessary to function as equals. Put differently, the state expresses an appropriate attitude of respect by ensuring that everyone has access to the assistance and the external resources needed to (re-)acquire and maintain a sufficient capability to function as equals in society.<sup>51</sup> On the other hand, a commitment to opacity respect explains why, on balance, it is disrespectful to assess persons' agential capacities *if* this is not necessary to ensure they have a sufficient capability to function as equals. This is because, once people have a sufficient capability to function as equals, the requirement of opacity respect takes priority. Therefore, the state expresses an appropriate attitude of respect by abstaining from assessing persons' agential capacities, thus avoiding making them vulnerable to being identified as 'less competent' agents.

Some might argue that relational egalitarians face a dilemma between two apparently irreconcilable commitments: addressing individuals' vulnerabilities to objectionable social inequalities by considering how differences in their internal agential capacities affect their ability to function as equals in society, while also avoiding the ranking of people on a scale of competence based on these capacities. In this section, I showed that this is a false dilemma. I argued that the dualist account of respect for persons' agential capacities proposed here offers a theoretical framework that clarifies when taking account of persons' varying agential

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<sup>51</sup> To be clear, I am not suggesting that the requirement of opacity respect does not apply below the threshold for a sufficient capability to function as equals. Rather, I am suggesting that this requirement is outweighed by the requirement of positive respect below the sufficiency threshold: addressing the vulnerabilities of those individuals who are not sufficiently capable of functioning as equals is morally more important than refraining from identifying them as disadvantaged on the basis of their agential capacities, all things considered. Nonetheless, the state should satisfy its duty of positive respect in such a way as to minimise the violation of opacity respect. For further discussion of this point, see Floris, 'What We Owe to Impaired Agents', 6-8.

capacities is a matter of respect for their equal status, and when it is not. In particular, it provides a compelling explanation for why it is morally more important to assess persons' agential capacities to mitigate the specific vulnerabilities of those who lack a sufficient capability to function as equals, rather than avoiding ranking individuals on a scale of competence. Conversely, it is morally more important to refrain from making individuals vulnerable to being identified as 'less competent' agents, rather than ensuring equal capability among those who already have sufficient capability to function as equals. The upshot is that providing sufficient, rather than equal, capability to function as equals is a distributive justice requirement entailed by the demands of equal respect for persons.

## **7. Conclusion**

Relational egalitarians have often argued that, from a distributive justice standpoint, persons should have enough to relate to one another as equals. Critics, however, have observed that it is unclear why, from a relational egalitarian perspective, distributive inequalities above the sufficiency threshold should be of no intrinsic moral importance. After all, if the state should treat its members as *equals*, how can it justify distributing significant goods *unequally* among them? Relational egalitarians have so far done little to answer this challenge.

In this chapter, I attempted to address this shortcoming by proposing a novel, relational egalitarian answer to this indifference objection. I argued that relational egalitarians have a coherent and compelling rationale for holding that, whatever else distributive justice requires, it requires ensuring that each member of society has only a *sufficient*, not equal, capability to function as an equal. This is because pursuing equality of capabilities above the sufficiency threshold has the paradoxical effect of rendering individuals vulnerable to being singled out as 'less competent' agents, thereby creating a pathogenic vulnerability to social disrespect. This, however, is inconsistent with the expressive demands of equal respect for persons. Therefore, at least a certain degree of distributive inequality is not only compatible with but also required by a commitment to the ideal of relational equality.<sup>52</sup>

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