

The Category of Gender from the Theoretical Perspective of Equity

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Abstract

The question addressed in this paper asks what is to be learned with respect to the issue of gender ratio when pedagogical and political philosophical analyses apply principles of equity.

Keywords: *gender, equity, equality, egalitarianism, non-egalitarianism*

The category of “gender” is not only a reflexively debated category regarding how and to what effect “gender” is socially generated, but it is also handled with proflexion, as a question of social integration. Similarly, as with, e.g., ethnicity, religion or class, gender becomes a *casus belli* in the double question: “What drives society apart – what holds society together?” (Heitmeyer, 2010). In the context of gender, issues of parental leave to ratios to pension age are a manifestation of the problem of not transposing dictions with the ability to adopt gradualism (e.g., dignity) in gradualistic concepts. The classic query asks how difference is handled justly in light of equality.

At the theory level, i.e. otherwise configured as the public or realpolitik debates, the socio-political, socioeconomic and social ethical controversies of the question are led along two perspectives of the just and therefore stabilizing social structure. At one time, attempting the image of the balance beam, the fair distribution of goods, statuses, social arrangements, future prospects, etc., are discussed in rela-

tion to the parties or groups; at other times, it is doubted that a concept of equity with comparative equality should be confounded and needed as a result of the image of the electronic balance with green okay and red non-okay section. The first variety is labelled as egalitarianism and the second as non-egalitarianism (not to be confused with *anti-egalitarianism*).

It is worth noting that all varieties of contexts and equalisandum will be sought out in the multifaceted debates with ethically accepting and theoretical questions pertaining to distribution but not specifically with respect to the category of gender. This should be first worked through; it is appropriate to convey both positions of egalitarianism and non-egalitarianism in the following manner:

- Why is equality (not) axiomatic in the gender issue?
- In relation to what would this equality (not) persist?
- How can equality be created as equity or equity without an equality axiom?

Doubtlessly, there is a highly relevant pedagogical question in this question triad whether because outwardly pedagogy represents a military reloading point for equity concerns for the surroundings or because internally the issue bound in three questions here, constantly challenges both the (management of) concrete education-practical settings and the education-theoretical discussion.

In this sense, the egalitarianism controversy is interested in the following reconstruction as to what extent the pedagogical practices and education discourse (are able to) organize in their gender-theoretical analysis of the topoi of education (opportunity) equality and education (opportunity) equity alongside similar identification of problems and with similar modes.

1. “Equality is the embodiment of equity” (Gosepath, 2004, p. 11). The Anatomy of Egalitarianism

1.1. Why egalitarianism?

“A conception of equity is egalitarian when it understands equity essentially above equality” and therefore determines “what each person is essentially due relationally or comparatively in comparison to others” (Krebs, 2009, p. 1). With respect to the equality imperative used as a basis here “for a truly egalitarian position, equality has an intrinsic value and is good in and of itself” (Parfit, 2000, p. 86), it is implied that equality does not need justification and only inequality is to be justified (cf., classic Berlin 1956). “The necessitation for justification – the *onus probandi* – lies on the other side [as the egalitarian, NB/note]. Equality

and inequality are not seen as equals” (Tugendhat, 1993, p. 374). The egalitarian justification issue appears to be resolved on account of the epistemically unique position of equality.

However, it is understood that the claim, equality does not need justification, is itself in need of explanation. To that effect, the privileged “symmetry approach” (Tugendhat, 1997, p. 169) is also comprehensively justified. Thus, there are eight diverse and dissimilar attempts to satisfy the presumption premise: “As a fundamental standard of reason; as a principle that draws on the teachings of Aristotle to treat what is the same equally; as a foundation of all moral; as a consequence of total equity; as a result of political agreement; as a simplicity principle; as a foundation of the fair distribution of collectively produced goods and as a distribution principle in situations of instability” (Michel, 2011, p. 48; more on this in section 2.1).

Whichever strand of justification is led into play, it always focuses on the following maxim: equity exists in the creation of equal life prospects for all people (for the diversity of the then following notions of why and how, cf. the next chapter). And always in consideration of the balance beam: Person P is entitled to (the prospect of) good G because other persons (could) also have G. Hence, “in an abstract sense, men and women endowed with reason [would] vote when compelled without having knowledge of their own situation and without the option of making particularistic claims in order to make an impartial and fair decision as to which principle to follow regarding the distribution of an abstract quantity of goods” (Walzer, 2000, p. 175). Regarding the category of gender, this means that neutral biological differences – physically stronger, e.g. – can (should) never justify unequal social relations (cf., Anderson, 2000, p. 151). Even the simple *prima facie* diagnosis of inequalities between the genders would be reason enough to seize measures creating equality.

In short, inequities are described as inequalities. Also, the standard argument, “[how] can it be fair when one must go hungry and another sips champagne?” (Krebs, 2000, p. 21), embraces the argument of scarcity. Egalitarianism, explicitly or implicitly, constantly lifts the burden of proof for justification with reference to the condition of scarcity (which, of course, exists everywhere and always with the exception of paradise). The command for fair distribution first and only just earns its plausibility with the prohibition of discrimination, prohibition of arbitrary action or the prohibition of exploitation or with the command for responsibility or the performance of one’s duties etc.

1.2. What is egalitarianism for?

In assuming that “every normative theory of social arrangement [...] seems to demand equality of something” (Sen, 1992, p. 12), the question of “equality of what?” (ibid.) becomes the logical, spelled-out question of egalitarianism. In the broad discussion, it is established that equality as equity will be referred to as the aggregate of the undeserved prospects of life which, in most cases, cumulates in the availability of an equal amount of available resources (cf., e.g., Dworkin, Rawls, van Parijs). Limited variations subsequently develop defining the equality of prospects of life as equality of equity in the attainment of prosperity (cf., e.g., Arneson, Roemer, Cohen). Still others define the equality ideal as equality of functionality (cf., e.g., Sen).

However, as it is always interpreted in detail, the restriction on *undeserved* prospects of life is always valid “since among each other people cannot help how good or bad they are in comparison to others” (Krebs, 2009, p. 1). People must also, thus, vouch for their *decisions* in egalitarianism; “only what comes so easily to people, for example, natural talents, must be subject to egalitarianism” (ibid.).

The principle of equality meets the principle of self-responsibility. It would be a fundamental misunderstanding to assume that liberal egalitarianism focuses solely on the rigorous equal distribution without consideration of personal contribution. Keywords: industry vs. laziness or prudence vs. imprudence, etc. Nevertheless, the egalitarian *internal* debate (!) – *Equality of what?* – elucidates how complex the coupling of concepts unable to adopt gradualism with concepts able to adopt gradualism are. This is displayed – completely aside from the question of *extent* and *range* of the goods to be distributed – in connection with the question of *Equality among whom?*: Should, now specifically in reference to the topic of gender, in the diction spanning luck egalitarianism, resource egalitarianism and cooperation egalitarianism, all persons have the same prospects in life (or should no one be preferred due to undeserved factors), also taking biological tendencies (stereotype keywords: feminine moral or masculine powers of imagination in concepts of space, e.g., but also not controversial factors such as pregnancy, etc.) into consideration? Or solely the determinants of the social gender? Even in the case of prioritization of sex and gender: What counts then as unfair (unjustified?) and therefore factors in need of equalisation? And how can the equalization-*free* self-responsibility be incorporated here?

In light of the complexities, there are diverse theoretical conversions, expansions and additions. These are proof that egalitarianism is still a principal and value pluralistic concept. However, this is hardly evident in the context of education;

truly homogenous notions of balance are circulated here that are also egalitarian legitimized.

1.3. Egalitarianism by what means?

It is quite clear that the distribution of goods within and by the education system functions as one of the integral adjustment screws for social equity. In this, (a) income, (b) content and (c) outcome are allowed to be reconstructed at the school level with the focus on the gender category, which would seize egalitarian measures to allow equity to prevail in the context of gender or to attempt to create equity.

(a) A management policy is pursued with regard to the family-related disparities in education, which would like to invariably not accept the individual parental notions. The “just claims of children to an equally good education” may not “become insubstantial through this so that their parents coincidentally do not value a good education” (Drerup, J. 2015, p. 117). *Equal* chances for an *equally* good education: this is the standard that all the compensatory paternalistic infringements on the paternal right take as a basis for neutralizing the extent of inequality contingent on familial-social conditions.

In the context of gender, apart from such drastic topics as, e.g., swimming classes for Muslim girls also against the intentions of the parents, all the *levelling up measures* aimed at the adaption of education possibilities become clear (textile and technical training for both genders, accelerating technical subjects for girls, organizing career days through Girls- and Boys-Days in a balanced manner, etc.).

(b) Therewith, something directive is, on the one hand, not compulsively stated, in which settings the “equally distributive” (Bloch, 2014, p. 142) and *thus* “equity-oriented” (Gornolla, 2015) pedagogical work should proceed. The question as to what, how and by which means “a gender fair school” is ensured has been “in no way explained” (Budde et al., 2008, p. 11).

- Thus, the debates about co-/mono-education have not exactly been abated but rather further nurtured by the verdict: “unequal distribution of attention is unjust” (Drerup, H. 2006, p. 169).
- On the other hand, debates tend to be decided, e.g., regarding the gender fair representation in schoolbooks, where consensus prevails to compensate for gender hierarchies/stereotypes (“Jack and Joe crochet, Jill explains the diesel motor”).
- If the notion to enable equal opportunities to both genders receiving equally good education and to make teachers in equal sections responsible, is, however, fully open again. If establishing a quota must first be in effect

in order to balance the gender ratio, this requirement is presently opposed to the axiom that no one should be preferred on account of his/her nature (cf., e.g., here with respect to the discussions on “Male quota in day-care centres and schools” [Hurrelmann and Schultz, 2012]).

(c) This seems easier with regard to scholastic *results*. First and foremost, it is egalitarian: Unequal scholastic results that arise from unequal conditions of upbringing are (ethically and politically) illegitimate. In this sense, the category of gender with its latency may not be exorbitantly significant to generate inequalities concerning this matter (e.g., boys: courage; girls: dexterity). The attempt to maintain this direction can also be observed in the education system. A lot of weight is placed on evaluating the achievements of girls and boys as the achievements of a genderless individual or on consistently reflecting on noticeable determinants. A manifestation of these are, e.g., the concepts of a gender competent school development and a gender sensitive lesson.

The allocative problem that educational resources can indeed perhaps be equally distributed but not scholastic results (and, in this sense, social positions as well) tends to be hidden. However, what could be seen as an escape is more likely due to the fact that concepts of minimum standards – “Equity with respect to education is created when every child achieves a scholastic level of competence that enables him/her to thrive within modern society” (Giesinger, 2007, p. 379) – only delay the issue of distribution conflicts: in other words, *above* the standard threshold value; these also do not solve the issue (cf., Casal, 2007). In this respect, egalitarianism, more or less, continues to be a reference point in the facilitation of an equally good education for both genders and later marshals emerging distribution collisions with the difference principle: “Social and economic inequalities are to be regulated in such a way that they [...] bring the best possible prospects to the least favoured” (Rawls, 1975, p. 104). The principle is likewise distrusted and the figure is returned to the start line: “Rather than place hope on empirically contested positive effects of diversity and elite education,” it states “to encourage the obvious, that is, an improvement and adaption of educational opportunities” (Drerup, J. 2015, p. 123).

2. “But why equality at all?” (Krebs, 2002, p. 119) The Anatomy of Non-Egalitarianism

2.1. Why Non-Egalitarianism?

The foundations of non-egalitarianism are, as the name already indicates, in effect solely constructed in oppositional contrast to egalitarian principles. This is displayed in the justification components of egalitarianism listed in Chapter 1.1 (I am proceeding in reverse order).

Attempts to rationally determine equity are generally declined: “Whoever insists on gender equality, calculates his/her demands based on what others have”; however, bearing in mind, “what conforms with one’s own life situation [and] interests and needs”, it depends on “whether people lead a good life and not how their lives are relative to those of others” (Frankfurt, 2000, pp. 49, 41). In this sense, it is about elementary standards of *equity* – first without the intention of *equality* – which (should) guarantee humane living conditions. “The equality relation that sets in when all those in need of assistance have been helped” is then “nothing as the *by-product* of the fulfilment of the absolute standard of equity for all” (Krebs, 2000, p. 18). This affects the scarcity argument in the same manner. “Even in situations of shortages [...] the absolute standards of equity also predetermine a distribution themselves” (*ibid.*, p. 19). Instead of the balancing beam, the image shifts to the digital green (okay) and red (not okay [anymore]) display scale. “The further a person moves from the actual proposed level, the more urgent his/her demand for help (generally) becomes” (*ibid.*).

A saturation value is integrated in the non-egalitarian principle of need: “Whoever is sated, no longer needs more bread” becomes the frame of justification of the non-egalitarian *enough-is-enough* or *sufficiency* arguments (Michel, 2011, p. 87). Those in more need have priority in the perspectives. Every other approach – i.e., also the egalitarian orientation towards equality *before* sound reasons speak for it – would be discriminatory.

How very strongly the justification patterns of non-egalitarianism in further respects are also constructed in contrast to more recent egalitarianism (and seldom in clear relation to some historic tradition lines, e.g. liberal or libertarian) is shown in the criticism of the egalitarian frame of justification of equality as a fundamental standard of rationality. It has been attempted to leverage these, ironically referring to rationality whereby, e.g., reference is made to the always possible unreasonable approach to equality.

In the egalitarian argument of equality as a political arrangement, outlining the distinct position in this criticism, the relation between equality and maxi-

mization interest is questioned: “Why should the mere desire for more represent a justified claim?” (Michel, 2011, p. 56) This would be an unacceptable “pretension of the requisite of equality” (Schramme, 2003), which is virtually due to the relational mindset “to more or less not have less than others” (Michel, 2011, p. 56). “Depending on one’s motive, we all land at an *egalitarianism of the greedy* or an *egalitarianism of the envier*” (ibid.).

In conclusion, the “distinguished position of equality”, which “already results in that it is the simplest *rule of distribution*” (Tugendhat, 1993, p. 374), is problematized for the purpose of the justification of the non-egalitarian position. Aside from the fact that the pragmatic solution must not always be the best, the equality axiom would be very simple because or when it is under-determined. By means of the “underestimation of the complexity” argument (Krebs, 2000, p. 25ff) a non-egalitarian theory of “complex equality” is now consolidated, in which the often underexposed distribution questions on the side of egalitarianism are centrally set according to free exchange, income or need (Walzer, 2000). The sentence is programmatic: “If all people could live humanely and the standards of equity of income, qualification, freedom of exchange, etc. would not be continuously infringed upon by attacks from powerful parties but rather observed [...], then one would not be disturbed that standards of equity such as the principle of merit or the principle of exchange are *volens volens* recompensed without merit. Someone who has naturally been granted an above-average talent can only advance once to a Nobel prize winner” (Krebs, 2000, p. 27). Merit is thus never only merit “all the way down” (Nozick, 1974, p. 225) but rather always underfed by inequality (genetics, social environment, etc.). However, this is placed aside because this is the only way in which someone can attribute his/her skills and achievements to him-/herself.

This is the issue. Non-egalitarianism wants to directly discuss the questions of the equity of society *relating to this*. With regard to the category of gender, the “irreducible difference” is to be thus recognized, and what “represents female existence” – or what one makes of it – is “not determinable in comparison to male existence” (Wagener, 2005, p. 152).

“Equality” receives contingent character here; it is not ultimate with respect to orientation and outcome.

2.2. What is non-egalitarianism for?

On the one hand, omnipotent fantasies of compensation should be set aside with the drafted customization (cf., ibid., p. 3); on the other hand, the risks of “alienation” (Frankfurt, 2000, p. 49), of humiliation, marginalization, stigmatiza-

tion (Anderson, 2000), of “assimilation and loss of freedom”, etc. (Wagener, 2005, p. 159), which were still inherent in the relationality of egalitarian provenance, are prevented (the “levelling down” bogeyman does not play a significant role here).

Rationalization meets ethical arrangements. Even with non-egalitarianism, the state does not have anything negative to protect (exception: Nozick, 1974) but rather to positively ensure that no one has to live in inhumane conditions. This encompasses not only necessities such as shelter, nourishment, medical provisions, etc.; the guarantee of humane living conditions spans much further: “To live off of social aid although one dedicates oneself to raising children or caring for relatives for the entire day is demeaning” (Krebs, 2002, p. 134). The *principle of equality* does not address this; however, with the priority-related absolute standards of equity, one can both head into a “base area” and “‘level up’ into the surplus area” because that is exactly where “the equality principle competes [...] against an abundance of firmly established standards of equity that demand unequal distribution” (ibid., 2000, p. 21).

2.3. Non-egalitarianism by what means?

The threshold is laid out differently (cf., Drerup, J. 2015, p. 104), but it is base to define all interpretations in the context of education as enablement of the participation in liberal democracy (likewise as a guarantee of this). Non-egalitarianism “can name clear target and fulfilment conditions for this when the abandoned objective with threshold values is truly achieved” (ibid., p. 106). “Scholastic inequalities above this level are morally unproblematic” (Giesinger, 2007, p. 362).

Aside from the fact that the simple establishment of the threshold can be doubted (cf., Nullmeier, 2000; Wildt, 2006), no other extraordinary ways are found with the package other than egalitarianism. In both, the equality of genders, e.g., is the ultimate objective; the encouragement of giftedness in both genders can be declined or supported here just as there; the same is true of gender ratios and gender segregation/desegregation in lessons. And with respect to conclusions, the question stands before both: which enough is enough?

Conclusion: A waste of time?

Because the discussion has long been not only about equitable distribution in terms of opportunity distribution but rather about taking advantage of opportunities in the context of education, which nevertheless certainly first becomes a concrete option through one’s efforts, the concluding obligatory question must

also state which theory triumphs concerning how educational practices are to be (correctively) managed.

But what is then to be learned? When equity theories as presented here capitalize on evaluation and regulation, the opportunities of this kind regarding gender and education, nonetheless, appear to be interchangeable so that they are currently unable to initiate direction (or any kind); then one is once more referred to the contingency that is “authentically” inherent in the equity term and historically could always only be temporarily shifted towards obligation.

For the time being, this may sound deficient. However, the weakness is precisely the strength. Equity forms reproduced in such a way provide significant offerings for society as a whole in this “to find formulations for the notion of equity that overlap the judicial system and the political system” (Luhmann, 1995, p. 229). Thus, it is highly functional, here in an individual instance, not to be able to say what is fair for boys or girls. A standard of equity formed in this manner can invariantly be temporarily offered to a variety of actors; it effectively centres on diverse communication forms of the question which is, in turn, treated as *not* contingent with respect to what is fair.

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