

# 10. Intersectionality, Gender, and Equal Opportunity

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**Abstract:** The diversity of people and their complexity makes it fundamental to look not at a single factor when examining their lives, but at multiple factors. Thus, it is vital to bridge various individual and collective characteristics, such as race, ethnicity, class, gender, sexual orientation, disability, religion, and age. Intersectionality plays a significant role in this process. This concept analytically approaches the existing power relations at the intersection of different social dimensions. It aims to determine how these characteristics interact with socially implemented social, economic, and family dynamics. This chapter begins with a solid conception of intersectional justice and an analysis of the multiple injustices that can be aggregated because of the power relations established in society. It also intends to address complex issues within the scope of gender equality, such as reproductive rights, female genital mutilation, employment, priority setting in healthcare, work, and political representation. The authors recognize the multidimensional and relational nature of social positions and suggest that institutions that allocate opportunities and resources, including the school system, labor market, health system, social security system, taxation, and media, should be instruments for true intersectional justice.

## 1. Introduction

The diversity of people and their complexity makes it fundamental to look not only at one factor when examining their lives but at multiple factors. Thus, it is important to bridge various individual and collective characteristics, such as gender, race, ethnicity, class, sexual orientation, disability, religion, and age, which is why intersectionality plays a significant role (McCall 2005). This concept intends to analytically approach the existing power relations at the intersection of different social dimensions. It aims to determine how these characteristics interact with socially implemented social, economic, and family dynamics.

This chapter starts with a view of intersectional justice and an analysis of the multiple injustices that can be aggregated because of the power relations established in society. It also addresses complex issues within the scope of gender equality, such as reproductive rights, female genital mutilation, employment, priority setting in healthcare, work, and political representation.

The multidimensional and relational nature of social positions and institutions that allocate opportunities and resources, including the school system, labor market, health system, social security system, taxation, and media should be instruments for true intersectional justice.

## 2. An Ethical Platform for Intersectionality Justice

There is no consensual view of the expressions “justice” and “equity” or their functional content, which has important repercussions at political and social levels. The initial question to be asked is what justice means, as Solomon and Murphy (2000) claims. If the Justinian Code warrants a continuous or perpetual desire to give each person what is due to them, for Aristotle, through his famous formal principle of

justice—also called the principle of formal equality—justice should be understood as treating equals equally and unequals unequally to the extent of their similarities and dissimilarities.

This Aristotelian principle is of immediate application to intersectionality as it is required that social institutions provide all citizens with identical access to different social and economic opportunities. A common critique of the formal principle of justice, however, is the lack of substance: the frequent impossibility to specify the relevant properties of the subject or circumstances that allow this equality to be determined. To allow for the appropriate application of this principle in very diverse circumstances and to ensure that equality is not merely a matter of “form”, different material principles of justice have been proposed over the centuries to ensure a material context in which equality can be realized. Necessity, merit, and even market forces are examples of material principles of justice where not only the form but also the substance (matter) are part of an inseparable whole.

However, while it is true that different models of social welfare, in health, education, or maternity and old age protection, rely on different material principles of justice, to give consistency and coherence to public policies, different theories of distributive justice have been proposed. A “theory of justice” is an integrated and systematized body of rules and principles with internal coherence and fundamental logic. It allows us to clarify how citizens can benefit from different social and economic opportunities and to expand their talents and capabilities. A theory of justice particularly suited to an advanced model of welfare state is the egalitarian theory of John Rawls (1971, 2001). According to Rawls, citizens implicitly establish a social contract with society and its institutions to guarantee individual freedom and equal access to primary social goods as founding values of a well-ordered and well-structured democratic and plural society. This egalitarian vision of society guarantees equal opportunities regardless of arbitrary characteristics such as gender, ethnicity, and disability.

Rawls then defined a theoretical situation in which the impartial observer—the reasonable citizen—is on an imaginary plane (historical and cultural), where the patrimonial, cultural, gender, health, social, or wealth situation (under a veil of ignorance) is unknown in concrete terms. In this context, albeit only theoretical, the “impartial observer” would decide to ensure the best living conditions and well-being for themselves and their household, including access to key positions in society. Therefore, by not knowing where they stand on the socioeconomic gradient, the decision-making process would inevitably lead to the protection of the worse-off groups in society, ensuring identical opportunities for all. In other words, the “impartial observer” would advocate, in principle, effective social and economic opportunities, protecting the sick, the disabled, and the least advantaged in general. Hence, John Rawls’ two principles of justice were formulated for advanced citizenship in the following hierarchical order:

1. Every citizen must have access to the most complete system of basic liberties;
2. Difference principle:
  - (a) Access to key positions in society must be provided with fair and equal opportunities (not just formal equality).
  - (b) Ultimately, the allocation of resources and the distribution of social goods must favor the worse-off in society.

Thus, public policies in most civilized societies, especially social welfare policies, but also in the political and economic spheres, have been profoundly influenced by this principle of equality of opportunity. Indeed, most social, educational, and health policies include, on the one hand, equitable access to various social goods and, on the other, some form of positive differentiation for the worse-off groups in society. Positive discrimination policies, of which affirmative action in many countries is a good example, assure access of cultural minorities to key positions in society. And gender equality policies are no exception. However, it should be expected a new wave of affirmative action policies to include not just one but also many intersectional causes of discrimination. For instance, an affirmative action policy aggregating two or more individual characteristics such as gender, ethnicity, and disability.

Thus, the principle of equal opportunity (just like, on a legal level, the principle of equality for all citizens before the law) has become the main instrument that determines social, educational, and health policies, especially in the developed world. It justifies some policies of positive discrimination, of which affirmative action in many countries is a good example, by privileging access to certain key positions for cultural minority elements. The same can be defended in the application of gender equality policies. Eventually, a new wave of affirmative action policies is needed to include not just one but also many intersectional causes of discrimination. For instance, an affirmative action policy aggregates two or more individual characteristics such as gender, ethnicity, and disability.

A realistic approach to the principle of equal opportunity implies the existence of institutions legitimized by democratic power to promote advanced capabilities (Sen 2009). Institutional transcendentalism emanates from this model of social organization and is a prerequisite for the widespread implementation of this set of values. The existence and activation of solid democratic institutions is a determinant for true equal opportunity and is the most effective way to prevent the “first injustices” effect determined by family, geography, and gender (Gortmaker and Wise 1997).

Additionally, utilitarianism may leverage intersectional justice (Rachels 2003). Indeed, for consequentialist or teleological accounts of justice, the ends justify the means according to the principle of utility. If the utility of an individual action or social intervention is maximized, then intrinsic goodness is justified, regardless of whether there is proportionality between the means and the ends. The intersection between the public good and economic and social efficiency determines public policies to the detriment of egalitarian values or the promotion of the worse-off groups in society. From a methodological approach, the principle of utility is paramount; an intervention is legitimate if it promotes the greatest possible good for the greatest possible number of people. Utilitarianism tends to focus less on individual people or even traditionally neglected subgroups such as women. Instead, it favors interventions that target large segments of the population, such as tobacco prevention or vaccination programs. While these are necessary strategies, they should not impede the implementation of interventions aimed at smaller groups of citizens. A recurring criticism is that utilitarianism allows for discretionary approaches in different fields.

However, if social utility is maximized by intersectional policies—for instance, because it is seen as a sensitive issue by most of the population—then utilitarianism can also be the basis of intersectional justice. A healthy society should be balanced, stable, and productive. It follows that the positive differentiation of people with more

than one discriminatory factor, such as gender, age, disability, or ethnicity, might indeed promote social cohesion.

In any case, intersectional justice might be justified simply by procedural justice—fair and transparent procedures under the watchful eye of society. The concept of public accountability is intrinsic to this dynamic; that is, the need to be accountable for the procedures used and fully comply with the social contract regarding these issues (Nunes et al. 2011). Public accountability implies that public policy choices must be transparent, accountable, and periodically audited by predefined democratic institutions. Procedural justice, as a common denominator for all perspectives of distributive justice, may not be the best but the only solution in a society where citizens find themselves moral strangers and where there is no unanimous view of the common good (Sandel 2009). In addition, it might be easier for children with intersectional discriminatory characteristics to enjoy the right to an open future (Feinberg 1980).

Thus, intersectional justice has dimensions that intersect with gender. For example, cultural differences, such as ethnicity, can prevent effective access to social mainstreaming, thus becoming a barrier to full and advanced citizenship. Gender and ethnicity are special dimensions of intersectionality (Schulz and Mullings 2005). Therefore, the acceptance of differences and the promotion of effective enjoyment of the different dimensions of society are instrumental in intersectional justice. Disability-related barriers also exist. That is, people with disabilities at different levels represent an important group of citizens who must have adequate access to social and economic opportunities, once again given the principle of fair equality of opportunity. Deficiency of the motor, intellectual, or special senses (e.g., vision and hearing) must progressively be considered a characteristic and not a classic disability as a way to discriminate.

The system must be adapted to guarantee the basic precept of universality in accessing basic social goods. For instance, at the European Union level, intersectionality has been institutionalized given the enormous influence that the EU has on member states and the intense political articulation of equality policies (Verloo 2006), although it may not have yet produced the desired effect of eliminating multiple discriminations. This is a good example of an inclusive equality policy that may be followed by other states. Intersectional justice also refers to spatial equity at the national and global levels. If equals are treated equally and unequally, geographical disparities are, arguably, paramount (Nunes 2022). This notion is especially relevant in the North–South disparities, so that historical causes of discrimination and oppression are analyzed, and new public policies are designed and implemented, including policies promoted by supranational organizations.

In short, during the last few decades, the human rights doctrine has conferred a vast array of social, economic, and political rights (United Nations 2020). Indeed, a truly advanced society provides citizens with tools for free and autonomous choice. This “free will” has been the basis for a new understanding of the international community since the approval of the Charter of the United Nations (United Nations 1945) and the Universal Declaration of Human Rights (United Nations 1948). Therefore, an ethical platform for intersectional justice may be proposed considering the following:

- (a) Equal dignity of all citizens (Nagel 1991);
- (b) Solidarity and fair equality of opportunity (John Rawls 1971; Dworkin 2000);
- (c) Positive discrimination promotes advanced capabilities (Sen 1989, 1999).

Therefore, the multidimensional and relational nature of social positions, life experiences, and oppression systems are determinants of appropriately analyzing intersectionality and its impact on healthcare, employment, and political representation (Collins and Bilge 2020).

### **3. Gender, Healthcare, Employment, and Political Representation**

There is a long-standing tradition in the international community to promote gender equality, although there remains a long way to go. Specifically, the United Nations (1979, 1993), UNESCO (2014), and UN Women (1995) systematically approached the need for equal rights and opportunities between women and men. For interfaces with intersectionality, it is necessary to understand what is experienced because of the intersection of two or more social oppression axes. No axis is more relevant than another, and social categories should not be essentialized.

The concept of intersectionality emerged following Kimberlé Crenshaw's (1989, 1991, 2019) social critique, departing from black feminist and critical legal theory approaches. Crenshaw speaks of "multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized." Nowadays, this concept has evolved and expanded to cultures outside American society and encompasses issues such as far-right populism and reproductive justice. An analytical approach to intersectionality implies the determination of different social indicators, such as gender, ethnicity, socioeconomic class, age, nationality, religion, sexual orientation, and disability, or cultural indicators, such as the physical appearance of a specific disability, texture of the air, color of the skin, physical forms, and color of the eyes.

Despite their American roots, contemporary intersectional studies are inter- and transcultural (Hearn et al. 2013) because the sources of discrimination are largely present in all cultural backgrounds. For instance, reproductive rights, including access to appropriate healthcare services, abortion policies, sexual education, and family planning, have only recently been recognized globally. Most cultures and religions restrict this right (Squires 2008). For instance, in most countries, female genital mutilation is now considered a discriminatory practice that is contrary to women's human rights and human rights doctrines in general terms. This is an example of a balance that must be reached between respect given different cultures and essential basic human (and women) rights, such as physical integrity, sexual autonomy, and self-determination.

At the international level, intersectionality should approach different causes of discrimination in different settings, namely employment, political representation, care work, and healthcare organization (Nash 2008). In healthcare access, lessons should be learned from the COVID-19 pandemic, during which women were discriminated against in many countries. It follows that international organizations should suggest and activate public policies for priority setting, specifically addressing gender sensitivity (Nunes 2022). The construction of national models of prioritization in healthcare should then not only consider the services and goods that can be delivered to all citizens but also assure women's access to specific care, such as reproductive services. Moreover, the rationale for including these services in the basic package should be clear.

Political representation is another issue that must be addressed. As previously mentioned, there is no problem whatsoever, from an egalitarian perspective of justice,

in implementing positive discrimination public policies to overcome the injustice resulting from the multiple intersectional factors of oppression. For instance, many countries have passed laws providing quotas for political representation or high-level public functions. It is usual to enforce that at least 40% of elected political officials should be of different genders and that there should be an alternation of genders of higher public officials. As a special transitory measure, it has been implemented with enormous success in many countries, paving the way for equal representation. This is a transitory characteristic that precisely identifies and defines positive discrimination policies. There has been a lot of pushback against these types of policies because the group on the other side of the fence feels that they are now victims of injustice. However, privileged people do not normally know or understand that they live in privileged places. Thus, multiple forms of discrimination, especially racial discrimination, are commonly structural and embedded in all types of social relationships. Such public policies exist only when discrimination persists.

Further, to accomplish the goal of ensuring the same economic opportunity for everyone, corporate governance policies might be reframed to adjust the constitution of boards of private companies (dual or not) for a more gender-sensitive approach. This positive social responsibility (Brandão et al. 2013), allying gender sensitivity with merit, is a landmark of modern human development. These measures should be accompanied by educational and cultural initiatives that create new perspectives on women in politics and business administration.

This kind of public policy could easily be expanded to intersectional approaches to modern citizenship such that a new wave of affirmative action policies considers not only gender, but also other particularities (Walby 2007). It must be stressed that intersectional justice is gathered not only by feminist accounts of equality (Yuval-Davis 2006) because it can be equally claimed that a man who has a disability and belongs to a specific ethnicity should also be positively differentiated in access to economic opportunities or political representation. Indeed, intersectionality and access to appropriate healthcare, political representation, and social services mean that any combination of two or more discriminatory conditions should be addressed as unjust circumstances that restrict opportunities and the development of full human potential.

It is necessary to have an alliance between social movements in favor of democracy and equality to refer to strategic interests; that is, one must look beyond gender to insert this perspective into other wider movements (Mukhopadhyay 2014). Democracy, human rights, equality, and non-discrimination are part of an inseparable whole, and fair and effective institutions are necessary for their full implementation. This notion demonstrates the need to consider intersectionality, as various forms of inequality and power relations intersect (Walby 2005). Public policies must take place in the context of all these inequalities (sometimes double or triple inequalities), and there must be coordination between marginalized groups; otherwise, there may be a “fight” between groups to determine which is the most oppressed to have more political support (Squires and Kantola 2010).

Thus, despite debates on intersectionality in academia and even at the institutional level, the measures taken are still insufficient to eliminate multiple forms of discrimination. Theoretically, this is an easily accepted concept, but putting it into action and having a transformative approach is a rather complicated matter. Although not impossible. It is only with constant debate of different perspectives between

marginal groups, civil society, academia, and institutions, both at the national and international levels, that it is possible to move forward with specific measures that consider multiple discriminations and do not favor a specific group over another.

#### 4. Conclusions

Intersectionality as an analytical tool helps understand how power relations interact and mutually reinforce. Moreover, gender-based intersectional justice means that women and men possess equal conditions for achieving their full potential, enjoying human rights, and contributing to and benefiting from economic, social, cultural, and political development. It addresses the structural privileges and disadvantages of groups facing the highest structural barriers to society. Hence, discrimination should be considered systemic, institutional, and structural, rather than the outcome of individual intentions.

Considering the existence of different discriminatory conditions such as ethnicity, gender, socioeconomic class, sexual orientation, disability, religion, and age, social institutions must be properly activated to ensure that intersectional justice, including education, plays a major role in promoting these ideals.

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