

A Blatant Case of Over-Accommodation¹

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Abstract

Van Parijs asks whether the fact that men engage in regrettable behavior at much higher rates than women could be seen as a “handicap” due to their hormonal set-up, and therefore as a dimension of gender inequality to men’s disadvantage. I argue that this suggestion rests on unwarranted assumptions about the meaning of gender equality and the causes of men’s behavior. Moreover, even if for the argument’s sake we grant these unwarranted assumptions, it is easy to show that no unfairness is suffered by men because of their (supposedly) unbalanced hormonal constitution. Indeed, if any injustice is done by our current social arrangements, it is injustice to those who suffer from the over-accommodation of this highly dangerous and destructive trait of men’s character.

Keywords: gender equality, hormones, disabilities, violence

INTRODUCTION

It is a known fact that men get themselves into trouble much more often than women do. They commit 95% of murders worldwide (UNODC 2013), over 95% of recorded rapes in Europe (HEUNI 2014), and everywhere have a greater tendency to engage in inappropriate or wrongful sexual behavior. The vast majority of serial killers, prostitute killers, serial rapists, and sociopaths in general are also male. As a result, men are more likely than women to spend long terms in jail and suffer from social disgrace.

In his piece on gender equality, Van Parijs suggests that this phenomenon can be traced to hormonal causes. He does not produce any account of how this may be so, but refers to an intriguing article by Paula Casal (2011) in which scientific evidence on the correlation between high testosterone levels, typical of males, and aggressive, unempathetic, careless, and anti-social

1 For helpful suggestions, I thank Paula Casal and three anonymous referees.

behavior is discussed. Van Parijs asks whether the fact that men engage in regrettable behavior at much higher rates than women could be seen as a “handicap” and therefore as a dimension of gender inequality to men’s disadvantage.

Van Parijs’ puzzle about hormonal inequality relies on a biased and incomplete description of the facts at hand. Once the facts are reassessed and more accurately described, it becomes clear that no unfairness is suffered by men because of their (supposedly) testosterone-driven behavior. Indeed, if any injustice is done by our current social arrangement, it is injustice to those who suffer from the over-accommodation of this highly dangerous and destructive trait of men’s character.

Moreover, Van Parijs’ argument not only assumes a description of our social world that is deeply misleading and inaccurate, but also rests on factual and normative assumptions that are highly controversial. I intend to accept such assumptions for the sake of my argument. However, it will be worth making them explicit and show how disputable and unwarranted they are. This is where my discussion will start.

1. TWO UNWARRANTED ASSUMPTIONS BEHIND THE FOURTH PUZZLE

Van Parijs’ arguments rest on two main premises. The first concerns the meaning of gender inequality; the second concerns the hormonal bases of men’s behavior.

Let’s start with his notion of gender inequality. From the way in which Van Parijs frames the puzzle on hormonal inequality and the other puzzles he considers, it looks as if what he has in mind by gender inequality are differences in opportunities for welfare or resources between men and women. This is not an obvious presupposition. In the rich and highly sophisticated literature on gender inequality (for some useful surveys, see Squires 2000, ch. 4; Walby 2004; Verloo and Lombardo 2007), indeed, such a metric of equality is far from central. Even when comparisons between levels of achievement in terms of resources or welfare are made (see for example Young 2001; Phillips 2003), in most cases they are not taken as relevant *per se*, but as indicators of other dimensions of injustice and gender inequality. For example, women’s higher unemployment rates, lower income, and greater hardship resulting from divorce are taken as signs of the domination, oppression, and exploitation that women suffer in our society. Considering the intricate and fascinating philosophical questions that are involved in these debates, it is puzzling that Van Parijs

assumes as unproblematic that the relevant notion of equality at stake must be some version of equality of opportunity for welfare or resources. What is even more disconcerting is that this unwarranted assumption evidently leads Van Parijs to believe that the only alternative to posing the unorthodox questions he asks is to restate mere “well-meaning platitudes” (Van Parijs 2015: 79).

Once we assume a different notion of gender equality than the one chosen by Van Parijs, such as equality as non-domination or democratic equality as the equal access to full citizenship, it becomes evident that his remarks are in need of much further analysis. Merely pointing at a highly circumscribed welfare loss or an unsatisfied preference will not do.

The second highly controversial assumption that Van Parijs makes is that men’s criminal and sexually inappropriate behavior is explained by hormones. This cannot be the full story. If violent behavior were simply driven by male hormones, we would not be able to explain why, for example, in 2012 in South Africa there were 31 homicides per 100,000 people (and 64.5 in 1995), 39.3 in Jamaica, 90.4 in Honduras, 7 in Moldova, 7 in West Bank and Gaza, and just 1 in the Netherlands, Italy and Spain (UNODC 2013). Of course, in all these countries most killers are men, but such huge variations in homicide rates suggest that the reason cannot be an evenly spread feature like testosterone. The same should be noted about sexual behavior. Rape, sexual harassment, or paid sex cannot be interpreted as the mere satisfaction of an impellent physiological urge (Pateman 1988: 198). In truth, at a point in his discussion, Van Parijs considers the possibility that the bases of men’s behavior are not hormonal, but rather social and environmental. He suggests, however, that his analysis of the disadvantage suffered by men “holds irrespective of the validity of the hormonal diagnosis” (Van Parijs 2015: 87). In the following discussion, I will treat Van Parijs’ puzzle in its straightforward, unqualified version based on the hypothesis that men suffer from a “handicap” caused by their hormonal constitution. In fact, as I will note at the end, Van Parijs is right that the conclusions we may reach on this puzzle can easily be extended to the case in which men’s behavior is determined by environmental factors rather than hormones.

2. WHY IS MEN’S “HANDICAP” NOT TREATED?

I interpret the hormonal puzzle as a matter of justice. I do so not only because this is how Van Parijs formulates it when summing up the four puzzles at the end of his discussion (2015: 88), but also because the debate about gender equality he contributes to is in fact a debate about justice. Discussing gender inequality is not making humorous lists of relative pros and cons of being

a woman or a man, or asking ourselves which gender we should “pity” the most. We ask about inequalities between men and women because we worry that they are a matter of social injustice.

I therefore assume that Van Parijs points to hormonal inequality because he thinks that there is something wrong with the fact that, in our society, a biological feature leading to dysfunctional behavior, which therefore can be described as an unchosen “handicap,” determines the fate and opportunity for welfare and resources of those affected.

In order to assess whether men’s levels of testosterone can be treated as a handicap that raises issues of justice, we may compare it to standard cases of disabilities, for example someone who has lost her capacity to walk. Given the conception of equality that we are assuming here, she suffers injustice to the extent that her unchosen handicap affects her prospects of success in terms of welfare or resources. In order to redress that injustice, if her disability is due to a reversible medical condition, she should have access to adequate healthcare. When this is not possible, society should accommodate her needs and abilities, by removing all the architectural barriers, social rules and practices that cause her physical constitution to be a disadvantage. To the extent that this is unfeasible, she must be compensated.

Now, consider Van Parijs’ worry about men’s hormonal constitution. What is the nature of this alleged genetic handicap? Van Parijs admits that high levels of testosterone do not imply that men can never manage to repress their instincts in order to avoid their worst expressions, but believes that high levels of testosterone induce a tendency to lose control and engage in various forms of anti-social behavior (Yildirim and Derksen 2011). In fact, murders and rapes are only the most dramatic expressions of such a biological disposition. In the literature Van Parijs indirectly refers to, high levels of testosterone are associated with aggressive (Montoya et al. 2012), uncaring, unempathetic (Zilioli et al. 2014), and risk-taking (Stanton *et al.* 2011) behavior; this not only makes men prone to violent crimes, but affects all their interactions with other people and their everyday activities (Legato 2006). If we assume that it is something built into men’s constitution, then this actually looks like a very unfortunate condition, which should be recognized as a handicap. If we are worried about injustice, then we should ask whether our society is doing enough to treat, accommodate, or compensate men for such an impairing disability. If not, men could legitimately complain about our current social arrangement.

As a matter of fact, in our societies we witness no attempt to treat male’s hormonal handicap. However, once we start inquiring about this lack of treatment, we realize that the analogy with other central cases of disability breaks down. The reason why men are not treated, in fact, is not because

males are carelessly left to themselves with their impairing handicap, as is the case with other conditions that could be treated but are not. Rather, the reason why men are not treated is that male aggressive, unempathetic, careless, and risky behavior is taken, and has been taken for centuries, as the norm rather than a handicap. Our whole social world has been organized around the notion that male behavior, as sociopathic as it may look to an enlightened mind, is just normal – if not the model to emulate. Of course, the norm is not described as being aggressive, unempathetic, and prone to risk-taking; the use of these disapproving descriptions is ruled out exactly because male behavioral predispositions have always been and still are very much taken as the golden standard. Rather, those attitudes, typically feminine, that depart from the male constitution taken as the norm are described as feeble, overly risk-adverse, and women are taken to be exceedingly prone to swooning, fainting, and crying. In this respect, like in others, women are conceived as men “minus certain attributes whose paradigm is morphological” (Irigaray 1985: 27); women’s feeble character is traced to their ill-developed biological constitution.

In fact, the proposal that men’s disposition to violent and aggressive behavior could be treated as a handicap and changed through a direct intervention on their hormonal constitution would be perceived as horrifying. Although the alteration of female hormonal constitution is often readily accepted, be that for birth control or achievements in competitive sports, any curtailment of male hormonal constitution tends to be perceived as an unbearable form of violence. This is exactly because those hormonal traits that make males so unfit for healthy social interactions are, in fact, cherished by our culture.

3. HOW MEN’S HANDICAP IS OVER-ACCOMMODATED

With other disabilities, it is often the case that when they fail to be recognized as unchosen handicaps, they fail to be accommodated by social institutions as well. This is the case, for example, with many conditions that received scientific and social recognition only recently, such as fibromyalgia, seasonal affective disorder, or genetic proneness to obesity.

Here is another point at which the parallel between men’s handicapping hormonal constitution and other central cases of disability breaks down. In fact, the failure to recognize men’s “handicap” as such does not result in a lack of accommodation by social institutions, since it is, indeed, seen as perfectly normal and even valuable. As a consequence, the tastes, values, and needs of men, and especially of the most aggressive among them, have shaped our entire social and political system, reaching an almost perfect level of accommodation.

Van Parijs seems to suggest that this was true once, in the remote times of Genghis Khan, but it is no longer the case in our highly civilized society in which physical violence no longer provides a social advantage. However, the genetic trait we are considering here is not violent behavior *per se*, but the high levels of testosterone that make males aggressive, competitive, careless, and prone to risk. Those traits, in fact, still constitute a very valuable factor of social advancement and prestige, and are still associated with higher probabilities to occupy top-rank positions in economic organizations and political institutions. The capacity for “leadership” continues to be celebrated in our society and its major economic and social domains; empirical studies show that such capacity is consistently associated with aggressive, competitive, and careless behavior (Alimo-Metcalfe 2010). Not surprisingly, a strong association has been found between possessing high testosterone levels and being rewarded as a “leader” in firms and social hierarchies in general (Sherman et al. 2015). Lack of “risk-aversion” and “competitive aggressiveness” are considered constitutive of good entrepreneurship (Rauch et al. 2009), and this is seen as giving men a comparative advantage (Sapienza et al. 2006; Lim and Envick 2013). Even in the apparently peaceful, enlightened, and highly civilized academic world, being competitive, aggressive, and not “too nice” is rewarded in terms of career and prestige (Van den Brink and Benschop 2012: 515-16; Bell and King 2010).

There’s more. In fact, if we look at how our major institutions and social practices are built and work, we realize that our treatment of males’ unfortunate hormonal constitution represents indeed a rare case of over-accommodation of an impairing disability. To see how this may be so, consider that wherever a public policy for the accommodation of people with disabilities exists, an important condition is included, which we might call a “safety proviso”²: the accommodation and inclusion in social, political, and economic institutions of people with disabilities should not cause grave risks to the safety and health of third parties. For example, in many Western countries, as people get older they have to pass physical examinations at increasingly shorter intervals in order to renew their driver’s license. Someone who suffers from narcolepsy cannot be hired as an air-traffic controller or as a school bus driver. Of course, this does not mean that their disabilities should not be addressed or that the cost of carrying them should fall only on those affected. People who cannot drive should have access to cheap and easily available public transportation; those who, for medical reasons, cannot be hired in certain jobs must have an adequate choice of alternative careers. However, no wrong is done to them if they are

2 A much discussed example is Section 504 of the *Americans with Disabilities Act* of 1990

prevented from engaging in those activities which would result in very high risks for other people. Indeed, the safety proviso is simply a requirement of justice; it rightly protects the welfare and opportunities of those who might be affected by risky or dangerous activities.

If we take seriously the idea that due to their high testosterone levels men tend to engage in aggressive, risky, careless, or even sociopathic behavior, then we immediately see that not only the hormonal disability that affects men is largely accommodated in our society, but, in fact, it is unduly over-accommodated, since in their case the safety proviso is massively violated. Unlike poor-sighted people wanting to fly planes, men are not prevented from engaging in activities and taking up roles that are likely to put other people at risk if carried out by someone with such an unbalanced constitution. In fact, men represent the vast majority in those jobs in which testosterone-driven aggressive, risky, and careless behavior is most likely to cause serious damages. In Western countries, 75% to 90% of those who work in law enforcement are men; women are only 10% of the police workforce in Portugal,³ 13% in Spain,⁴ 13% in Italy and the U.S.,⁵ 15% in France, 22% in the Netherlands and 28.2% in the U.K.⁶ Men still occupy the vast majority of public offices and are still dominating politics, especially in those executive roles that require making life-and-death decisions on the fate of millions of people. Men represent 93% of political leaders (heads of state or heads of government) in the world;⁷ 88% of U.S. State Governors are men; 88% of mayors of U.S. major cities are male;⁸ in Europe, 66% of members of National Supreme Courts are men;⁹ they make up 82% of those sitting in decision-making bodies of Central Banks;¹⁰ they are 73% of senior ministers in national cabinets; and 89% of leaders of major political parties

3 <http://www.theportugalnews.com/news/only-one-in-10-psp-officers-is-a-woman/6061> [last accessed 12 February 2016].

4 <http://www.elnortedecastilla.es/salamanca/201510/17/mujeres-ganan-poder-representan-20151017123638.html> [last accessed 12 February 2016].

5 <http://www.criminaljusticeschoolinfo.com/women-law-enforcement.html> [last accessed 12 February 2016].

6 <http://sputniknews.com/europe/20151202/1031099667/uk-women-police.html> [last accessed 12 February 2016].

7 <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures> [last accessed 12 February 2016].

8 <http://www.fairvote.org/election-of-women-in-our-100-largest-cities-disadvantaged-by-districts> [last accessed 12 February 2016].

9 http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/judiciary/supreme-courts/index_en.htm [last accessed 12 February 2016].

10 http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/business-finance/central-banks/index_en.htm [last accessed 12 February 2016].

are men.¹¹ Although in Europe women are the majority of physicians under 35, men still dominate the higher ranks of the medical profession¹² (they occupy 86% of top positions in Italy;¹³ 89% of leadership positions in Germany;¹⁴ and they represent 72% of consultants in the U.K.)¹⁵. 83,7% of the U.S. active army,¹⁶ almost 90% of the U.K. army,¹⁷ 85% of the French army,¹⁸ and 93% of the Italian army¹⁹ are still composed by men. Such an overwhelming presence of men in dangerous, difficult, and hazardous jobs presumably causes countless episodes of killings, torture, physical aggression, humiliation, maltreatment, medical malpractice,²⁰ physical injuries, and deaths by negligence each year.²¹

Moreover, we should also be aware that the breach of the safety proviso in the case of men would produce even more victims if the non-hormonally-handicapped half of humanity, i.e. women, did not put in practice a whole array of everyday techniques in order to avoid or untrigger men's violence and aggression. These span from coping strategies in abusive relationships (Waldrop and Resick 2004), to self-imposed curfews at night (Bondi and Metha 1999), to the simple act of switching to the opposite sidewalk when a group of men approaches. The non-hormonally-handicapped half of humanity constantly works at reducing the toll that the over-accommodation of men's disability would otherwise exact. But this of course has enormous social costs in terms of opportunities for resources or welfare, which disproportionately affect women.

11 <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures> [last accessed 12 February 2016].

12 <http://www.healthcare-in-europe.com/en/article/11487-male-female-doktors.html> [last accessed 12 February 2016].

13 http://www.quotidianosanita.it/lavoro-e-professioni/articolo.php?articolo_id=12545 [last accessed 12 February 2016].

14 <http://www.healthcare-in-europe.com/en/article/11487-male-female-doktors.html> [last accessed 12 February 2016].

15 <http://www.theguardian.com/society/2010/aug/22/women-doctors-top-nhs-jobs> [last accessed 12 February 2016].

16 <http://www.army.mil/women/today.html> [last accessed 12 February 2016].

17 http://www.huffingtonpost.co.uk/2015/03/27/women-british-armed-forces-sexism_n_6940538.html [last accessed 12 February 2016].

18 http://www.lemonde.fr/societe/article/2014/04/15/l-armee-sous-pression-pour-conforter-la-place-des-femmes_4401356_3224.html [last accessed 12 February 2016].

19 <http://www.esercitoitalianoblog.it/donne-nellesercito-italiano-nemici-dentro-e-fuori/> [last accessed 12 February 2016].

20 Throughout the world men in the medical profession are consistently much more likely than women to be sued for malpractice and this can be traced to differences in their personality traits (Firth-Cozens 2008).

21 Compare for example the striking data on deadly road accidents caused by men's reckless behaviour (Al-Balbissi 2003).

In our society, the only measure that is taken to prevent the disastrous effects of men's high testosterone levels are criminal laws against violent offences. These are a very poor way to address the risks posed by men's handicap. They only offer an *ex post* response when the damage has already been done, are highly ineffective even as a deterrent to prevent future damages, and disproportionately affect people from poor social backgrounds or members of stigmatized ethnic groups. The real target of these measures is not men's pervasive and highly damaging aggressive, careless, and risk-taking behavior, but the kind of violent personal aggressions that are likely to occur and be persecuted in deprived social contexts.

These considerations should also help us see why – as Van Parijs remarks (2015: 87) – we pity members of racial minorities and other disadvantaged groups for the high rates of incarceration they suffer, while we do not tend to do the same with men. A short answer is that it is mainly male members of those disadvantaged groups, rather than men in general, who are incarcerated and therefore should complain about the unfairness of our social arrangements.²² This is a case of intersectionality in which race and class play a fundamental role. Moreover, if we try to disentangle the various determinants of high incarceration rates, we see that race and class on one hand, and gender on the other, play a completely different role. To the extent that incarceration can be traced to poverty, racism, lack of education, a dysfunctional family environment, or inadequate legal defense, it strikes us as an odious side effect of more fundamental forms of disadvantage created by our social institutions. To the extent that incarceration can be traced to men's proneness to aggressive, careless, and risky behavior, it strikes us as a poor and ineffective attempt to mitigate the most atrocious effects of the over-accommodation of such a dysfunctional behavioral trait.

CONCLUSION

I have mainly focused here on the over-accommodation of men's proneness to risky, aggressive, and careless behavior. However, it should be clear that parallel considerations could easily be extended to men's exasperated libido. Our society provides for all sorts of accommodations and over-accommodations of men's sexual appetites, and prostitution is just one of the most evident expressions of such a bias towards men's constitution and the fundamental friendliness to men's sexuality that is a constant of most human societies.

²² Western and Pettit (2010), for example, report that 68% of African American men born after 1970 who have dropped out of high school have prison records, vs. only 1.2% of white males with college education.

It should also be clear that our response to Van Parijs' puzzle on hormonal inequality would be the same even if we assumed that men's behavior has social, rather than hormonal causes. Stressing the importance of socialization in the formation of men's character would only make the central point of our response more evident: men's aggressive, risk-taking, and careless behavior, far from being a disadvantage, is indeed cherished and accommodated in our society, and those traits of character are actively encouraged and rewarded since early infancy.

What would be different, if we dismiss the hypothesis that men's behavior is determined by hormones, is our picture of what it would take for our society to achieve justice, by redressing and preventing all the wrongs, dangers, and harms coming from the over-accommodation of men's behavior. If we took the hormonal hypothesis seriously, then ideally, a just society would consider the dismal (and very costly) prospect of massively medicating males or excluding them from those jobs and roles in which their high testosterone levels create unbearable risks for other people. If we instead see men's dysfunctional behavior as mainly determined by environmental causes, justice will be achieved through a different and much more appealing path: by pursuing more enlightened methods of male socialization, and a collective re-evaluation of which character traits should count as good and valuable among human beings.

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