

FEMINISM AND LIBERALISM: A NOT-SO-UNHAPPY MARRIAGE

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Abstract

It seems that political liberalism and feminism constitute an “unhappy marriage.” I shall argue that it should be a happy one. Liberalism does more feminist work than feminist theorists acknowledge. Feminist theorists raise both internal and external critiques. Some of the internal critiques are ungrounded and based on misinterpretation of key liberal concepts, while others can be accommodated by revising the liberal framework. In contrast, the external criticisms, which are presented as a definitive challenge to liberalism, are unsuccessful. They themselves implicitly rely on some key liberal assumptions, which shows that they are ultimately internal critiques. My primary aim in this paper is to show that the feminist critiques remain within a liberal framework. Feminists also claim that liberal theory is incompatible with current facts about gender. I shall call these “inefficacy critiques.” As my secondary aim I shall show that this critique of liberalism relies on a misunderstanding of the distinction between normative and descriptive claims.

Keywords: liberalism, feminism, Rawls, justice, public/private.

Most feminist theorists see political liberalism as the “enemy.” But something seems to be at odds with this, for feminism initially appealed to liberalism in order to further its claims for equality. Feminism was in many cases presented as an extension of the liberal project. What is it about political liberalism that is problematic for feminist theory and why? Can feminist theory in fact “do away” with political liberalism, as is continuously suggested?

It seems that political liberalism and feminism constitute an “unhappy marriage.” I shall argue that it should be a happy one. Feminist theorists critique both the liberal design and the assumptions of political liberalism. Critiques of the design, which aim to a modification of liberalism, are internal critiques. Critiques of the assumptions, which ask for a rejection of liberalism, are external. Some of the internal critiques are ungrounded and based on misinterpretation of key liberal concepts, while others can be accommodated by revising the liberal framework, as some feminists also acknowledge.¹ In contrast, the external criticisms, which are presented as a sort of definitive challenge to liberalism, are unsuccessful. They themselves implicitly rely on some key liberal assumptions, which shows that they are ultimately internal critiques. I am not referring to internal critiques in a pejorative way. Nor I am trying to suggest that liberalism has attended or resolved all the valuable critiques raised by feminism. My primary aim in this paper is merely to show that the feminist critiques remain within a liberal framework.

Feminists who raise either internal or external critiques also claim that liberal theory is

incompatible with current facts about gender. I shall call these “inefficacy critiques.” As my secondary aim I shall show that this critique of liberalism relies on a misunderstanding of the distinction between normative and descriptive claims. Once again, it turns out that liberalism does more feminist work than feminist theorists acknowledge.²

I will develop my argument in the following steps. I begin with a brief characterization of the most representative contemporary version of political liberalism, that of John Rawls. Then I will discuss the main feminist internal critiques of Rawls’ theory. Next I show that the major external critiques of political liberalism are actually internal critiques. I will then analyze the confusion about normative and descriptive claims on which several feminist critiques rely in order to show some further similarities between the feminist and the liberal projects. Finally, I will offer some brief remarks about the modifications that political liberalism requires in order to accommodate the feminist critiques.

1. Rawls’ Political Liberalism

Political liberalism is built upon the modern ideals of freedom and equality. Rawls’s liberalism is developed as an answer to the question “How is it possible for people holding different and irreconcilable comprehensive doctrines to live under one political regime which all of them consider legitimate?”³ Rawls argues that citizens converge on a political conception of justice that will govern their political life. However, no agreement is necessary on how to lead a good life. Rawls envisions a consensus that is strictly political and thus covers “constitutional essentials and matters of basic justice.” Besides the political conception of justice, citizens hold various “comprehensive doctrines” that articulate their moral, religious, and philosophical ideas⁴. Rawls argues for an “overlapping consensus” on the political conception of justice among these comprehensive doctrines. The political conception of justice is, Rawls maintains, “freestanding,” that is, not presented as derived from, or as part of, any comprehensive doctrine. As a result of this, Rawls’ political liberalism encompasses a distinction between the political realm –ruled by the political conception of justice— and the non-political realm –informed by various diverse comprehensive doctrines. This distinction makes it possible to preserve freedom with respect to non-political issues that fall beyond the scope of justice, while still justifying legitimate political power regarding political matters.

The comprehensive doctrines and the conception of justice constitute two separate spheres according to Rawls: The moral and the political sphere, respectively.⁵ They are frequently referred to as the private and the public realm. Yet some clarification is necessary, for the concepts “political” and “public” do not coincide with those of “moral” and “private,” respectively. On the one hand, it seems to be evident that not everything that is public is political, e.g. most corporation and social

clubs. On the other hand, morality is often not seen as a private (or merely personal) thing. Rawls restricts the application of the conception of justice to the essentially political issues. The public in the Rawlsian sense thus corresponds only to the political aspect of public life. Everything else, which he in fact calls the non-public, is 'private' in an artificially broad sense. The "private" in Rawls's framework thus covers both the social and the personal. Historically, liberals wanted to draw a distinction between society and politics. They saw society as the realm for free association, as opposed to the necessary association through the state: "The liberal ideal of private life was not to protect the individual from society but to free society from political interference."⁶ According to this understanding, a large part of the "private" is the social. But the "private" has also been seen as the personal, intimate realm, which is opposed not just to the political but also to the social world.⁷

Because feminists use the word 'private' to refer to what Rawls means by the non-political, I will use the that term to denote both the personal and the social life. Comprehensive doctrines, which rule private life, are therefore not necessarily personal but often social. They are frequently based on religious or philosophical views that are not strictly personal, although they admit personal variations. The political conception of justice overlaps with the various moral comprehensive doctrines. However, the conception of justice that Rawls is putting forward is not meant to overlap with *all* conceivable comprehensive doctrines. He emphasizes that he is only referring to what he calls "reasonable comprehensive doctrines." The notions of freedom and equality of all citizens, as well as the willingness to come up with fair terms of social cooperation, are characteristic of reasonable comprehensive doctrines.

So far we do not know what justice is in Rawls's view, but only that there is a freestanding conception of justice with a scope that is merely political. The political conception of justice is constituted by two principles of justice, early developed by Rawls in *A Theory of Justice*⁸. The justification for the principles of justice is contractualist: Free and equal citizens would reasonably choose these principles of justice in a hypothetical situation –the "original position"— in which they do not know their position in society and hence might be the least-advantaged ones. They are behind a "veil of ignorance," which guarantees the fairness of the chosen principles. The first principle calls for the most extensive equal basic liberties, while the second principle prescribes that inequalities should be arranged so that they provide the greatest benefit for the least advantaged. Freedom and equality thus shape the political conception of justice, which is in Rawls's view deontological: "Each person possesses an inviolability founded on justice that the welfare of society as a whole cannot override. (...) Therefore in a just society (...) the rights secured by justice are not subject to political bargaining or to the calculus of social interest."⁹

Political liberalism's implicit moral foundation is the intrinsic moral worth of individuals, which is taken as self-evident for contemporary liberals. The principles of justice that embody

these ideals have therefore universal value. Because of the universal character of its foundational idea, and the subsequent universal appeal of the principles of justice grounded on freedom and equality, political liberalism is a theory of universal pretensions.¹⁰ This, however, does not deny the aforementioned fact that, according to Rawls, political liberalism will only work if its political conception is endorsed by people holding “reasonable” comprehensive doctrines, that is, doctrines that are compatible with, supportive of, or at least not in conflict with the notions of freedom and equality involved in the political conception of justice. Freedom and equality are clearly the key ideas of Rawls’s political conception of justice, which in his view has priority over our conceptions of the good and thus has the power to exclude some of them as unreasonable. Several criticisms have been raised to Rawls’s political liberalism; for instance: Can any political view be freestanding? But let us focus on the feminist criticisms.¹¹

2. Internal Critiques

Rejecting Sexism

Many feminist criticisms of political liberalism in general, and of Rawls’s proposal in particular, aim at restructuring political liberalism’s design, in particular its problematic distinction between the public and the private. The most prominent critique raised by feminists is that although political liberalism rejects public sexism, it still allows for women’s discrimination in the private sphere. Feminism is one among many possible comprehensive doctrines that can be accommodated in liberalism, just as sexist views can be accommodated as well. Thus private sexist views and practices cannot be rejected on the ground that they are unjust, because justice is a specifically *political* virtue and should not be predicated of non-political institutions and practices. As comprehensive doctrines that rule our private life, feminist and sexist views are “equally good” from a political perspective which aims at neutrality with respect to the various conceptions of good life. This position, allegedly supported by Rawls’s liberalism, has understandably infuriated *most* feminists. Some, like Susan Okin, have a different position.¹²

The initial question is whether Rawls can refuse to accommodate sexist comprehensive doctrines in political liberalism’s scheme. As I already mentioned, Rawls argues that the liberal political conception of justice only overlaps with “reasonable comprehensive doctrines.” Hence if it can be claimed that sexist views constitute unreasonable comprehensive doctrines, they have no place in a liberal framework. Okin thinks that this is possible and I agree with her. It seems to be a matter of common sense that sexist views are unreasonable.

But what does Rawls mean by “unreasonable”? It is certainly true that Rawls is markedly vague with respect to this and other key notions. At any rate, reasonableness is systematically

associated with the ideas of freedom and equality of *all* citizens, as well as the willingness to come up with fair terms of social cooperation. Therefore, since sexism endorses gender *inequality*, it is unreasonable. According to Sharon Lloyd, for a doctrine to be unreasonable it needs to use the state's power to deprive other citizens from their rights and liberties. Since most sexist views do not even attempt to use the state's power or any political resource to further their interests, they are not unreasonable, Lloyd claims.¹³ However, she is misreading Rawls. It is true that one of the paradigmatic cases of unreasonableness according to Rawls is one in which you make use of the political resources to advance your view. But he never restricts unreasonable doctrines to that type of case. Lloyd is in effect taking an example as a definition, which is perhaps caused by the fact that Rawls himself does not offer a clear-cut definition of reasonableness.¹⁴

"The personal is political"

At any rate, political liberalism's distinction between the public and private spheres is a problem. Feminist theorists often objected with the slogan "the personal is political." The objection is that, *pace* political liberalism, the personal should not fall outside the scope of justice. Justice should apply to the family. According to political liberalism, justice is a political virtue and the family is a non-political (meaning private) institution. The feminists object that the personal (for instance, relationships within the family) is political (a locus of injustice). It seems obvious that the fight for gender equality must go beyond devaluation and discrimination of women in the public sphere to the patterns of domestic labor and women's devaluation in the private sphere. Since it is women who mostly suffer in the private sphere, and it is not possible for them to appeal to justice in that realm, inequality is at the very root of the public/private distinction. The fact that there is such a distinction is problematic for women, not for men. Since women are more likely to suffer its negative consequences, the distinction itself entails inequality. This led feminists like Carole Pateman to claim that "[t]he dichotomy between the public and the private [...] is ultimately what the feminist movement is all about."¹⁵

Put in other terms, if we accept Rawls's private/public distinction, and his consequent claim that justice only applies to the public realm, we cannot claim that there is *injustice* in the private sphere. There cannot be injustice because there cannot possibly be justice in the first place. "Just" is not a proper attribute of relationships in this realm. That is not meant to deny that there can be (and certainly are) various non-desirable behaviors and attitudes in the private space. But, according to his distinction of spheres, Rawls would call them *non-just*, which in the eyes of most feminists condones sexist private practices. However, Rawls's refusal to refer to justice in the private sphere can also be understood differently. It can actually be considered consistent with the feminist claims that I will review in the next section, namely, that justice is an insufficient concept to characterize what is desirable within personal relationships. For instance, wives do not expect their husband to treat them only "justly," that is, in the way he would treat any citizen. A wife in

fact expects more: She asks for love and care.

An issue that has been particularly confusing is Rawls's claim that families are *in some sense* part of society's basic structure, which is regulated by the political conception of justice.¹⁶ Rawls's rationale for including the "nature of the family" within the basic structure of society is that institutions belonging to the latter "have deep and long-term social effects and in fundamental ways shape citizen's character and aims, the kinds of persons they are and aspire to be."¹⁷ Thus families should be *to some extent* just. Yet, Susan Okin asks: "How can families be both part of the basic structure and not political?"¹⁸

Sharon Lloyd carefully analyzes in which sense families can be just for Rawls.¹⁹ She argues that "the constraints of a just basic structure rule out some family practices."²⁰ In fact, in political liberalism some practices within families are excluded based on the political conception of justice:

[Families] must be just as in *subject to the constraints a just basic structure imposes*. [...] Families are composed of equal citizens and future equal citizens, and the principles of justice guarantee basic rights, liberties, and fair opportunities for each of them. We could say that this requires that families be just, but it would be truer to Rawls's meaning [...] to say that permissible family forms must not be *unjust* according to the standard of the two principles. So in this sense of family justice, Rawls will agree with the feminist that families must be just.²¹

Later, in "The Idea of the Public Reason Revisited," Rawls explicitly states that "political principles do not apply directly to its [the family's] internal life, but they do impose essential constraints on the family".²² He adds, "If the so-called private sphere is alleged to be a space exempt from justice, then there is no such thing."²³ However, since Rawls is thereby not imposing a *just* feminist doctrine within the family realm, but "merely" ruling out *unjust* practices, this only sense in which the family is for Rawls just is considered insufficient by most feminist theorists. Yet as Lloyd acknowledges, justice in this sense does require a lot. I fail to see why Lloyd thinks that the fact that families are just in this sense is consistent with her idea that Rawls cannot reject sexist comprehensive doctrines based on their unreasonableness. Both are in my opinion sides of the same token. We get a more coherent picture of Rawls's theory once Lloyd's understanding of what makes an unreasonable comprehensive doctrine is corrected as not necessarily involving the use of the state's power for its promotion.

Several feminist theorists have focused on the more general problematic aspects of the distinction between spheres itself. Alison Jaggar observes that the liberal view of justice, which focuses on the public sphere, overshadows the respect for what is private; therefore it could be questioned whether the commitment to the public-private distinction is compatible with a genuine commitment to sexual equality.²⁴ However, the liberal can claim, first, that he is exclusively

theorizing the public sphere. Second, as explained in the previous paragraph, he can also argue that certain inappropriate private practices can be overruled in the name of justice, appealing for instance to the idea of the individual as right-bearer, or just exclude certain “moral” views as unreasonable.²⁵ Moreover, I want to emphasize that Rawls’s commitment to eliminating inequality definitely applies to sexual inequality as well.²⁶ Feminist criticisms therefore demand the very same principle that Rawls endorses—equality—and validly attempt to broaden its scope of application. I have thus referred to these criticisms as internal ones. The key question then is: What changes in the theory of justice are required to eliminate injustice in the private sphere? This question has not been satisfactorily answered by liberalism.

Retracing the boundaries

A careful examination of the *relationship* between the two spheres (another vague point in Rawls’s *Political Liberalism*) is needed. An analysis of social, cultural, and economic practices is required to redraw the boundaries between the two spheres. Redrawing the boundaries does not mean obliterating them. It is in the best interest of feminism to keep the differentiation between spheres. As I already mentioned, “private” consists of both the social and the personal. So the *liberal* distinction is not the proper target of feminism. As feminists note, society was conceived in abstraction from domestic life, which was perceived as “women’s world.” Power in society was controlled only by men. Domestic life and the activities of nurturing and care (which have been mostly performed by women) were ignored. Thus the liberal celebration of society ran parallel to an exclusion of the domestic world of women. However, as Kymlicka points out, this has unfortunately happened in the entire political spectrum, not just among liberals.²⁷ Aristotelian philosophy, which is the antithesis of political liberalism, also downgrades the domestic sphere. So the fact that domestic life has been ignored is not necessarily tied to the liberal distinction between political and moral sphere, at least not insofar as the private/public distinction is understood as being the social/political one.²⁸

Furthermore, if “private” is understood as the personal, the distinction is indispensable for the feminist agenda. Feminists want ultimately to protect this view of privacy but not in the traditional familiar sense, that is, not as the space of the traditional heterosexual family in which women have been generally subordinated. Instead of furthering the right of the *pater familias* to make decisions, feminists promote the *individual* right of the woman to decide by herself, even within the family realm. Feminist arguments with respect to abortion and reproductive matters, in general, clearly illustrate this claim. Their position thus coincides with the liberal agenda. Since feminism asks for the protection of the individual intimate space of women it can be validly considered an extension of the liberal project.²⁹

It can be questioned whether this aspect of the feminist agenda is consistent with the main feminist claim against political liberalism, namely “the personal is political.” On the one hand, the

“the personal is political” asks for the government to “step into” private life: It should intervene in the private sphere in order to guarantee that all sexist private practices are eliminated, as evident, for instance, in feminist arguments with respect to the division of work within the household, and the policies they propose for pornography. On the other hand, the feminist commitment to the protection of women’s personal decisions demands the government to “keep out” of private life: Women have the right to be let alone to pursue their own personal plans of life, as clear in feminist views with respect to reproductive matters in which no intervention from the government can be justified. So should the government be in or out?

Feminists disagree. Yet some feminists ask for the government to be in *and* out: They appeal to different and ultimately opposing principles depending on the result that they want to achieve in each particular case, and thus are guilty of special pleading. The argument for the government stepping in uses premises that the argument for the government stepping out rejects. If one argument is sound, then the other must be unsound. It is not clear what feminists think the relationship between the private and the political should be. Therefore, it may be very difficult to accommodate all the feminist claims within political liberalism. Even if “the personal is political” asks for the extension of a principle cherished by liberalism—equality—that same extension can compromise other liberal values—personal freedom—that feminists seem to cherish as well. Perhaps this problem is related to some feminists’ proposal of entirely rejecting political liberalism, which I will examine in the next section.

Other feminists, like Iris Marion Young, who explicitly argues for maintaining the public/private distinction, give more information about how to retrace the boundaries between the spheres. In a nutshell, Young claims that the political or public sphere should cover as much as the individuals want it to; nothing should be excluded *a priori* from public discussion. She states:

Instead of defining the private as what the public excludes, I suggest, the private should be defined, *as in one strain of liberal theory*, as that aspect of his or her life and activity that any person has the right to exclude others from. The private in this sense is not what public institutions exclude, but what the individual chooses to withdraw from public view.³⁰

Clearly along with liberalism, she explains that “[t]he purpose of protecting privacy is to preserve liberties of *individual* action, opportunity, and participation.”³¹ She further adds: “The feminist slogan ‘the personal is political’ expresses the principle that no social practices or activities should be excluded as improper subjects for *public* discussion, expression, or collective choices.”³² However, as Rawls continuously highlights, not everything that is public in the sense of social is

properly political. The liberal motivation for restricting the scope of the political has been always to free society from political intervention.³³ If feminists are asking for a revitalization of the social public sphere, where the public is not understood as the properly political, but as the social public, then their demands agree with liberalism's. However, this would convert the feminist slogan into 'the personal is social' or 'the personal is public,' which are in my opinion substantively different from 'the personal is political.'

Young is ambiguous about the terms political and public. Within the context of her analysis of 'the personal is *political*,' she gives the following examples as feminist achievements of bringing something private to *public* discussion: The meaning of pronouns, the practice of men's opening doors for women, domestic violence against women, the sexual assault of women and children, and the sexual division of housework.³⁴ While the meaning of pronouns and the practice of men's opening doors for women have been brought to public discussion by feminists, they have not been brought to *political* discussion, for they are not properly political issues. Domestic violence and sexual assault of women have been made public *political* issues certainly not because they are arbitrary topics which women had the freedom to share within an open socially public discussion but because they clearly constitute cases in which injustices are being committed. They are thus political issues that entail serious violations of individual rights. The sexual division of housework, as already discussed, can become a political issue depending on whether it involves injustice or not. At any rate, Young's suggestion to retrace the boundaries between the spheres is very weak: In some aspects it is wrong, and in the ones it is not it does not prove any different from political liberalism.

4. External critique

Care ethics versus ethics of justice

There is another type of feminist critique, which is presented as external for it attempts to challenge the liberal project completely and constitute an alternative to it. The proponents of this critique do not work towards modifications within liberalism, for they think that the liberal project is radically opposed to the feminist moral one.³⁵ Thus feminism cannot possibly be accommodated in a liberal framework for feminism encompasses a moral project that is profoundly different from liberalism, whose principles feminist theorists reject. Carole Gilligan's findings on the different way in which men and women construct their moral categories has been extremely influential in the articulation of this critique which does not exclusively target political liberalism but the modern universalistic conception of ethics. It is not just the case that the latter constitutes a male-biased conception of justice, but that the very emphasis on justice itself reflects a male-biased theory—a "male-stream" theory, using Mary O'Brien's term.

A “masculine” ethics based on justice and rights opposes a “feminine” ethics of care. Both, Gilligan claims, constitute two fundamentally incompatible tracks of moral development, which imply different moral capacities, reasoning, and concepts, and as Seyla Benhabib observes, also two different understandings of the self.³⁶ Moreover, it is argued that care ethics is a “better morality.” Let us review the characteristics of each of these moral projects.

The ethics of justice and rights aims at fairness and impartiality. It proposes a dispassionate, disembodied and disembodied autonomous rational self which abstracts from “his” particularity in order to propose universal rules and principles which apply equally to everybody.

In contrast, an ethics of care is concerned with particular relationships, solidarity, and responsiveness to particular needs. This approach is perfectly consistent with the features of “maternal thinking” proposed by Sara Ruddick.³⁷ Care-ethics relies on an empathetic, affective, and intuitive self who is embedded in concrete narratives –as opposed to a universally valid, abstract theory. Her ability for contextual moral judgment allows for recognition of a plurality of unequal capabilities which call for specific care and attention. Benhabib has called the care-ethics self the “concrete other,” as opposed to the liberal and modern “generalized other.” Consistent with most feminist views, she also acknowledges that the features of the “generalized other” have been historically considered appropriate for the public and institutional interaction within the political sphere, which has entailed an exclusion from the feminine “concrete other” from that sphere as well as her relegation to the domestic realm.³⁸

The moral feelings corresponding to the standpoint of the generalized other are respect, duty, worthiness, and dignity; whereas the standpoint of the concrete other corresponds to the feelings of love, care, sympathy, and solidarity.³⁹ Furthermore, from the care-ethics perspective it is not merely objective unfairness that is considered immoral, but also subjective-felt hurt, regardless of fairness.

I have two main criticisms of care-ethics. First, we certainly care for the ones we love. But should we care for everybody? Is it even possible to care about all people? Is not care limited to our family and friends? Should we not guarantee that someone cares for the orphan, or the widow, or *everyone* needy in society who might have lost her family and her friends regardless of whether she is our friend or not. This is precisely what Rawls’s welfare liberalism states.⁴⁰ Do not we ask for that in the name of justice, and dignity, and respect, and rights, and all the notions and feelings that Benhabib associates to the liberal self? The key question in my criticism is not whether we should care for everybody but *why* we should do that. And it seems to me that unless you include in your ethical theory some sort of Kantian premise of universal equal moral worth in the way liberalism does, there is no reason why you should extend your care beyond the limits of your family or circle of friends.⁴¹

Second, it seems to me that the care-ethicists' understanding of subjective-felt hurt as immoral can hide abuse, oppression, as well as self-denial of women.⁴² Imagine for instance that a husband claims that he is subjectively hurt if his wife does not serve him and attend all his commands after she comes home from work. Is she then supposed to do that as a caring woman? Cannot it be argued under the care-ethics view that she is morally reproachable if she refuses? It seems to me that this is not what Benhabib, Gilligan, and other care-ethicists will want to say. But on what basis can they justify the wife's refusal? It seems that some notion of justice seems to be necessary—at least as a supplement to care. Feminism as an emancipatory project systematically does appeal to justice but surreptitiously.

Care ethicists certainly want to include in their approach some sort of “universalization,” as well as a *universal* notion of human dignity, which can ground the feminist fight against oppression. Benhabib, for instance, appeals to the idea of “interactive universalization.” But then, although care ethicists had initially referred to the two moral projects as antagonistic, they implicitly rely on some essential notions of the liberal moral project. They are actually working towards the integration of the two moral projects, which is particularly evident in the case of Benhabib. She states,

my goal is not to prescribe a moral and political theory consonant with the concept of the ‘concrete other.’ For, indeed, the recognition of dignity and worthiness of the generalized other is a *necessary*, albeit *insufficient*, condition to define the moral standpoint in modern societies. In this sense, the concrete other is a critical concept that designates the ideological limits of universalistic discourse.⁴³

The care-ethics project is then not one of *rejecting* liberalism, but of introducing *modifications* in it, that is, developing a sort of “better liberalism,” for which many feminists propose to use Habermas' theory—and Habermas is a self-acknowledged liberal. Therefore, the care-ethicists' criticism is properly an internal critique instead of an external one.

A non-liberal theory?

Some feminist theorists, like Carole Pateman, have criticized this implicit commitment to liberal categories. But does Pateman consistently reject liberalism? I do not think so. Consider Pateman's contention for a non-liberal theory:

Feminists are trying to develop a theory of a social practice that, for the first time in the western world, would be a *truly general theory*—including women and men *equally*—grounded in the inter-relationship of the individual to collective life, or personal to political life, instead of their separation and opposition. At the immediately practical level, this demand is expressed in what is perhaps the most clear conclusion of feminist critiques; that if women are to participate fully, *as equals*, in social life, men have to share *equally* in childrearing and other domestic tasks. While women are identified with this ‘private’ work, their *public status* is always undermined. [...] *Equal*

parenting and *equal* participation in the other activities of domestic life presuppose some radical changes in the *public sphere*, in the organization of production, in what we mean by ‘work’, and in the practice of citizenship.⁴⁴

On what basis does Pateman ask for equality? It appears that, much like the modern and liberal theories she criticizes, Pateman is asking for equality as a sort of universal principle which in her view needs to be universally applied in all spheres.⁴⁵ To that extent, she is still committed to the liberal project and is indeed asking for an extension in the scope of application of liberal universal principles. Moreover, although she claims that the separation of the two spheres constitutes an “inherently insoluble problem” of liberalism, she seems to distinguish those realms pretty well in her preliminary account of the alleged non-liberal theory.⁴⁶ Like most feminists, she certainly avoids the liberal language of universal principles in favor of particularity. However, Pateman, like other feminists, implicitly appeals to those universal principles. Thus Pateman’s criticisms of liberalism are internal, not external, critiques.

Something similar is true of other theorists who vigorously argue that the feminist emancipatory politics entails a rejection of modern traditions of moral and political life. An emblematic example is Iris Marion Young, who claims that the liberal ideals are deeply flawed by masculine biases. She claims, “[t]he feminist slogan, ‘the personal is political,’ suggests that *no persons*, actions or attributes of persons *should be excluded* from public discussion and decision-making, although the *self-determination of privacy* must nevertheless remain.”⁴⁷—a statement with which Rawls would have fully agreed. Why, we might ask? Is she not implicitly appealing to modern and liberal ideas, like the universal ideal of equality in order to fight exclusion, and the modern notion of autonomy in order to claim for self-determination? It seems that she is.

4. The “Inefficacy Critique”

Feminist theorists claim that sociological reality is radically different from liberal theory. More specifically, they aver that current facts about gender are incompatible with Rawls’s theory of justice.⁴⁸ Far from them being equal within society, women, they insist, do more housework and assume more responsibilities related to child-care than males. Moreover, it is unlikely that current societies can satisfy the conditions for justice required by liberalism. Liberal theory, in a nutshell, misses reality. It thus has no power to change it. Therefore, they criticize liberalism for its inefficacy to bring about a just world. I’ll refer to this in general as the “inefficacy critique.”

Yet the “inefficacy critique” is not restricted to the lack of positive effects of liberal theory, that is, its lack of power to make reality better. According to most feminists, liberalism is not just ineffective but has had negative effects on society as well.⁴⁹ Iris Marion Young claims that “The

traditional public realm of universal citizenship [based on the modern liberal discourse of justice and rights] has operated to exclude persons associated with the body and feelings—especially women, Blacks, American Indians, and Jews.”⁵⁰ She also states that “The idea of the impartial decisionmaker [which she claims liberalism proposes] functions in our society to legitimate an undemocratic, authoritarian structure of decisionmaking,” and “Autonomy is consistent with hierarchical authority provided the authorities act from impartial rationality.”⁵¹ In a very similar light, Wendy Brown states that “a liberal discourse of generic personhood reinscribe[s] rather than emancipate[s] us from male dominance.”⁵² In general, feminists raising this aspect of the inefficacy critique often refer to what “tends to happen” *because of* liberalism. As a solution, feminists claim it is necessary to explore “what effect the consideration of women’s standpoint might have on a theory of justice.”⁵³ That is, it is imperative to understand reality in order to illuminate theory and thus make it effective.

The inefficacy critique is flawed. It relies on a serious confusion among feminist theorists about the distinction between normative and descriptive claims or discourses, or, in other words, between the role of philosophy and social sciences. Ethics and political philosophy in general, and Rawls’s theory in particular, are not meant to be a *description* of reality, but an account of what reality *ought to be* like. It’s a normative—not descriptive—work. The fact that reality is not the way it ought to be, or that it is unlikely that reality accords to what it ought to be like, does not prove a normative theory wrong. It merely shows that we are not doing what we are supposed to do, that is, that reality does not accord to theory. For instance, empirical data showing that most people within society often lie does not prove that the normative statement ‘People ought not to lie’ is wrong. Likewise, feminist theorists claiming that there are several cases of injustice and inequality within currently (allegedly) liberal societies have not shown that liberalism’s view of justice and equality is wrong. They have merely shown that society is far from being just. In order to counter Rawls’s theory, feminist theorists need to come up with an argument that shows that reality ought to be different from the one that Rawls proposes. So far, however, the liberal view that the world ought to accord to the ideals of freedom and equality has been a powerful tool actually used by feminist theorists in order to criticize the unjust conditions of current sexist and discriminatory reality.

Normative theories certainly involve some descriptive statements about empirical realities. Normative is not coextensive with non-empirical. Some feminist theorists are correct in pointing out important aspects in which the descriptive statements included within liberal theories are wrong. It is thus necessary to correct them. However, that does not mean that they are right in countering normative claims with facts about reality. These two “realms” have to be kept distinct. As long as feminist theorists keep confusing them, many of their valuable observations about empirical reality will remain unarticulated within a normative discourse about what is just and why.

It might reasonably be argued that Rawls is partially responsible for this confusion because of his treatment of the problem of stability in *Political Liberalism*. Susan Okin and Sharon Lloyd discuss the “practical” implications of liberalism in connection with that issue.⁵⁴ The problem of stability, as highlighted by Rawls in the opening lines of *Political Liberalism*, is that no *comprehensive* conception of justice is compatible with the fact of reasonable pluralism, which characterizes modern democratic societies.⁵⁵ The idea of a well-ordered society as developed in *A Theory of Justice* is unrealistic: “This is because it is inconsistent with realizing its own principles under the best of foreseeable conditions.”⁵⁶ It is thus Rawls himself who sets the precedents for the feminist demand that liberalism as a political theory should be “realistic.”

As a general strategy to solve the problem of stability, and as explained throughout this paper, Rawls proposes a *political* (no longer *comprehensive*) conception of justice. Yet he also introduces a distinction between the stages of the “theory.”⁵⁷ The first stage contains the justification of principles of justice, that is, the properly normative aspects. In the second stage Rawls deals with (practical) problems related to stability. So, if by demanding liberalism to be “realistic” Rawls might be seen to confuse theoretical with sociological issues (in the way the feminists do), he in fact is not. He keeps them separate, for they belong to two different stages of the political liberalism. It can be however argued that this distinction between stages is artificial.⁵⁸ It does seem that issues that belong to the second stage, like the overlapping consensus, are in fact essential aspects of what properly constitutes the “theory.” However, a detailed discussion about this issue is beyond the scope of this paper.

5. Final Remarks

I have argued that feminist critiques of political liberalism are, explicitly or implicitly, internal. The ones that are presented as external critiques do not seem to realize that they rely on liberal assumptions. Feminism as emancipatory politics that struggles against oppression of all sorts is thus at home in a liberal framework. As Zillah Eisenstein has pointed out: “all feminism is liberal at its root in that the universal feminist claim that woman is an independent being (from man) is premised on the eighteenth-century conception of the independent and autonomous self.”⁵⁹ Moreover, as highlighted by Kymlicka, “feminist and liberals share a basic commitment to viewing the public power as a means for the protection of particular interests and needs.”⁶⁰ Arguing from the feminist side, Pateman corroborates this: “personal circumstances are structured by public factors. [...] ‘Personal’ problems can thus be solved only through political means and political action.”⁶¹ Without dismissing their crucial differences, I believe it is possible to claim that both liberalism and feminism want to reform the *status quo* based on moral grounds. That is why I have said that liberalism and feminist should not be an unhappy marriage, or one that ends in divorce.

However, political liberalism needs to address the legitimate criticisms raised by feminism. What is needed is a “better liberalism,” one which broadens the scope of the political sphere and restructures the distinction between the spheres (the public and the private seems to be too simple of a distinction) in order to further women’s emancipation and create a more humane society for all. Liberal solutions, both in theory and in practice, tend to put excessive emphasis on legislation. However, as most feminists have noted, not all problems can be solved merely by legislation. In order to deal with social and cultural ‘unjust’ practices, liberalism needs to take into account various sociological and cultural manifestations, in particular in areas of communicative practice and education.⁶²⁶² I gratefully acknowledge the helpful comments of A.P. Martinich in the preparation of this paper.

Notes

¹ See Benhabib and Cornell 1987, Introduction; as well as Kymlicka 1990.

² As part of her discussion of G.A. Cohen's critique of Rawls, Sharon Lloyd has also argued that Rawls's theory is less subject to the feminist critique of liberalism than is generally supposed. Lloyd ms.

³ Rawls 1993, 12. (Hereafter referred to as *PL*)

⁴ A comprehensive doctrine "includes conceptions of what is of value in human life, and ideals of personal character, as well of ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole." *PL* 12.

⁵ This distinction does not deny the fact that the political conception of justice is itself a normative and moral view, as specified in Rawls's "Introduction to the Paperback Edition" (1996, *passim*).

⁶ Kymlicka 1990, 252.

⁷ This understanding was suggested by romantics, who thought that the political sphere included the social sphere.

⁸ Rawls 1971 and 1999. Hereafter referred to as *TJ*. Page numbers refer to the 1971 edition first and then to the revised edition.

⁹ *TJ* 3-4/3-4.

¹⁰ It is less clear in *PL* whether this might still be true.

¹¹ This does not attempt to be an exhaustive account of *all* feminist critiques to liberalism. I am just presenting a summary of what I take to be the main critiques to the liberal project.

¹² Okin 1994, 23-43.

¹³ Lloyd 1995, 1322-1323.

¹⁴ In *PL* 196 Rawls explicitly refers to this case of unreasonableness as an *example*. Samuel Freeman also observes that, instead of defining the concepts of reasonable and unreasonable, Rawls often merely provides examples. Freeman 2003, 31.

¹⁵ Pateman 1987, 103.

¹⁶ *PL* 258, *TJ* 7/7.

¹⁷ *PL* 68.

¹⁸ Okin 1994, 26.

¹⁹ Lloyd 1995, 1324-1332.

²⁰ Lloyd, 1995, 1327. (See also Nussbaum 2003, 503). This, Lloyds correctly observes, is different from the following (wrong) views: First, that families are just according to one particular feminist comprehensive doctrine that is imposed over other non-unreasonable ones, for that would be clearly illiberal. Second, that families are –as Okin suggests— just as *internally* ordered by the two principles of justice, for they are not meant to regulate each institution of the basic structure of society *individually*, but govern "*how* [society's major political economic and social institutions] *fit together* into one unified *system* of social cooperation from one generation to the next." Lloyd citing *PL* 11.

²¹ Lloyd 1995, 1331.

²² Rawls 1997, 789.

²³ Rawls, 1997, 791.

²⁴ Jaggar, Alison. *Feminist Politics and Human Nature*. Totowa NJ: Rowman and Allanheld, 1983, 199; as quoted by Kymlicka 1990, 250.

²⁵ Also noted by Benhabib and Cornell in their Introduction to Benhabib and Cornell 1987, 1-15.

²⁶ This is evident in Rawls 1997, 787-794.

²⁷ Kymlicka 1990, chapter 7 on Feminism.

²⁸ Both Anne Phillips and Zillah Eisenstein agree with his view, which seems to be implicit in Pateman's account as well See Phillips 1987, Introduction, especially 13; and Pateman 1987.

²⁹ Dorothy Roberts' article (Roberts 1995) beautifully illustrates this point. Roberts shows the need to enhance (and not to reject) the liberal view of privacy by recognizing the connection between privacy and racial equality and developing a less abstract notion of freedom. She criticizes liberalism's inefficacy to protect individual's autonomy, and thus she argues for an extension of the liberal project.

³⁰ Young 1990, 119-120; my emphasis.

³¹ Young, 1990, 121; her emphasis.

³² Young, 1990, 120; my emphasis.

³³ See *supra* 5.

³⁴ Young 1990, 120-121.

³⁵ Iris Marion Young explicitly claims that the liberal ideal of formal equality is too weak. Young 1987, 58.

³⁶ I will be following Benhabib's account in Benhabib 1997.

³⁷ Ruddick 1989.

³⁸ Moreover, Benhabib argues specifically against Rawls' version of the generalized other: She claims that the concept of the self behind a veil of ignorance is incoherent, and therefore no sound universalizability test can be carried out in that situation. It is a self, she states, that lacks identity, because identity is not a potential for choice alone but the actuality of those choices. There is no human self behind the veil of ignorance, a fortiori there is no plurality of other selves either. (Benhabib 1997, 745-747). I will not pursue a detailed discussion of Benhabib's analysis of the original position for I want to focus on other problematic aspects of her account. I will merely mention that she seems to ignore that the original position is merely a hypothetical device, and *not* a condition in which we live. Martha Nussbaum has recently referred to this common misreading of Rawls's original position (also carried out by Michael Sandel in Sandel 1998) in Nussbaum 2003, 491-2.

³⁹ Benhabib 1997, 744.

⁴⁰ In fact, behind the Rawlsian veil of ignorance, parties are supposed to consider that they might end up, for instance, being a poor woman that is a member of a currently oppressed minority. Some empathy is thus required by Rawls's theory, as Martha Nussbaum has also highlighted (Nussbaum 2003, 491-3 and 496). Susan Okin acknowledges that "those aspects of Rawls's theory, such as the difference principle, that seem to require a greater capacity to identify with others than is normally characteristic of liberalism, might be strengthened by reference to conceptions of relations between self and others that seem in a gendered society to be more predominantly female." Okin 1987, 71.

⁴¹ This critique is consistent with Pateman's more specific criticism of Ruddick's maternal thinking as a basis for citizenship in Pateman 1992, particularly in 21.

⁴² See Kymlicka 1990.

⁴³ Benhabib 1997, 748; her emphasis.

⁴⁴ Pateman 1987, 121; my emphasis.

⁴⁵ However, as I suggested in the previous section, it seems that equality –like justice— is insufficient to depict desirable personal relationships. I do not expect mere equality in a love relationship, for instance. Moreover, equality can be inappropriate in certain contexts, and might eventually distort personal relationships. For instance, if we ask for equality within the household economy, what are wives supposed to do if their husbands make considerably more money than they do. Are they supposed to compensate for that in order for there to be equality? Are they supposed –for the sake of equality— to split the check when they go out for dinner? Besides that, what does equality entail with respect to the activities that Pateman is talking about? Does she mean that the same amount of time should be invested by the female and the male partner, for instance, in childrearing? There are many cases in which that might be in fact undesirable for the couple. Imagine I will defend my dissertation soon. I do not want my husband to spend the same amount of time than I do taking care of the children. I actually expect him to do more than that. Equality is not sufficient. Precisely because he loves me, I expect him to go beyond equality. Furthermore, Pateman's proposal seems to reinforce an understanding of equality that feminists appeared to be rejecting because they prefer the 'feminine' ability to deal with particular (unequal) needs.

⁴⁶ Pateman 1987, 121.

⁴⁷ Young 1987, 58-59; my emphasis. Yet in other writings she does acknowledge positive aspects of liberalism and seems to be proposing internal critiques of liberalism (see *supra* 30).

⁴⁸ See, for instance, Susan Okin 1987 and 1994.

⁴⁹ See, for instance, Iris Marion Young, Wendy Brown, Carole Pateman.

⁵⁰ Young 1990, 97.

⁵¹ Young 1990, 112.

⁵² Brown 1995, 141.

⁵³ Okin 1987, 71.

⁵⁴ Okin 1994, Lloyd 1995.

⁵⁵ *PL* xiv-xvi.

⁵⁶ *PL* xvi.

⁵⁷ *PL* Lecture IV, section 2.

⁵⁸ This has also been suggested by Jürgen Habermas in Habermas 1995.

⁵⁹ Eisenstein, Zillah. *The Radical Future of Liberal Feminism*. New York: Longman, 1981, 22; as quoted by Phillips 1987, 15.

⁶⁰ Kymlicka 1990, 256.

⁶¹ Pateman 1987, 117.

⁶¹ I gratefully acknowledge the helpful comments of A.P. Martinich in the preparation of this paper.

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