

## Political Liberalism and Male Supremacy

---

CYNTHIA A. STARK

**ABSTRACT** *In Equal Citizenship and Public Reason, Watson and Hartley dispute the claim that Rawls's doctrine of political liberalism must tolerate gender hierarchy because it counts conservative and orthodox religions as reasonable comprehensive doctrines. I argue that their defense in fact contains two arguments, both of which fail. The first, which I call the 'Deliberative Equality Argument', fails because it does not establish conclusively that political liberalism's demand for equal citizenship forbids social practices of domination, as the authors contend. The second, which I call the 'Equal Liberties Argument', fails because it supports a particular version of political liberalism and not the doctrine itself.*

In *Equal Citizenship and Public Reason*, Watson and Hartley argue that the proper interpretation of Rawlsian political liberalism reveals it to be feminist.<sup>1</sup> Political liberalism, they say, demands substantive gender equality in the many domains of social life that bear upon equal citizenship. Their argument is a response to a feminist criticism, which states that political liberalism must allow gender hierarchy because it must tolerate male supremacist comprehensive doctrines.<sup>2</sup> The authors are clear that they are not making the less ambitious argument that a particular conception of justice that would qualify as political in Rawls's sense can have feminist content;<sup>3</sup> they are rather arguing that the structure of political liberalism dictates that any reasonable liberal political conception, as such, has feminist content.

My aim is to show that Watson and Hartley do not rebut the feminist criticism. They do not establish that a politically liberal society as such precludes gender hierarchy. My criticism targets the pivotal claim in their argument, which is that in order to guarantee equal citizenship, as political liberalism demands, practices of male domination in the background culture of society must be eradicated. I believe the authors use the term 'equal citizenship' equivocally. Sometimes they mean by this 'equality in standing and authority to contribute to political debate'. Other times they mean 'equality in the broad set of rights, liberties and opportunities that people have as citizens of a liberal democracy'. I argue that when they invoke the first sense of 'equal citizenship', in what I call the 'Deliberative Equality Argument', they are indeed defending as feminist political liberalism itself. However, it turns out that ensuring equal citizenship in the first sense may require dismantling few practices of domination. When the authors invoke the second sense of 'equal citizenship', in what I call the 'Equal Liberties Argument', they are not, I claim, defending political liberalism as such. Rather they are advancing a particular political conception of justice and so are making the less ambitious argument that a political conception of justice can have feminist content.

I begin with a brief summary of Rawlsian political liberalism followed by a summary of the feminist criticism. Next, I outline the feminist interpretation of the doctrine of political liberalism proposed by the authors. Last, I elaborate on the equivocal deployment of ‘equal citizenship’ alluded to above and explain how it undermines the authors’ feminist interpretation of political liberalism.

### **Outline of Political Liberalism**

The problem that political liberalism seeks to solve and the solution it proposes are as follows: we start with the fact that reasonable pluralism will inevitably arise in a constitutional democracy. Reasonable pluralism consists in a variety of reasonable yet incompatible comprehensive doctrines, or world-views, many of which are not liberal. Reasonable pluralism is produced by the free institutions characteristic of liberal democracies combined with the ‘burdens of judgement’. Those burdens include, among other things, the fact that evidence is often difficult to assess and that values are open to interpretation. The fact of reasonable pluralism generates a problem of stability, which is, how is it possible for a liberal democratic regime to be stable when many of its citizens are not liberal? How can those holding nonliberal comprehensive doctrines nevertheless endorse liberal principles of justice?

In solving this problem, Rawls assumes that most citizens are reasonable, which means that they desire fair terms of cooperation for their own sake, accept the burdens of judgement and their consequences, endorse one of a family of liberal political conceptions of justice, support the liberal principle of legitimacy, and are willing to observe the criterion of reciprocity. Liberal political conceptions as such include a guarantee for all citizens of certain rights, liberties, and opportunities typical of democracies, a special priority for those freedoms and the assurance that all citizens have adequate, all-purpose means to enjoy those freedoms. Reasonable citizens, thus, endorse the idea of free and equal citizenship.

The liberal principle of legitimacy states that the exercise of political power is fully proper only when it enforces ‘constitutional essentials and matters of basic justice’ (henceforth ‘terms of cooperation’) that all citizens as free and equal may reasonably be expected to endorse. This principle gives rise to the criterion of reciprocity, which is a moral duty binding all citizens. It demands that in public deliberation citizens offer to one another terms that they reasonably think that those citizens to whom they offer such terms might also reasonably accept them ‘as free and equal, and not as dominated or manipulated, or under the pressure of an inferior social or political position’.<sup>4</sup> In other words, citizens must offer one another *public* reasons in justifying proposed terms of cooperation. They may not offer terms drawn from their comprehensive doctrines, for they cannot reasonably believe that all of their fellow citizens can reasonably accept such terms. Indeed, the quote above suggests that Rawls thinks that citizens can accept terms of cooperation derived from a comprehensive doctrine that they do not embrace only if they are subordinated to those who embrace that doctrine.

The problem of stability is solved thusly: those with nonliberal comprehensive doctrines are not asked to accept liberalism as true; rather they are merely asked to accept

as reasonable certain liberal values and to offer justifications for terms of social cooperation that draw upon those values alone.

### **The Feminist Criticism of Political Liberalism**

There is reason to think that in a politically liberal society ideals of gender hierarchy will be sustained within the family and background culture. This is because the kinds of nonliberal comprehensive doctrines likely to arise in a liberal society, Rawls says, are the major religions, including their orthodox versions. These doctrines, Rawls explains, include such ideas as that the moral order is given by God and that people must have external sanctions, given by God or the state, in order to be motivated to act morally. As Susan Okin points out, comprehensive doctrines of this sort (Rawls fails to note) may also contain the belief that there is a God-given, natural hierarchy of the sexes dictating that only men belong in the realm of commerce while women belong in the domestic realm as the helpmeets of men and that men have authority over women.<sup>5</sup>

To be sure, as reasonable, citizens with this religious outlook must endorse—that is, affirm as reasonable but not as true—a political conception of justice that contains a conflicting picture of (political) morality. They must, for example, see the political order as constructed by human beings and regard all adults as capable of fulfilling their duties without the threat of external sanctions, for these notions underlie a politically liberal picture of social cooperation wherein citizens establish together binding principles that they are willing to obey provided others do so. Likewise, as reasonable, these citizens must endorse certain ideals of gender equality that may conflict with their comprehensive views, for they must view women as free and equal citizens. Nevertheless, in their families, churches, religious schools, etc., these citizens will no doubt perpetuate male supremacy, just as they will perpetuate, for example,, a morality they believe to be given by God. Hence a politically liberal society is likely to be gender unjust in certain domains, perhaps gravely so.

### **Feminist Political Liberalism**

Watson and Hartley argue that political liberalism is a feminist liberalism, and so we can have both stability for the right reasons and substantive equality for women. They maintain that the criterion of reciprocity requiring citizens to offer only terms of cooperation that others can accept as free and equal citizens will yield this substantive equality. It will do so because this principle limits the family of reasonable liberal political conceptions to those that preclude pervasive social hierarchies and provide the conditions for recognition respect among citizens. The idea is that to make good on the demand that citizens offer only justifications that they believe others can accept as free and equal, a society must ensure that all citizens genuinely have, and are seen to have, the status of equal citizenship. This requires that citizens have, and are seen to have, by themselves and by others, the authority and standing to contribute to public debate. *This* requires not only that the basic structure be governed by liberal principles guaranteeing equal rights and the fair value of those rights, which is what Rawls

stresses, but also that *social* hierarchies be dismantled because these undermine the equal citizenship of those on the bottom of the hierarchy. As Watson and Hartley put it, the criterion of ‘reciprocity entails a principle of non-domination’.<sup>6</sup> Hence, any reasonable political conception endorses that principle and, hence, any reasonable political conception is substantively feminist.

### Why the Feminist Criticism of Political Liberalism Stands

Let me begin my case against Watson and Hartley by reconstructing their explicit argument that politically liberal societies cannot contain practices of domination. This Deliberative Equality Argument is found in the chapter entitled ‘Is Feminist Political Liberalism Possible?’.

- (1) The principle of reciprocity requires that citizens be able to offer and accept terms of cooperation as free and equal citizens.
- (2) Therefore, any reasonable liberal political conception must enable citizens to offer and accept terms of cooperation as free and equal citizens.
- (3) What it is to offer and accept terms as free and equal citizens is to be *genuinely* on a footing of equality in political debate.
- (4) To be genuinely on a footing of equality in political debate, citizens cannot occupy an inferior social position, and they must be (recognition) respected by other citizens.
- (5) Therefore, any reasonable liberal political conception of justice must allow citizens to be genuinely on a footing of equality in political debate; otherwise it is liberal on paper but not in practice.
- (6) Therefore, any reasonable liberal political conception must oppose practices of domination that place some citizens in an inferior social position.

Now consider the authors’ argument that the gendered division of labour—a specific practice of domination—undermines women’s equal citizenship.

Women have done and continue to do most of the work caring for children and other dependents, and as a result have been disadvantaged relative to men in their ability to participate in the labor market, the political sphere and civil society. . . . [T]hose who perform this work should not be disadvantaged relative to other citizens with respect to their ability to participate in the various spheres of social life central to citizenship. . . . If caretakers are disadvantaged with respect to their ability to participate in any sphere of life central to citizenship due to their performance of socially necessary work for which members of society are collectively responsible, then caretakers are not equal citizens with others.<sup>7</sup>

This argument does not claim that doing most of the care work in society undermines women’s authority in political debate. Rather, it says that when women occupy an inferior social position—when they are burdened with considerably more care work than men—they lack certain liberal rights or opportunities that men are assured. In particular, they are deprived of full and substantive equality of opportunity. Hence, they are not equal to men as citizens.

The following Equal Liberties Argument, I maintain, is what underlies the authors' case against the gendered division of labour. (I believe this argument also underlies their case against other forms of domination such as FGM, prostitution, and traditional marriage, but I will not argue that here.)

- (7) The principle of reciprocity requires that citizens be able to offer and accept terms of cooperation as free and equal citizens.
- (8) Therefore, any reasonable liberal political conception must enable citizens to offer and accept terms of cooperation as free and equal citizens.
- (9) What it is to accept and offer terms as free and equal citizens is for *all* citizens to have the *same* set of liberal rights, liberties, and opportunities.
- (10) Therefore, any reasonable liberal political conception must ensure for all citizens the same set of liberal rights, liberties, and opportunities.
- (11) To occupy an inferior social position is to effectively lack at least one liberal right, liberty, or opportunity.
- (12) Therefore, in order for *all* citizens to have the *same* set of liberal rights, liberties, and opportunities, no citizen can occupy an inferior social position.
- (13) Therefore, any reasonable liberal political conception must oppose practices of domination that place some citizens in an inferior social position.

In the Deliberative Equality Argument, the criterion dividing reasonable from unreasonable political conceptions is whether or not a conception guarantees genuine equality in civic debate. The argument assumes that citizens have the same set of rights, but that social conditions, namely practices of domination, can prevent citizens from being equal in their capacity to exercise some of those rights, in particular, their rights of civic debate. In the Equal Liberties Argument, the criterion dividing reasonable from unreasonable political conceptions is whether or not a conception ensures that all citizens have the same set of liberties. The argument maintains that social conditions, namely practices of domination, prevent citizens from having the same set of liberties.

Observe that the criterion of reasonableness for liberal political conceptions in the Deliberative Equality Argument does not require an interpretation of the various rights, liberties, and opportunities that make up a liberal political conception, for it merely insists that citizens have a genuinely equal capacity to exercise their right to participate in debate. It stipulates a causal relationship between practices of domination in the background culture and inequality of standing in the political domain that exists regardless of a specific interpretation of the liberal ideals contained in the political conception. The set of reasonable political conceptions yielded by the principle of reciprocity, then, includes any political conception that adequately addresses the causal connection between social practices of domination and equality of standing among citizens in political deliberation.

By contrast, the criterion of reasonableness in the Equal Liberties Argument *does* require an interpretation of the various rights, liberties, and opportunities that make up a liberal political conception. It stipulates a constitutive relationship between practices of domination in the background culture and inequality of citizenship: dominated people as such lack equality with respect to certain rights and opportunities. For instance, people burdened with care work by an ideology of natural sex difference that has created a certain organisation of the economy lack genuine equality of opportunity.

In order to address that inequality, the value of equality of opportunity is interpreted to require an institutional structure that ensures that women's choices to do unpaid care work are authentic—that is, not caused by inhospitable labour market conditions. Institutions, then, must provide such things as short-term, paid dependent care leave, publicly funded preschool and aftercare, shorter work weeks, more flexible work hours, and job sharing.

This interpretation of equality of opportunity diverges from formal views that merely require nondiscrimination and from other substantive views, such as Rawls's, which demands that citizens with the same talents and willingness to use them have the same chances at particular offices and positions. What the Equal Liberties Argument maintains is that the set of reasonable liberal political conceptions yielded by the criterion of reciprocity includes only those with the interpretation of equality of opportunity outlined by the authors. Furthermore, to be reasonable, a political conception will also include interpretations of other political values such as freedom of contract, as revealed by the discussion of prostitution, and bodily freedom as revealed by the discussion of FGM.

My criticism is this: insofar as the authors' project relies on the Deliberative Equality Argument, it *is* plausibly understood as defending political liberalism itself as feminist. That argument, recall, says that in order for women to be equal with men in political deliberation, as the criterion of reciprocity requires, they cannot be subordinate to men socially. Hence, in order for a political conception to realize the criterion of reciprocity—that is, in order for it to be reasonable—it must prohibit social practices of male domination.

The problem, though, is that it is not clear that the practices of domination alleged by the authors to be obstacles to the criterion of reciprocity are in fact obstacles. Though it is *plausible* that such practices lessen women's standing in public deliberation, it is not *obvious* that they do, and the authors have not made the case that they do, because their rejection of these practices invokes the Equal Liberties Argument. Hence, the reader is left wondering what the causal story *is* that connects genital cutting, undue responsibility for care work, and prostitution to women's diminished authority in political debate. They are also left wondering how the authors think Rawls has gone wrong in asserting that people can act in their private lives on beliefs that they take to be true and also act in their political lives on conflicting ideas that they take to be reasonable. For if this way of acting is psychologically possible, as Rawls avers, then social subordination is compatible with equal citizenship, when that is understood as deliberative equality. People can act on the belief that women *lack* authority to make certain household decisions and also act on the idea that women *have* authority to make political decisions. Hence, although the Deliberative Equality Argument defends political liberalism as such, it does not succeed because it does not establish conclusively that practices of male domination cannot reside alongside a reasonable political conception. Hence it does not refute the feminist criticism.

Insofar as the authors rely on the Equal Liberties Argument, their project is *not* plausibly understood as defending political liberalism as such. It is more plausibly understood as endorsing an *interpretation* of the values inherent in any liberal political conception. But that is just to say that it is more plausibly understood as endorsing a particular conception. The reason for this has to do with what it is, according to the Equal Liberties Argument, to offer and accept terms of cooperation as a free and equal

citizen. It is not, on this argument, to be able to participate as an equal in political deliberation. Rather, it is to have the same set of rights, liberties, and opportunities as others. *That* is what the criterion of reciprocity requires and, hence, *that* is the measure of a reasonable political conception. But in order to show that when someone occupies an inferior social position they lack some right or opportunity enjoyed by others, one must give an interpretation of that right or opportunity.

To see this, consider the claim discussed above, that women's greater responsibility for care work reduces their opportunities. This claim depends on the idea that a person lacks opportunities when they are pressured by patriarchal conventions, and the economic structures those maintain, to forgo certain activities in favor of care work. This is a specific and substantive account of what qualifies as a lack of opportunity. To be clear, I am not challenging this account. My point is that what determines whether a political conception is reasonable, on the Equal Liberties Argument, is the substance of the ideals that make up that conception. But once one specifies that substance, one is proposing a particular political conception of justice. So, the Equal Liberties Argument makes some headway against the feminist criticism because it shows that political liberalism *can* be feminist. But it does not achieve the authors' goal of showing that political liberalism *must* be feminist.

## Summary

I have argued above that *Equal Citizenship and Public Reason* contains two lines of argument for the claim that the doctrine of political liberalism is feminist. On my view, neither of these succeeds. The Deliberative Equality Argument fails to show how practices of male domination undercut women's authority in the domain of political debate and so fails to show that such practices must be absent if women are to enjoy equal citizenship. The Equal Liberties Argument, by contrast, *does* explain how practices of domination inhibit women's equal citizenship: what it is to be subordinated by a social practice is to be effectively denied some liberal right, liberty, or opportunity and so to be effectively denied equal citizenship. However, this argument is not a defense of political liberalism, but rather an endorsement of a particular liberal political conception.

*Cynthia A. Stark, Department of Philosophy, University of Utah, 215 S. Central Campus Drive CTIHB 402, 84112, Salt Lake City, Utah, USA. [cynthia.stark@utah.edu](mailto:cynthia.stark@utah.edu)*

## Acknowledgements

I would like to thank reviewers for the *Journal of Applied Philosophy* and the organizers and participants in the symposium on *Equal Citizenship and Public Reason: A Feminist Political Liberalism* held at the 2019 Politics, Philosophy and Economics Society Conference. I would particularly like to thank Paul Billingham for his feedback on an earlier draft of this article.

NOTES

- 1 Lori Watson and Christie Hartley, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (Oxford: Oxford University Press 2018).
- 2 Susan Moller Okin, 'Political liberalism, justice and gender', *Ethics* 105, 1 (1994): 23–43, 'Justice and gender: an unfinished debate', *Fordham Law Review* 72 (2004): 1537–1567, "'Forty Acres and a Mule" for Women: Rawls and Feminism', *Politics, Philosophy and Economics* 4, 2 (2005): 233–248, and John Exdell, 'Feminism, fundamentalism and liberal legitimacy', *Canadian Journal of Philosophy* 24, 3 (1994): 441–463. For a response, see Martha C. Nussbaum, 'Rawls and feminism' in S. Freeman (ed.) *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003): 488–520.
- 3 See Amy Baehr, 'Perfectionism, feminism and public reason', *Law and Philosophy* 27 (2008): 193–222, S.A. Lloyd, 'Family Justice and Social Justice', *Pacific Philosophical Quarterly* 75 (1994): 353–371, and 'Toward a liberal theory of sexual equality', in A. Baehr (ed.) *Varieties of Feminist Liberalism* (Lanham, MD: Rowman and Littlefield, 2004): 63–84.
- 4 John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 1996), p. xliv. It is important to distinguish the idea that citizens must view one another as free and equal when deliberating about principles from the idea that adult humans of sound mind are free and equal. This latter idea is part of a Kantian comprehensive liberalism. Matthew Kramer claims, I believe incorrectly, that reasonableness, for Rawls, includes this Kantian idea. See his *Liberalism With Excellence* (Oxford: Oxford University Press, 2017), p. 7.
- 5 Okin (1994), p. 29.
- 6 Watson and Hartley, p. 151.
- 7 Watson and Hartley, p. 202. See also, p. 210, where the authors list the features of current US society that show that the gendered division of labour systematically undermines citizenship.