

Allies Against Oppression:

Intersectional Feminism, Critical Race Theory, and Rawlsian Liberalism

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Abstract: Liberalism is often claimed to be at odds with feminism and critical race theory (CRT). This article argues, to the contrary, that Rawlsian liberalism supports the central commitments of both. Section 1 argues that Rawlsian liberalism supports intersectional feminism. Section 2 argues that the same is true of CRT. Section 3 then uses Young's 'Five Faces of Oppression'—a classic work widely utilized in feminism and CRT to understand and contest many varieties of oppression—to illustrate how Rawlsian liberalism supports diverse feminist and CRT projects, and why it may be critical to achieve solidarity between feminism, CRT, and Rawlsian liberalism. Finally, Section 4 responds to five objections.

Keywords: critical theory; fairness; feminism; intersectionality; justice; liberalism; race

Liberalism is often claimed to be at odds with feminism and critical race theory (CRT). On the one hand, many feminists and critical race theorists criticize liberalism for inadequately addressing oppression.¹ On the other, some contend that feminism and CRT conflict with liberal commitments to objectivity, fallibility, and pluralism.² In response, some argue that

¹ Crosthwaite, "Feminist Criticism of Liberalism"; Delgado and Stefancic, *Critical Race Theory*, 21–25; Lawrence III et al., "Introduction," 3; Nussbaum, *The Feminist Critique of Liberalism*; Schwartzman, *Challenging Liberalism*; Young, *Justice and the Politics of Difference*, 166–167, 228.

² Sullivan, "Removing the Bedrock of Liberalism." Also see Economist, "The Threat from the Illiberal Left"; Kapoor, "Feminism is Illiberal"; Powers, "Illiberal Feminism is Running Amok"; Rauch, *The Constitution of Knowledge*.

liberalism can be deracialized and feminist.³ Still, the most influential contemporary liberal political theory—John Rawls’s theory of justice as fairness—has been criticized by feminists and CRT as a pernicious ideology that problematically abstracts away from historical and present-day injustice.⁴ These criticisms have been challenged.⁵ However, they remain common and have disseminated into popular discourse.⁶

This paper argues that Rawlsian liberalism, far from being at odds with feminism and CRT, lends additional support to their central commitments. To be clear, I do not mean that feminism and CRT *need* a Rawlsian justification. My argument is merely that Rawlsian liberalism should be understood as their *ally*. This paper also recognizes that intersectional feminism and CRT are diverse, such that certain theoretical lenses sometimes utilized in these fields—such as Marxism or postmodernism—may not entirely align with Rawlsian liberalism.⁷

³ Hartley and Watson, “Is a Feminist Political Liberalism Possible?”; Hay, *Kantianism, Liberalism, and Feminism*; Mills, *Black Rights/White Wrongs*, 201–216; Mills, “Occupy Liberalism!”

⁴ Kang, “Can Rawls’s Nonideal Theory Save His Ideal Theory?”; Mills, “‘Ideal Theory’ as Ideology”; Mills, “Rawls on Race/Race in Rawls”; Mills, “Retrieving Rawls for Racial Justice?”; Okin, “Justice and Gender”; Okin, “Justice, Gender, and the Family”; Young, *Justice and the Politics of Difference*, Chapters 1 and 2, esp. 16–18, 20, 104–105.

⁵ Arvan, “First Steps Toward a Nonideal Theory of Justice”; Arvan, “Nonideal Justice as Nonideal Fairness”; Arvan, “Educational Justice and School Boosting”; Matthew, “Rawlsian Affirmative Action”; Matthew, “Rawls’s Ideal Theory”; Matthew, “Rawls and Racial Justice”; Shelby, “Race and Social Justice”; Shelby, “Racial Realities and Corrective Justice.”

⁶ Barndt, “The God Trick”; Britton-Purdy, “What John Rawls Missed”; Forrester, *In the Shadow of Justice*; Kang, “Can Rawls’s Nonideal Theory Save His Ideal Theory?”; Mills, *Black Rights/White Wrongs*, Chapters 8 and 9; Petri, “Sorry I Can’t Comment on the President’s Actions, I Just Remembered I’m Turning into a Bird.”

⁷ Schneider, “Integrating Critical Race Theory and Postmodern Implications of Race, Class, and Gender”; Stefano, “Marxist Feminism”; Young, “Post Race Posthaste”; Young, *Justice and the Politics*

My argument does not erase or denigrate these differences. Instead, its point is merely that the central commitments of feminism, CRT, and Rawlsian liberalism converge far more than commonly recognized. And, or so I shall contend using recent findings in moral and social psychology, this may be of real practical importance. It may be vital to build bridges between liberalism, feminism, and CRT to achieve greater solidarity on the political left for dismantling oppression and undermining right-wing narratives opposed to social justice activism.

Section 1 argues that Rawlsian liberalism supports the central commitments of intersectional feminism. Section 2 argues that the same is true of CRT. Whereas Sections 1 and 2 make these arguments programmatically, Section 3 uses Iris Marion Young’s “Five Faces of Oppression”—a classic work widely utilized in feminism and CRT to theorize and contest diverse oppressions—to illustrate how Rawlsian liberalism supports similar goals and projects, and why it may be critical to achieve solidarity between feminism, CRT, and Rawlsian liberalism. Finally, Section 4 responds to five objections, including concerns that my argument may violate requirements of justice related to “speaking for others,” allyship, epistemic appropriation, and intellectual gentrification.⁸ While I take these concerns very seriously, I contend that my argument only supports the work of marginalized scholars, activists, and groups, in ways that may beneficially broaden solidarity and allyship in pursuit of eliminating all forms of oppression.

of Difference, 3, 7, 10, 36. Cf. Federici, *Caliban and the Witch*; Leeb, “Marx and the Gendered Structure of Capitalism.”

⁸ Curry, “Racism and the Equality Delusion”; Davis, “On Epistemic Appropriation”; Edwards, “Aspiring Social Justice Ally Identity Development”; Minh-ha, *Woman, Native, Other*; Trebilcot, “Dyke Methods.”

1. Intersectional Feminism as a Liberal Requirement of Fairness

Liberalism, as a rough approximation, takes “protecting and enhancing the freedom of the individual to be the central problem of politics.”⁹ Liberals generally agree on some things, such as on individual rights to free speech, freedom of religion, to vote, etc.¹⁰ However, liberalism also has many variants, ranging from classical liberalism (which defends laissez-faire free markets), to liberal-egalitarianism (which mandates fair distributions of socioeconomic goods), to cosmopolitan egalitarianism (which mandates global fairness).¹¹ This means that “liberalism is more than one thing.”¹² Nevertheless, many feminists and critical race theorists object to liberalism’s individualism, and to John Rawls’s liberal-egalitarian theory for merely giving an ideal theory of a “fully just society” which abstracts away from injustices.¹³

I believe there to be real merit in criticisms of classical free-market liberalism, which Rawls’s liberal-egalitarian theory also opposes.¹⁴ Critics are also correct that Rawls never adequately addresses serious real-world injustices, including injustices concerning the Global South.¹⁵ However, as Rawls explains and others emphasize, ideal theory arguably plays a

⁹ Girvetz, “Liberalism.”

¹⁰ Girvetz, “Liberalism,” §“Rights.”

¹¹ Blake and Smith, “International Distributive Justice,” §1; Courtland et al., “Liberalism,” §2.

¹² Courtland et al., “Liberalism.”

¹³ Delgado and Stefancic, *Critical Race Theory*, 28–29; Goodhart, *Injustice*; Mills, *Black Rights/White Wrongs*; Mills, “‘Ideal Theory’ as Ideology”; Mills, *The Racial Contract*; Young, *Justice and the Politics of Difference*, 36, 74–76, 228. Cf. Rawls, *A Theory of Justice*, 4–5, 216–217.

¹⁴ Rawls, *A Theory of Justice*, 62–3.

¹⁵ In *A Theory of Justice*, Rawls does address civil disobedience of unjust laws and conscientious refusal to obey unjust legal injunctions (319–346); and in *The Law of Peoples*, Rawls addresses just war theory and assisting ‘burdened societies’ (Part III). However, Rawls fails to adequately address domestic, international, and global injustices more generally. See Arvan, “A Non-Ideal Theory of Justice”; Arvan, “First Steps Toward a Nonideal Theory of Justice”; Arvan, “Nonideal Justice as

critical role in social-political philosophy—of providing a *measure* of how unjust society (and the world more generally) is and has been in the past.¹⁶ Second, although Rawls recognized that addressing injustice is a further question of “nonideal theory,” other authors have taken up the task of extending Rawlsian liberalism to nonideal theory.¹⁷ We will now see that Rawlsian ideal and nonideal theory together support the central commitments of intersectional feminism.

1.1 Intersectionality and Inclusivity as Liberal Requirements of Fairness

Intersectionality is widely recognized in feminism and CRT as an important tool for recognizing, understanding, and dismantling injustice.¹⁸ However, its nature remains contested, and there is “incredible heterogeneity” in how it is understood.¹⁹ Whereas some interpret intersectionality as a theory of social kinds, experience, or oppression, others understand it in terms of multifactor analyses or causal modeling, and others still understand it as a critical praxis or advocacy strategy to inform inclusive social activism and solidarity

Nonideal Fairness”; Mills, “‘Ideal Theory’ as Ideology”; Mills, *The Racial Contract*. Also see Phillips, “Reflections on the Transition from Ideal to Non-Ideal Theory.”

¹⁶ Rawls, *A Theory of Justice*, 7–8, 216–217, and §53. See Matthew, “Rawls and Racial Justice”; Matthew, “Rawlsian Affirmative Action”; Matthew, “Rawls’s Ideal Theory”; Shelby, “Race and Social Justice”; Shelby, “Racial Realities and Corrective Justice”; Simmons, “Ideal and Nonideal Theory”. Also see Erman and Möller, “Is Ideal Theory Useless for Non-Ideal Theory?”, and Erman and Möller, “Three Failed Charges Against Ideal Theory.”

¹⁷ Rawls, *A Theory of Justice*, 215–216. See Arvan, “First Steps Toward a Nonideal Theory of Justice.” Also see Arvan, “A Non-Ideal Theory of Justice,” and Arvan, “Nonideal Justice as Nonideal Fairness.” Cf. Adams, “Nonideal Justice, Fairness, and Affirmative Action.”

¹⁸ Delgado and Stefancic, *Critical Race Theory*, 10–12 and Chapter 2; Evans and Lépinard, “Confronting Privileges in Feminist and Queer Movements”; Gasdaglis and Madva, “Intersectionality as a Regulative Ideal.”

¹⁹ Collins and Bilge, *Intersectionality*, 2.

politics.²⁰ Fortunately, irrespective of these disagreements, intersectionality clearly sets a regulative ideal: it “requires activists and inquirers to treat existing classification schemes as if they are indefinitely mutually informing, with the specific aim of revealing and resisting inequality and injustice.”²¹ Intersectionality’s central insight is that social identities are interconnected, revealing intersecting axes of discrimination, disadvantage, and privilege faced by members of different social groups.²² For example, Black boys and men face specific oppressions—such as police profiling, violence, and mass incarceration—not simply as members of one oppressed social category (being Black), but instead due to specifically being *Black males*.²³ This is important for many reasons, including because it reveals that a social category (being male) that confers unjust privilege to members of some categories (e.g., White heterosexual cisgender men) can generate unique forms of oppression for members of other identities (e.g., BIPOC LGBTQIA+ men, etc.).

Intersectionality is also thought to support particular methods for understanding and combatting injustice. First, it is thought to support standpoint epistemology.²⁴ Because members of different intersecting groups experience different forms of oppression on a daily basis in ways that may be obscured to individuals in other social categories, members of particular oppressed groups appear to be better situated to recognize and understand those

²⁰ Bright et al., “Causally Interpreting Intersectionality Theory”; Collins and Bilge, *Intersectionality*, 50–55; Crenshaw, “Demarginalizing the Intersection of Race and Sex”; Dubrow, “Why Should We Account for Intersectionality in Quantitative Analysis of Survey Data?”; Evans and Lépinard, “Confronting Privileges in Feminist and Queer Movements,” 5–10; Roth, “Intersectionality and Coalitions in Social Movement Research,” §2; Ruíz, “Framing Intersectionality.”

²¹ Gasdaglis and Madva, “Intersectionality as a Regulative Ideal,” 1288.

²² Coleman, “What’s Intersectionality?”

²³ Curry, *The Man-Not*. Also see Alexander, *The New Jim Crow*.

²⁴ Yuval-Davis, “Dialogical Epistemology.”

forms of oppression than members of other groups, particularly unjustly privileged groups.²⁵ Second, intersectionality is thought to require inclusivity²⁶, such as trans-inclusive feminism and transfeminism.²⁷ For, if members of different social identities face different but overlapping forms of oppression and have epistemically privileged standpoints on those oppressions, then understanding and combatting all forms of injustice effectively requires *including* members of all oppressed groups in theorizing and activism, without any forms of domination or exclusion.²⁸

However, as important as intersectionality is, one common concern is that it lacks a clear definition or criteria for distinguishing genuine forms of intersectional oppression from ersatz claims that may uphold unjust privilege.²⁹ First, there is again “tremendous heterogeneity” in how intersectionality is understood, such that “If we were to ask ... [scholars, policy advocates, practitioners, and activists], ‘What is intersectionality?’, we would get varied and sometimes contradictory answers.”³⁰ As another book surveying the field explains:

[W]hen is intersectionality achieved...? Is it a process, a challenge, or an objective that can be measured? ... while intersectionality has become a central way to define and analyse feminist and queer movements, determining how to measure or capture, when, where, how, whether, and why intersectionality has been achieved, attained, or performed, remains an open, and debatable question.³¹

²⁵ Collins, “Learning from the Outsider Within”; McKinnon, “Trans*formative Experiences,” §4.

²⁶ Lépinard, “Impossible Intersectionality?”

²⁷ Koyama, “The Transfeminist Manifesto.”

²⁸ hooks, *Feminist Theory*.

²⁹ Davis, “Intersectionality as Buzzword”; Nash, “Re-Thinking Intersectionality.”

³⁰ Collins and Bilge, *Intersectionality*, 1.

³¹ Evans and Lépinard, “Confronting Privileges in Feminists and Queer Movements,” 6.

To take two cases of problems these disagreements can generate, “gender critical” feminists have alleged that transinclusive activism oppresses children and ciswomen, and men’s rights activists that “toxic feminism” oppresses White cisgender men.³² While many (rightly) find such arguments unpersuasive, other intersectional debates—such as whether Islamic veiling oppresses Muslim girls and women—remain “divisive and conflictual in the feminist movement.”³³ Second, intersectional oppression is closely related to unjust privilege—since “for every oppressed group there is a group that is *privileged* in relation to that group.”³⁴ However, while privilege is “usually taken to be intimately associated with ideas surrounding power, oppression, and inequality,” it is “also clear that the term is frequently deployed without any specificity, and moreover ... is often elided with ‘power’.”³⁵ What is widely accepted is that “privilege is broadly understood as referring to ‘unearned’ advantages or benefits which society grants to individuals and specific groups ... for example, white privilege or male privilege.”³⁶ Yet, this means that to fully understand intersectional privilege and oppression, we must know what makes socially-conferred advantages *unearned* (an issue we return to shortly). Finally, insofar as some feminists follow Young in “displacing the distributive paradigm”—rejecting the notion that justice is primarily a matter of distributing rights, opportunities, and socioeconomic resources—some commentators “have been especially

³² Ditum, “Trans Rights Should Not Come at the Cost of Women’s Fragile Gains”; Joyce, *Trans*; Salzman, “Toxic Feminism.”

³³ Higgins, “Three Hypotheses for Explaining the So-Called Oppression of Men”; Lépinard, *Feminist Trouble*, 32 and Chapter 3; Zanghellini, “Philosophical Problems with the Gender-Critical Feminist Argument Against Trans Inclusion.”

³⁴ Young, *Justice and the Politics of Difference*, 42.

³⁵ Evans and Lépinard, “Confronting Privileges in Feminist and Queer Movements,” 12–13. Cf. McIntosh, “Reflections and Future Directions for Privilege Studies.”

³⁶ Evans and Lépinard “Confronting Privileges in Feminist and Queer Movements,” 13.

troubled by the decreasing focus on social inequality within intersectionality’s scholarship...”³⁷

Of course, some intersectional feminists have offered resolutions to these issues. For example, Ruíz distinguishes “operative intersectionality”—which focuses on abstract, academic examinations of “the *operation of power*” and “identifying primary features of social identity subject to power variances in culture”—from intersectionality as a liberation epistemology, which focuses on decolonization and “critical examinations of lived experience ... *for the purposes of liberation from oppression*.”³⁸ Ruíz then contends that “criticisms of intersectionality are largely criticisms of operative intersectionality,” and thus, that “intersectional social theory is an important analytic tool ... but not in its current academic usage.”³⁹ Other feminist nonideal theorists have offered detailed analyses of particular forms of unjust privilege and disadvantage—such as racial segregation, White feminism, and transnational missionary feminism—in efforts to clearly distinguish genuine from ersatz oppressions, often in ways that link oppression to distributional inequalities.⁴⁰

Still, because intersectionality’s nature remains contested, it would be a strong mark in favor of a theory of justice if it provided a compelling account of unearned benefits and clear principles for identifying, distinguishing, and evaluating different forms of intersectional oppression and privilege. As we will now see, Rawlsian liberalism not only supports

³⁷ Collins and Bilge, *Intersectionality*, 227. Cf. Young, *Justice and the Politics of Difference*, Chapter 1. Cf. Enslin and Tjiattas, “Educating for a Just World without Gender”; and Fricker, *Epistemic Injustice*, who understands oppression in *discriminatory* rather than distributive terms (155).

³⁸ Ruíz, “Framing Intersectionality,” 336–7, and 342. Cf. Roth, “Intersectionality and Coalitions in Social Movement Research,” who distinguishes “structural” from “political” intersectionality.

³⁹ Ruíz, “Framing Intersectionality,” 335.

⁴⁰ See e.g., Anderson, *The Imperative of Integration*; Khader, *Decolonizing Universalism*; Lépinard, *Feminist Trouble*.

intersectionality, but can help with these issues *through* distributive justice arguments that support rather than supplant feminist analyses of power, privilege, and oppression.

Let us begin with the idea of unjust privilege as unearned social advantages.⁴¹ Rawls presents his liberal model of justice as fairness—the “original position”—as an account of precisely this. The original position’s “veil of ignorance” prevents citizens from using knowledge of their own identity (e.g. their race, gender, religion, etc.) to tailor principles of justice to their own unique advantage.⁴² It is thus a device which “ensures that *no one* is advantaged or disadvantaged ... by the outcome of *natural chance or social contingencies*.”⁴³ This means that whichever principles of justice the parties to Rawls’s model agree to, those principles will specify what society must be like to ensure that no one is unjustly privileged.

We can see this further by examining the two principles that Rawls derives from the original position to define a just society:

First Principle: Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

Second Principle: Social and economic inequalities are to satisfy two conditions:

- i. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
- ii. They are to be to the greatest benefit of the least-advantaged members of society (*the difference principle*).⁴⁴

⁴¹ Evans and Lépinard, “Confronting Privileges in Feminist and Queer Movements,” 13.

⁴² Rawls, *A Theory of Justice*, Chapter III.

⁴³ Rawls, *A Theory of Justice*, 11 [emphases added].

⁴⁴ Rawls, *Justice as Fairness*, 42–3.

Rawls's First Principle—the Equal Basic Liberty Principle—entitles all members of society to equal legal protections of various liberties, including rights to free speech, freedom of association, freedom to run for political office, to vote, and so on. This principle also entitles everyone to the *fair value* of political liberties (the right to vote and run for political office), such that these liberties must have the same usefulness for each person.⁴⁵ Rawls's Second Principle then has two parts. Its first part, Rawls's Fair Equality of Opportunity (FEO) Principle, holds that, "In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed."⁴⁶ Its second part, the Difference Principle, then holds that all other social and economic inequalities (principally, income and wealth) must be to the maximum advantage of society's least-advantaged class.⁴⁷ Finally, Rawls's First Principle has lexical priority over the Second Principle, such that inequalities of basic liberties cannot be justified by greater adherence to the Second Principle.⁴⁸ Similarly, the FEO Principle has lexical priority over the Difference Principle.⁴⁹

Bearing this in mind, and the role that Rawls argued that these principles should play as ideals—as measures of how just society is, to guide social reform—let us return to intersectionality.⁵⁰ Notice that Rawls's principles provide clear grounds for determining which groups are unjustly privileged and to what extent, and conversely, which groups suffer which

⁴⁵ Rawls, *Justice as Fairness*, 46–53. Also see Rawls, *A Theory of Justice*, 197; and Rawls, *Political Liberalism*, 358. Cf. Krishnamurthy, "Completing Rawls's Arguments for Equal Political Liberty and its Fair Value," and Krishnamurthy, "Reconceiving Rawls's Arguments for Equal Political Liberty and Its Fair Value."

⁴⁶ Rawls, *Justice as Fairness*, 44.

⁴⁷ Rawls, *A Theory of Justice*, 65–8.

⁴⁸ Rawls, *A Theory of Justice*, 132, 175, 220–224.

⁴⁹ Rawls, *A Theory of Justice*, 266.

⁵⁰ Rawls, *A Theory of Justice*, 215–6.

intersectional injustices and the relative severity thereof. This is not to say that Rawls's principles are the only or best way to recognize intersecting axes of privilege and oppression—as identifying oppression often comes not from theory but from those who experience it directly.⁵¹ It is merely to say that Rawlsian ideal theory can help us understand how forms of intersectional oppression are *also* violations of liberal requirements of fairness.

For, consider Rawls's Equal Basic Liberty Principle, which again holds that a just society would ensure that everyone enjoys equal basic rights and liberties, and fair value of political liberties. This principle is nowhere close to satisfied in the United States.⁵² First, voting suppression and stark racial, gender, and socioeconomic inequalities in attaining political office violate the fair value of political liberties.⁵³ Second, the war on drugs and curtailment of the basic liberties of Black people and other persons of color—including but not limited to racial profiling, pretext stops, and mass incarceration—show that these groups do not enjoy the same basic liberties to drive or walk down the street as more privileged groups.⁵⁴ Third, racial disparities in sentencing and false convictions indicate that Black Americans do not enjoy equal protections of basic liberties in courts of law.⁵⁵ Third, gays, lesbians, queer, and trans folk live in daily fear of anti-LGBTQIA+ violence, and are underrepresented in political offices.⁵⁶ Fourth,

⁵¹ I thank Laura Wildemann Kane for encouraging me to highlight this.

⁵² Arvan, "Nonideal Justice as Nonideal Fairness," 211.

⁵³ Bentele and O'Brien, "Jim Crow 2.0?"; Schoen and Dzhanova, "These Two Charts Show the Lack of Diversity in the House and Senate"; Zippia, "President Demographics and Statistics in the US."

⁵⁴ Alexander, *The New Jim Crow*.

⁵⁵ US Sentencing Commission, "Demographic Differences in Sentencing"; National Registry of Exonerations, "Race and Wrongful Convictions."

⁵⁶ Dinno, "Homicide Rates of Transgender Individuals in the United States"; Rothman et al., "The Prevalence of Sexual Assault Against People Who Identify as Gay, Lesbian, or Bisexual in the United States."

gender and sexuality disparities in sexual violence, and the need for the #MeToo movement to hold perpetrators accountable, indicate that women and LGBTQIA+ groups have not enjoyed the same protections of basic liberties to be free from sexual violence as men of privileged identities.⁵⁷

Rawls's First Principle not only recognizes these as injustices: it supports *intersectional analyses* of them. For example, Black men are profiled, arrested, and imprisoned at vastly higher rates than other groups.⁵⁸ Similarly, although LGBTQIA+ folk face unjust violence, empirical studies show that different intersectional groups face different kinds and levels of it—with, for example, lesbians facing the highest levels of lifetime sexual assault victimization but gay men the highest levels of childhood sexual assault.⁵⁹ Rawls's Equal Basic Liberty Principle supports recognizing these *as* intersectional oppressions—as different ways that persons of different intersecting identities are denied equal protections of basic rights and liberties.

Rawls's Second Principle also support intersectional analyses. Rawls's FEO Principle again holds that, "In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed."⁶⁰ As Wenar explains, this means that,

within any type of occupation (generally specified) we should find that roughly one quarter of people in that occupation were born into the top 25% of the income

⁵⁷ Coulter et al., "Prevalence of Past-Year Sexual Assault Victimization Among Undergraduate Students."

⁵⁸ Tucker Sr., "The Color of Mass Incarceration."

⁵⁹ Rothman et al., "The Prevalence of Sexual Assault Against People Who Identify as Gay, Lesbian, or Bisexual in the United States."

⁶⁰ Rawls, *Justice as Fairness*, 44.

distribution, one quarter were born into the second-highest 25% of the income distribution, one quarter were born into the second-lowest 25%, and one-quarter were born into the lowest 25%.⁶¹

However, the FEO Principle does not merely apply to socioeconomic class: it applies to *all* social categories, holding for example that justice requires society “to insure that the life prospects of racial minorities are not negatively impacted by the economic legacy of racial oppression.”⁶² If, for example, Black trans women are under-represented in positions of corporate leadership, then Rawls’s FEO Principle would have us recognize this as a distinct form of oppression. Similarly, Rawls’s Difference Principle entails that if members of some intersecting social identities are disproportionately disadvantaged by unjust economic inequality (as indeed they are), then these too are forms of intersectional socioeconomic oppression.⁶³

Rawls’s principles also provide an attractive normative framework for comparing different forms of oppression. For, although all forms of oppression are unjust, Rawls’ theory holds that protecting the fair value of equal basic liberties is lexically more important than fair equality of opportunity and economic injustice.⁶⁴ This means, for example, that even if we grant that the US is economically unjust, Rawls’s ideal theory entails that rectifying deprivations of equal basic liberties should be our highest priority; inequalities of opportunity our second-

⁶¹ Wenar, “John Rawls,” §4.3.

⁶² Shelby, “Race and Social Justice,” 1712, and §V. As Matthew, “Rawls and Racial Justice,” notes, the FEO Principle “does not differentiate between disadvantages based on their source” (247).

⁶³ Michener and Brower, “What’s Policy Got to Do with It?”; Cf. Piketty and Saez, “The Evolution of Top Incomes.”

⁶⁴ Rawls, *A Theory of Justice*, 53–54.

highest priority; and economic justice our third-highest priority.⁶⁵ Yet, this coheres with feminism and CRT, which generally recognize that intersectionality requires prioritizing the most oppressed.⁶⁶

It is important to dispel here a common misconception about how Rawlsian liberalism understands society's least-advantaged group. Although Rawls's Difference Principle understands society's least-advantaged in purely economic terms, this is merely how Rawls understands the least-advantaged in ideal theory—as Rawls takes it for granted that everyone in a just society would enjoy equal basic liberties and fair equality of opportunity.⁶⁷ In contrast, in nonideal theory Rawls holds that “we have a natural duty to remove any injustices, beginning with the most grievous as identified by the extent of the deviation from perfect justice.”⁶⁸ This means that under unjust conditions, the most disadvantaged in Rawlsian liberalism are those who are denied *equal basic liberties* and are *multiply marginalized* (suffering, additionally, the worst forms of unfair equality of opportunity and socioeconomic injustice), viz., BIPOC and LGBTQIA+ groups. Yet, it is widely recognized that justice requiring prioritizing the most marginalized, as such.⁶⁹ Consequently, Rawls's ideal theory provides an attractive liberal framework for understanding the nature and comparative severity of different intersecting forms of oppression.

We can also see here that another complaint about Rawls's ideal theory is mistaken. Echoing Onora O'Neill's complaint that ideal theories are a “grotesque parody” of the way the

⁶⁵ Rawls, *A Theory of Justice*, 266–267.

⁶⁶ Disch and Hawkesworth, *The Oxford Handbook of Feminist Theory*, 1.

⁶⁷ Wolff, “Equality”; Rawls, *A Theory of Justice*, 4–5, 215–6.

⁶⁸ Rawls, *A Theory of Justice*, 216.

⁶⁹ Táíwò, “Being-in-the-Room Privilege.”

world is, Michael Goodhart writes:

Conceiving of injustice as the absence or opposite of justice renders distant, static, or cerebral something that many people experience as immediate, dynamic, and visceral ... Theorizing injustice as an aberration or departure from ideal justice fundamentally mischaracterizes people's sense and experience of injustice and misses or misapprehends its political character and significance.⁷⁰

However, our discussion suggests that Mariame Kaba has a more accurate take when writing:

Let's begin our abolitionist journey not with the question, "What do we have now, and how can we make it better?" Instead, let's ask, "What can we imagine for ourselves and the world?" If we do that, then boundless possibilities of a more just world await us.⁷¹

It is an open question (well worth investigating) whether Rawlsian liberalism might support Kaba's prison and police abolitionism.⁷² If abolitionism is indeed necessary for ensuring equal basic liberties, then under Rawls First Principle of justice, *liberalism* would require it. But, although we cannot resolve this here, the point is that Rawls's rationale for ideal theory coheres with Kaba's advocacy for locating abolitionist activism in utopian imaginary thought. In "Justice: A Short Story," Kaba imagines a planet without police or prisons, "Small Place," that is visited by an astonished Earth Visitor.⁷³ This story conveys—in a vivid, visceral, and systematic way—Kaba's vision of the vast gap between our world and a *just* world: an ideal world to realize *through* abolitionist activism. But this is directly analogous to Rawls's rationale

⁷⁰ Goodhart, *Injustice*, 28. Also see O'Neill, *Bounds of Justice*, 180.

⁷¹ Kaba, *We Do This 'Til We Free Us*, 3.

⁷² N.B.: In what follows (and more broadly), I have sought to avoid unsound epistemic practices of reductive inclusion, i.e., interpolation and ossification, as defined by Dotson and Spencer, "Another Letter Long Delayed."

⁷³ Kaba, *We Do This 'Til We Free Us*, 157–163.

for beginning with ideal theory:

Obviously the problems of ... [nonideal theory] are *the pressing and urgent matters*.

These are the things that we are faced with in everyday life. The reason for beginning with ideal theory is that it provides ... the only basis for the *systematic* grasp of these more pressing problems.⁷⁴

Indeed, if we want to know *how far we need to go* to achieve true justice; and if we want to know who has been oppressed, how badly, and who is unjustly privileged and to what extent—things that intersectionality’s critics allege that its “murkiness” is ill-suited to do—then Rawls’s ideal theory provides a clear, principled, attractive framework for so doing.⁷⁵ According to Rawlsian liberalism, insofar as Black males are killed, arrested, and imprisoned at astonishingly disproportionate rates (depriving them of their basic liberties), Black males endure some of the worst, most systemic, and long-lasting injustices of any social group. Second, insofar as Black Americans face some the most serious deprivations of health care and worst health-related mortality rates, insofar as Black women and Indigenous groups face uniquely serious health care disparities, and insofar as access to health care is increasingly recognized as a basic liberty, Rawlsian liberalism entails that these intersectional oppressions should be among our highest priorities to rectify, as well.⁷⁶ Although Rawlsian liberalism explains these injustices in distributive terms, we will see in Section 3 that its analysis substantially converges with feminist accounts that understand oppression in terms extending beyond the “distributive

⁷⁴ Rawls, *A Theory of Justice*, 8; emphases added.

⁷⁵ See Davis, “Intersectionality as Buzzword”; Nash, “Re-Thinking Intersectionality.”

⁷⁶ Manuel, “Racial/Ethnic and Gender Disparities in Health Care Use and Access”; Nesbitt and Palomarez, “Increasing Awareness and Education on Health Disparities for Health Care Providers”; Orgera and Artiga, “Disparities in Health and Health Care.”

paradigm.”⁷⁷

Finally, Rawlsian theory also supports intersectionality in nonideal theory. To determine what Rawlsian liberalism requires in unjust conditions, Rawls’s original position must be reformulated as a “nonideal original position.”⁷⁸ Next, as Arvan argues, the parties to this model should seek remedial “nonideal primary goods” that empower oppressed groups and their allies to rectify injustices.⁷⁹ These goods include remedial social, political, and economic institutions ranging from the Civil Rights Act to the NAACP, National Labor Relations Act, and educational equity reforms (including the Women’s Educational Equity Act), as well as grassroots activism that confers compensatory bargaining power on the oppressed and disseminates skills and information for effectively and equitably combatting oppression.⁸⁰ Yet, these too are the kinds of things that feminism and CRT advocate: creating sociopolitical conditions that *center and amplify* the perspectives, voices, knowledge, and interests of intersectionally oppressed groups, particularly the most oppressed.⁸¹

None of this is to say that Rawlsian liberalism should be understood as “the” justification for intersectionality, nor does it imply that a Rawlsian approach to intersectionality should displace distinctly feminist ones (we return to this in Section 3). It is merely to say that

⁷⁷ Young, *Justice and the Politics of Difference*; Fricker, *Epistemic Injustice*.

⁷⁸ Arvan, “First Steps Toward a Nonideal Theory of Justice”; Arvan “Nonideal Justice as Nonideal Fairness”; Mills, *Black Rights/White Wrongs*, 234; Adams, “Nonideal Justice, Fairness, and Affirmative Action.” Also see Arvan, “A Non-Ideal Theory of Justice,” Chapter 1.

⁷⁹ Arvan, “First Steps Toward a Nonideal Theory of Justice”, 108–114; Arvan, “Nonideal Justice as Nonideal Fairness,” Section 3.

⁸⁰ Arvan, “Educational Justice and School Boosting”; Arvan, “First Steps Toward a Nonideal Theory of Justice,” 112; Arvan, “Nonideal Justice as Nonideal Fairness,” 220–225.

⁸¹ Goodkind and Deacon, “Methodological Issues in Conducting Research with Refugee Women”; Tuggle, “Towards a Moral Conception of Allyship.”

Rawlsianism is a theoretical and practical *ally* of intersectional feminism.

1.2. Standpoint Epistemology, Allyship, and Epistemic Justice as Liberal Requirements of Fairness

Rawlsian liberalism has been alleged to problematically ahistorical, abstracting away from historical and present-day injustices and the lived experience of oppressed groups.⁸² Following the realization that injustice is intersectional, feminists and CRT argue that it is vital to center marginalized experiences.⁸³ Specifically, because individuals of different social identities directly experience different forms of oppression on a daily basis—including how elements of society engage in and perpetuate those injustices—there are grounds for thinking that different oppressed groups occupy *privileged epistemic standpoints* on these matters, giving their members access to truths that may be deeply obscured to individuals occupying other social categories.⁸⁴

However, are Rawls's critics correct that Rawlsian liberalism problematically abstracts away from lived experience and the epistemic value of intersectional standpoints? Although in ideal theory Rawls reasons abstractly using the original position, in nonideal theory Rawls explicitly focuses on oppressed standpoints: "I have assumed that it is always those with the lesser liberty who must be compensated. We are always to appraise the situation *from their point of view*..."⁸⁵ Second, while Rawls never developed this much further, Rawlsian nonideal

⁸² Goodhart, *Injustice*, 28; Kang, "Can Rawls's Nonideal Theory Save his Ideal Theory?"; Mills, "'Ideal Theory' as Ideology"; Mills, *The Racial Contract*. Also see Farrelly, "Justice in Ideal Theory: A Refutation." Cf. Erman and Möller, "Three Failed Charges Against Ideal Theory," §4.

⁸³ Ruíz, "Framing Intersectionality."

⁸⁴ Grasswick, "Feminist Social Epistemology," §2.1.; Cf. Collins, "Learning from the Outsider Within"; McKinnon, "Trans*formative Experiences."

⁸⁵ Rawls, *A Theory of Justice*, 218 [emphasis added].

theorists have argued that justice as fairness *does* require centering the lived experiences of the oppressed precisely because of privileged epistemic features rooted in social situatedness.

Specifically, Arvan argues that the parties to a Rawlsian nonideal original position would treat opportunities to be involved in open, inclusive, and equitable grassroots movements in pursuit of just ideals (equal basic liberties, fair equality of opportunity, etc.) as a nonideal primary good for combatting injustice.⁸⁶ The basic rationale for this is, first, that oppressed individuals living under unjust conditions directly experience the daily costs of injustice, and the parties to a nonideal original position know behind its veil of ignorance that *they* may turn out to be oppressed.⁸⁷ Second, because oppressed individuals experience costs of injustice and social reform based on their positionality, the parties to a nonideal original position have grounds to treat the *standpoint* of individuals oppressed by injustice as epistemically privileged with respect to these phenomena.⁸⁸ Third, because oppression comes in degrees and the parties know that they could turn out to be oppressed, Rawlsian nonideal theory supports prioritizing the perspectives, voices, and interests of the *most* oppressed.⁸⁹ Yet, these conclusions cohere with what feminist perspectives on standpoint epistemology and allyship have long advocated.⁹⁰

Finally, Rawlsian nonideal theory also provides liberal support for feminist insights on

⁸⁶ Arvan, “First Steps Toward a Nonideal Theory of Justice,” 108–110.

⁸⁷ Arvan, “First Steps Toward a Nonideal Theory of Justice,” 105, 109–111; also see Arvan, “Nonideal Justice as Nonideal Fairness,” §3.

⁸⁸ Arvan, “A Non-Ideal Theory of Justice,” 39–43 and 193–199.

⁸⁹ Arvan, “First Steps Toward a Nonideal Theory of Justice,” 115.

⁹⁰ Devadson, “Allyship”; Ghabra and Calafell, “From Failure and Allyship to Feminist Solidarities”; Grasswick, “Feminist Social Epistemology”; Táíwò, “Being-in-the-Room Privilege”; Tuggle, “Towards a Moral Conception of Allyship.”

epistemic justice.⁹¹ As Byskov details, epistemic injustice is comprised by five conditions of *unfairness*: a disadvantage condition (unfair outcome), prejudice condition (unfair judgments about epistemic capacities), stakeholder condition (unfair denial of stakeholder rights), epistemic condition (unfair denial of knowledge), and social justice condition (unfair existing vulnerability).⁹² Insofar as Rawlsian liberalism holds that justice *is* fairness—and Rawlsian nonideal theory holds that fairness under unjust conditions requires prioritizing rather than denigrating the perspectives, voices, knowledge, and interests of the oppressed—Rawlsian liberalism can help explain why epistemic injustice *is* a form of unfairness that serves to uphold and compound pre-existing forms of unjust unfairness (unequal basic liberties, unequal opportunities, and economic injustice) already faced by oppressed groups.

Thus, Rawlsian liberalism not only supports intersectionality: it provides a *liberal* justification for feminist standpoint epistemology, allyship, and epistemic justice.

3. CRT as a Liberal Requirement of Fairness

Critical race theorists have criticized liberalism for “colorblindness” and “Ignoring the problem of intersectionality,” and Rawlsian liberalism for “whitewashing” history.⁹³ Mills, in particular, has argued that liberalism problematically abstracts away from the history of colonialism, slavery, and racial oppression, and that Rawls’s ideal theory of justice constitutes a problematic ideology that obscures how liberal ideals can support the unjust *status quo*.⁹⁴ However, in more recent work, Mills expresses optimism that Rawlsian liberalism can be adapted to correct for

⁹¹ Fricker, *Epistemic Injustice*.

⁹² Byskov, “What Makes Epistemic Injustice an ‘Injustice’?,” esp. 3.

⁹³ Delgado and Stefancic, *Critical Race Theory*, 26–30, 64; Mills, “The Whiteness of John Rawls.”

⁹⁴ Mills, “‘Ideal theory’ as Ideology”; Mills, *The Racial Contract*.

these problems.⁹⁵ We will now see that he is right, and indeed, that Rawlsian liberalism coheres with CRT's central commitments as it is understood today.

As with all theoretical frameworks, there may be significant disagreement over exactly what CRT's commitments are, and it has been contended by some proponents that "Critical race theory cannot be understood as an abstract set of ideas or principles."⁹⁶ At the same time, these proponents have enumerated the following "defining elements" of CRT:

1. Critical race theory recognizes that racism is endemic to American life...
2. Critical race theory expresses skepticism toward dominant legal claims of neutrality, objectivity, color blindness, and meritocracy...
3. Critical race theory challenges ahistoricism and insists upon a contextual/historical analysis of the law...
4. Critical race theory insists on recognition of the experiential knowledge of people of color and our communities of origin in analyzing law and society...
5. Critical race theory is interdisciplinary and eclectic...
6. Critical race theory works toward the end of eliminating racial oppression as part of a broader goal of ending all forms of oppression...⁹⁷

Other "hallmark critical race theory themes" have been claimed by CRT proponents to include:

7. The thesis of interest convergence: that civil rights advances always coincide with and advance the self-interest of whites.⁹⁸
8. Revisionist history: replacing comfortable historical narratives with 'ones that square

⁹⁵ Mills, *Black Rights/White Wrongs*, Epilogue (as Prologue).

⁹⁶ Lawrence III et al., "Introduction," 3.

⁹⁷ Lawrence III et al., "Introduction," 6.

⁹⁸ Bell Jr., "Racial Remediation"; Delgado and Stefancic, *Critical Race Theory*, 18.

more accurately with minorities' experiences.'⁹⁹

9. Structural determinism: the view that structural elements of society (such as legal practice) result in predictable outcomes, such as slowing down social change, imposing costs of progress predominantly (and inequitably) on marginalized races, and upholding white supremacy.¹⁰⁰

We will return to diversity in CRT scholarship and activism in Section 3—but for now, let us ask programmatically: does Rawlsian liberalism support or oppose these defining/hallmark elements of CRT?

Let us begin with (1): whether Rawlsian liberalism recognizes racism as endemic to American life. As illustrated in Section 1 and in the work of others applying Rawls to race, Rawls's two principles of justice clearly entail that racism is and always has been endemic to American life. BIPOC groups have *never* enjoyed fully equal basic liberties (viz., Rawls's First Principle), fair equality of opportunity (viz., Rawls's FEO Principle), or economic justice (viz., Rawls's Difference Principle).¹⁰¹ According to Rawls's principles of ideal justice, then, severe racial injustices exist in the US today and have existed throughout America's history.

Now turn to (2): whether Rawlsian liberalism supports or expresses skepticism toward dominant legal claims of neutrality, objectivity, color-blindness, and meritocracy. It is often claimed that Rawls's original position problematically supports these dominant claims.¹⁰² After

⁹⁹ Delgado and Stefancic, *Critical Race Theory*, 20.

¹⁰⁰ Delgado and Stefancic, *Critical Race Theory*, 25–32. Cf. Mills, *The Racial Contract*.

¹⁰¹ Shelby, "Race and Social Justice," esp. 1700. Also see Arvan, "Educational Justice and School Boosting", 3–11; Arvan, "Nonideal Justice as Nonideal Fairness," 211; Matthew, "Rawlsian Affirmative Action"; Matthew, "Rawls and Racial Justice."

¹⁰² Foster, "Rawls, Race, and Reason"; Oktay, *Color-Blindness in Rawls's Theory of Justice*. Also see Barndt, "The God Trick."

all, the original position is supposed to be a neutral, “color-blind” procedure that does not permit anyone to take their race into account when deliberating about principles of justice.¹⁰³ However, we need to be careful here. First, although in *A Theory of Justice* Rawls did present the original position as an “objective” model of justice that may also be understood as an interpretation of Kant’s (objective and ahistorical) moral principle, “the categorical imperative,” Rawls also held that the original position represents our considered judgments *here and now* in the real world.¹⁰⁴ Second, in his later work, Rawls firmly rejected the Kantian/objective grounding of justice as fairness, instead defending it as a political doctrine grounded in an *overlapping consensus*—or shared values—of citizens living under particular historical conditions: specifically, pluralist modern democracies characterized by diversity of thought and values.¹⁰⁵ Rawls then claims that justice as fairness approximates such a consensus *reasonably well*, providing a conception of justice “for a constitutional democracy” that “will seem reasonable and useful, even if not fully convincing, to a wide range of thoughtful political opinions ... [that] express an essential part of the common core of the democratic tradition.”¹⁰⁶ Finally, intersectional feminism and CRT actually appear to share the values that the original position models. Intersectional feminism and CRT both standardly understand justice as requiring *equity*—that is, as requiring the dismantling of unfair privileges.¹⁰⁷ Yet, Rawls’s principles clearly entail that White privilege, heterosexual cis-male privilege, ableism, etc., *are* unjust privileges, just as intersectional feminism and CRT hold. We can begin to see how by

¹⁰³ Rawls, *A Theory of Justice*, §4.

¹⁰⁴ Rawls, *A Theory of Justice*, §40, §78, 18–9, 42–45, 507–508.

¹⁰⁵ Rawls, *Political Liberalism*, Introduction, §§1-3.

¹⁰⁶ Rawls, *A Theory of Justice*, xi.

¹⁰⁷ Almeder, “Equity Feminism and Academic Feminism”; Crenshaw et al., *Critical Race Theory*.

carefully examining what Rawls's original position represents and what its output principles require.

Consider (6): whether justice as fairness works toward eliminating racial oppression as part of a broader goal of ending all forms of oppression. Rawls's original position is supposed to represent the common convictions of people who are committed to fairness: specifically, the convictions that a fully just society would be one in which no one is unfairly privileged based on social identity.¹⁰⁸ Yet this is what feminism and CRT seek: an *end* to White privilege, cis-male privilege, etc. Second, the original position's output principles require society to be *equitable*, as they hold that members of all races, genders, etc., should enjoy the fair value of basic political rights, fair equality of opportunity, and a fair distribution of wealth, such that again no one is unfairly privileged. Yet, equity as such is precisely what CRT espouses.¹⁰⁹ Third, as we will see in Section 3, Rawls's just society would not plausibly contain any of Young's "five faces of oppression"—and so, would realize sociopolitical conditions where domination and oppression no longer exist. Fourth, these are merely Rawlsian liberalism's implications within ideal theory. Recent extensions of justice as fairness to nonideal theory—that is, to the unjust world in which we live—reveal that rather than supporting "neutrality" or "color-blindness," Rawlsian liberalism supports *compensatory* forms of equity, including remedial legal, political, and economic goods, such as special legal rights and programs that prioritize the voices, perspectives, knowledge, and interests of the oppressed, both domestically and globally.¹¹⁰

¹⁰⁸ Matthew, "Rawls and Racial Justice"; Matthew, "Rawls's Ideal Theory."

¹⁰⁹ Ford and Airhienbuwa, "Critical Race Theory, Race Equity, and Public Health"; Racial Equity Tools, "Fundamentals."

¹¹⁰ Arvan, "A Non-Ideal Theory of Justice," Chapters 3–5; Arvan, "Educational Justice and School Boosting"; Arvan, "First Steps Toward a Nonideal Theory of Justice," 108–115; Arvan, "Nonideal Justice as Nonideal Fairness," 220–226.

Finally, far from supporting “meritocracy,” Rawlsian liberalism supports compensatory institutions to ensure equity, such as affirmative action and (potentially) rectification of historical injustices such as slavery.¹¹¹ Rawlsian liberalism, then, does not reify oppressive conceptions of “neutrality, objectivity, color blindness, and meritocracy.” It holds that under unjust conditions, justice requires *non*-neutrality: legal, political, social, and economic goods that prioritize the oppressed over the privileged.

Now turn to (3): whether Rawlsian liberalism challenges ahistoricism and insists upon a contextual/historical analysis of the law. As Mills points out, *A Theory of Justice* does not contain a single reference to American slavery (though it does condemn historical slavery in the abstract).¹¹² Although abstracting away from American slavery may seem problematic, we should recall Rawls’s purpose in providing an “ideal theory” of justice. The purpose is to provide a measure of *injustice*, including an explanation of why historical injustices *are* injustices (e.g., American slavery was unjust because it denied people equal basic liberties).¹¹³ Similarly, it is evident that Rawls’s liberal conception of international justice would identify

¹¹¹ See Adams, “Nonideal Justice, Fairness, and Affirmative Action”; Matthew, “Rawlsian Affirmative Action”; Meshelski, “Procedural Justice and Affirmative Action.” Espindola & Vaca, “The Problem of Historical Rectification for Rawlsian Theory,” argue that Rawls’s theory does not necessarily require historical rectification, proposing an amendment to the theory to better account for this moral requirement. In contrast, Arvan, “First Steps Toward a Nonideal Theory of Justice,” argues that when justice as fairness is extended to nonideal theory properly, it can be seen to require empowering members of oppressed groups to *collectively and equitably decide* whether and to what extent historical rectification should be pursued, given the costs and alternatives available (103, 107–114). This is, in effect, to afford the oppressed a kind of collective right to determine how to balance backward- and forward-looking aspects of justice. Also see Arvan (2008).

¹¹² Mills, *The Racial Contract*, 77; Rawls, *A Theory of Justice*, 217, 248.

¹¹³ Rawls, *A Theory of Justice*, 216, 247.

colonialism as a grave historical injustice. First, using an international original position, Rawls derives the principle that “peoples are free and independent, and their freedom and independence is to be respected by other peoples.”¹¹⁴ Second, Rawls defends a minimal list of human rights—including a right against forced occupation—precisely to prevent paternalistic interference in “decent” illiberal societies.¹¹⁵ Third, although Rawls holds that outsiders do have duties to assist “burdened societies”—particularly societies that cannot satisfy the basic human right of subsistence (i.e. non-starvation) or violate the human rights of women—he is explicit that his “Law of Peoples” does *not* justify outsiders attempting to develop “pastoral” societies economically, and that “advice” rather than force or occupation is to be used so as to avoid “improperly undermining a society’s religion and culture.”¹¹⁶ Finally, Rawlsian liberalism again requires extending Rawls’s original position to nonideal theory—that is, to the conditions we actually live in, given the history and present of oppression, including racial oppression. And here, Rawlsian theory has been argued to support empowering marginalized groups to *collectively and equitably decide* whether and to what extent historical injustices should be rectified (such as reparations), as well as (globally) a higher-order human right to collectively and equitably decide the costs that they should have to face for the promotion of their first-order human rights.¹¹⁷ Insofar as Rawlsian ideal theory thus identifies colonialism as a grave injustice, and Rawlsian nonideal theory supports equitable grassroots activism to address its legacy, Rawlsian liberalism plausibly supports the general goals of decolonial feminism and

¹¹⁴ Rawls, *The Law of Peoples*, 37, §3.

¹¹⁵ Rawls, *The Law of Peoples*, 65.

¹¹⁶ Rawls, *The Law of Peoples*, 109–111, 117.

¹¹⁷ Arvan, *A Non-Ideal Theory of Justice*, Chapter 3; Arvan, “First Steps Toward a Nonideal Theory of Justice”; Arvan, “Nonideal Justice as Nonideal Fairness.” Cf. Espindola and Vaca, “The Problem of Historical Rectification for Rawlsian Theory.”

CRT.¹¹⁸ So, Rawlsian liberalism is not problematically ahistorical. It provides a framework for *recognizing and rectifying* historical and present-day oppression.

Now turn to (4). Rawlsian liberalism, as developed in nonideal theory, wholeheartedly supports CRT's insistence upon the "recognition of the experiential knowledge of people of color and our communities of origin in analyzing law and society." As detailed in Section 1, under unjust conditions Rawlsian liberalism requires inclusively centering the voices, experiences, knowledge, and interests of the oppressed in grassroots deliberation precisely because, as a matter of equity, unjustly oppressed groups are owed compensation, and as a matter of epistemology, oppressed groups directly experience "nonideal costs" that other groups do not.¹¹⁹

Now turn to (5). Rawlsian liberalism clearly supports interdisciplinary approaches to examining and dismantling oppression. In ideal theory, Rawls holds that the parties to the original position should be aware of "general facts about human society," including "political affairs ... principles of economic theory ... [and] the basis of social organization and the laws of human psychology."¹²⁰ Rawls holds that these interdisciplinary forms of knowledge are vital for evaluating a theory of justice, writing: "general facts of human psychology and principles of moral learning are relevant ... If a conception of justice is unlikely to generate its own support, or lacks stability, then this fact must not be overlooked."¹²¹ Further, under unjust conditions, Rawlsian liberalism has again been shown to require developing and disseminating all-purpose

¹¹⁸ Lugones, "Toward a Decolonial Feminism."

¹¹⁹ Arvan, "First Steps Toward a Nonideal Theory of Justice," 108–115; Arvan, "Nonideal Justice as Nonideal Fairness," 220–223.

¹²⁰ Rawls, *A Theory of Justice*, 119.

¹²¹ Rawls, *A Theory of Justice*, 125.

skills and information related to effective and equitable social organizing, constructing remedial legal, social, political, and economic institutions to combat oppression, rationally understanding the costs and benefits of different policies and tactics, and distributing those costs equitably.¹²²

Now turn to (7): the thesis of interest convergence. Here, Rawlsian nonideal theory recognizes a deep tension in what justice requires under unjust conditions. On the one hand, individuals in a nonideal original position have grounds to prioritize the perspectives, voices, and interests of the oppressed, seeking to augment marginalized groups' bargaining power to compensate for oppression.¹²³ On the other hand, the parties also must take seriously the existence of dominant majorities, and the fact that members of those majorities may be strongly inclined to prefer social reform only to the extent that they see reform to be consistent with what they take their "legitimate interests" to be.¹²⁴ This suggests that social reform is more likely to occur via *overlapping consensus* between oppressed populations and sympathetic majorities—that is, by interest convergence.¹²⁵ Rawlsian nonideal theory thus recognizes interest convergence, but also the general idea (recognized in CRT) that this is a theoretical and practical problem—namely, how to square the *fact* of interest convergence with the idea that justice requires *the opposite*: prioritizing the oppressed. Further, although this is an area of ongoing research, as we see above Rawlsian theory supports an answer to this quandary that coheres with contemporary practice of CRT activism: namely, centering the

¹²² Arvan, "First Steps Toward a Nonideal Theory of Justice," 111–112; Arvan, "Nonideal Justice as Nonideal Fairness," 223–225.

¹²³ Arvan, "Nonideal Justice as Nonideal Fairness," 221.

¹²⁴ Arvan, "First Steps Toward a Nonideal Theory of Justice," 111, 114.

¹²⁵ Arvan, "Nonideal Justice as Nonideal Fairness," 221, 223.

voices and experiences of (multiply-)marginalized groups, and utilizing formal and informal “levers of power” to augment their social, economic, and legal bargaining power.¹²⁶

Rawlsian liberalism also supports (8): replacing comfortable historical narratives with ones that reflect marginalized minorities’ experiences. First, as established earlier, Rawlsian ideal theory recognizes slavery, racism, sexism, etc., *as* injustices—as serious, unjust deviations from what a fully just society would be. Second, as we have just seen, Rawlsian nonideal theory requires distributing all-purpose skills and information for *understanding and combatting* injustice, as well as *amplifying the voices and perspectives* of the oppressed due to their direct experience with oppression and “nonideal costs” thereof. Insofar as replacing false historical narratives with narratives that reflect the true history and marginalized experiences of oppression promises to do just this, Rawlsian liberalism supports the practice.

Finally, the same is true of (9). Insofar as Rawlsian nonideal theory supports the pursuit and dissemination of all-purpose knowledge related to understanding injustice and “nonideal costs,” Rawlsian liberalism supports *understanding* structural determinism: features of society that justly or unjustly determine social outcomes, such as rights, opportunities, income and wealth, mass incarceration, policing, and so on.

3. How Rawlsian Liberalism Supports Diverse Feminist and CRT Work to Dismantle All Forms of Oppression

Our examination thus far has been programmatic, showing at a high level of abstraction how Rawlsian liberalism supports central commitments of intersectional feminism and CRT.

However, what about the great diversity of work in these fields? Does Rawlsian liberalism support the diverse projects of actual intersectional feminists and critical race theorists? We

¹²⁶ Arvan, “Nonideal Justice as Nonideal Fairness,” 223–224; Arvan, “First Steps Toward a Nonideal Theory of Justice,” 106–107.

will now see that it does.

Iris Marion Young's "Five Faces of Oppression" has been widely utilized in feminism and CRT to understand and contest many varieties of oppression. Young argues that "instead of focusing on distribution, a conception of justice should begin with the concepts of domination and oppression."¹²⁷ Young then defines five types of domination and oppression:

- *Exploitation*: "this oppression occurs through a steady process of the transfer of the results of labor from one social group to benefit another."¹²⁸
- *Marginalization*: "Marginals are people the system of labor cannot or will not use ... A whole category of people is expelled from useful participation in social life."¹²⁹
- *Powerlessness*: "The powerless are ... those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them."¹³⁰
- *Cultural imperialism*: "To experience cultural imperialism means to experience how the dominant meanings of a society render the particular perspective of one's group invisible at the same time as they stereotype one's group and mark it out as the Other."¹³¹
- *Violence*: "Members of some groups live with the knowledge that they must fear random, unprovoked attacks on their persons or property, which have no motive but to damage, humiliate, or destroy the person."¹³²

¹²⁷ Young, *Justice and the Politics of Difference*, 3.

¹²⁸ Young, *Justice and the Politics of Difference*, 49.

¹²⁹ Young, *Justice and the Politics of Difference*, 53.

¹³⁰ Young, *Justice and the Politics of Difference*, 56.

¹³¹ Young, *Justice and the Politics of Difference*, 58–59.

¹³² Young, *Justice and the Politics of Difference*, 61.

The influence of Young's framework on intersectional feminism and CRT can hardly be overstated. Among other things, it has been used to theorize ableism, ageism, anti-Arab and anti-Black racism, anti-racist education, anti-oppressive citizenship education, biphobia, child protection reform, Christian privilege, colonialism, cultural appropriation, data justice, decolonial philosophical writing, educational injustice, fatphobia, food justice, hate speech, interspecies oppression, LGBTQIA+ oppression, medical oppression, anti-oppressive, intersectional, decolonial pedagogy, oppression resistance through the lens of carceral status, the politics of school violence, representation justice, and vegan ecofeminism.¹³³

Young claims that no single form of oppression can be assigned causal or moral

¹³³ Acevedo-Zapata, "Writing as a Decolonial Feminist Praxis for Philosophical Writing"; Albornoz, *Pedagogies and Strategies for an Anti-Oppression Classroom*; Albornoz et al., "Community-Based Data Justice"; Barnes and Mercer, *Disability*; Blumenfeld, "Christian Privilege and the Promotion of 'Secular' and Not-So 'Secular' Mainline Christianity in Public Schooling and in the Larger Society"; Braithwhite, "Institutional Oppression that Silences Child Protection Reform"; Dubeau, "Species-Being for Whom?"; Fejós and Zentai, *Anti-Gender Hate Speech in Populist Right-Wing Social Media Communication*, 10; Gaard, "Vegetarian Ecofeminism"; Gaynor, "Social Construction and the Criminalization of Identity"; Haeffner et al., "Representation Justice as a Research Agenda for Socio-Hydrology and Water Governance"; Heerten-Rodriguez, *Fat Peoples' Experiences of and Responses to Sexualized Oppression: A Multi-Method Qualitative Study*; Henderson, "The Context of the State of Nature," 30; Higgs and Gilleard, "Is Ageism an Oppression?"; Liao and Carbonell, "Materialized Oppression in Medical Tools and Technologies"; Matthes, "Cultural Appropriation and Oppression"; Mayes and Byrd, "An Antiracist Framework for Evidence-Informed School Counseling Practice," 2; Michaelis, "From Indifference to Injustice"; Northway, "Disability and Oppression"; Obradors-Campos, "Deconstructing Biphobia"; Olding, "Racism and English Language Learning"; Owens, "Excavating Oppression in the Wake of Ferguson, Baltimore, and Municipal Everywhere"; Price et al., "Foods of Oppression"; Shlasko, "Using the Five Faces of Oppression to Teach about Interlocking Systems of Oppression"; Vinson, "Oppression, Anti-Oppression, and Citizenship Education"; Wingfield, "Arab Americans"; Woodall and Shannon, "Carceral Citizens Rising"; Writer, "Unmasking, Exposing, and Confronting."

primacy, and that it is not possible to define any single set of criteria that unify different forms of oppression.¹³⁴ Indeed, she challenges the “logic of identity,” or attempts to provide “totalizing systems in which . . . unifying categories are themselves unified under principles, where the ideal is to reduce everything to one first principle.”¹³⁵ However, is Young right? Is there nothing that unifies her five faces of oppression? This seems false on its face: exploitation, marginalization, powerlessness, cultural imperialism, and arbitrary group-directed violence are all *unfair*—indeed, profoundly so. But, of course, Rawls contends that justice *is* fairness. So, the question arises: can we explain Young’s five faces of oppression—and justify the many anti-oppressive feminist and CRT projects enumerated above—by reference to liberal demands of fairness, holding that each form of oppression is a violation of this deeper value?

Indeed, we can. For let us ask: would *any* of Young’s five forms of oppression exist in Rawls’s just society—that is, in a society in which all citizens have equal basic liberties (including the fair value of political liberties), fair equality of opportunity, and fair economic conditions? The answer is no. To see how, begin with exploitation. Would anyone be exploited in Rawls’s just society, where exploitation involves the ‘steady process of the transfer of the results of labor from one social group to benefit another’? Surely not. After all, Rawls’s general conception of justice—which his two principles of ideal theory are an instance of—holds:

All social values—liberty and opportunity, income and wealth, and the social bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values *is to everyone’s advantage*.¹³⁶

The point of Rawls’s principles of ideal justice—the Equal Basic Liberties Principle, FEO

¹³⁴ Young, *Justice and the Politics of Difference*, 40, 42.

¹³⁵ Young, *Justice and the Politics of Difference*, 98.

¹³⁶ Rawls, *A Theory of Justice*, 54 [emphasis added].

Principle, and Difference Principle—is to describe conditions that accomplish this, defining a society in which *no one* is exploited and *everyone* benefits fairly from social cooperation.¹³⁷ As Rawls puts it, the Difference Principle does not involve the steady transfer of results of labor from one social group to the benefit of another (which Young takes to comprise exploitation). Rather, the Difference Principle holds instead that “inequalities of wealth and authority ... are just only if they result in *compensating benefits for everyone ...*.”¹³⁸

Now turn to marginalization. Would anyone be marginalized in Rawls’s just society? It is hard to see how. Rawls’s First Principle holds that everyone must enjoy the fair value of political liberties, where this means “fair opportunity to take part in and to influence the political process,” such that “those similarly endowed and motivated should have roughly the same chance of attaining positions of political authority irrespective of their economic and social class.”¹³⁹ Consequently, no one would be *politically* marginalized in Rawls’s just society: everyone, regardless of race, gender, sexuality, socioeconomic class, etc., would have roughly the same chance of influencing political decisions and rising to positions of political authority. Next, Rawls’s FEO Principle holds that the basic structure of a just society must ensure the fair equality of economic opportunities: that everyone, regardless of race, gender, etc., should have roughly the same chance of obtaining similar jobs, levels of employment, advancement in employment, etc. So, no one would be *economically* marginalized in Rawls’s just society, either. But this is just to say, on Young’s own definition of marginalization, that no one would be marginalized in Rawls’s just society *tout court*. For, Young writes: “Marginals are people the system of labor cannot or will not use ... A whole category of people is expelled from useful

¹³⁷ Rawls, *A Theory of Justice*, 12–13.

¹³⁸ Rawls, *A Theory of Justice*, 13; italics added.

¹³⁹ Rawls, *A Theory of Justice*, 197.

participation in social life.” Clearly, for reasons just described, *no one* would satisfy this definition in Rawls’s just society—as everyone in Rawls’s just society would have fair access to participation in society’s system of labor, and no one would be expelled from effective participation in sociopolitical life.¹⁴⁰

What about powerlessness? Would any group be powerless in Rawls’s just society? No. First, Rawls’s First Principle requires everyone to enjoy the fair value of political liberties, such that everyone would have roughly equal chances to influence political processes, be elected to political office, etc. Second, Rawls’s FEO Principle holds that people of all backgrounds should have roughly equal chances of rising to positions of power and authority in the economic sphere. Finally, Rawls holds that the FEO and the Difference principles support *property-owning democracy*, a socioeconomic system “ensuring the widespread ownership of productive assets and human capital (educated abilities and trained skills).”¹⁴¹ Rawls adds:

[I]n a property-owning democracy ... basic institutions must from the outset put in the hands of citizens generally, *and not only of a few*, the productive means to be fully cooperating members of a society. The emphasis falls on the *steady dispersal over time of the ownership of capital* and resources by the laws of inheritance and bequest, on fair equality of opportunity secured by provisions for education and training.¹⁴²

A property-owning democracy is thus a society in which Young’s definition of powerlessness

¹⁴⁰ One potential exception to this might be dependents, such as children and individuals with disabilities that require dependence on others. As Kittay, *Love’s Labor*, and Kittay, “Love’s labor revisited,” argues, Rawls makes no clear provision for this anywhere in his theory of justice. Yet, as Bhandary, “Dependency in Justice,” argues, Rawls’s theory can be plausibly supplemented to accommodate dependency.

¹⁴¹ Rawls, *A Theory of Justice*, xv.

¹⁴² Rawls, *A Theory of Justice*, xv [emphases added].

applies to *no one*. In such a society, capital would be widely dispersed so that no one has to work at (say) *Amazon* or *Walmart*, taking orders but never giving them. Instead, virtually every citizen in Rawls's just society could feasibly start a small, sustainable business, have a fair chance to influence political processes and be elected to political office, etc. So, no one would be powerless: everyone would have *fair access* to socio-political-economic power.

What about cultural imperialism? Would anyone in Rawls's just society "experience how the dominant meanings of a society render the particular perspective of one's group invisible at the same time as they stereotype one's group and mark it out as the Other"? Surely not. For, if we take Rawls's Equal Basic Liberties (and the fair value of political liberties) and FEO principles seriously, there would *be* no "dominant group(s)" in Rawls's just society. All groups would be similarly situated with respect to political power and influence, as well as positions of socioeconomic power and privilege.

Finally, what about arbitrary, group-directed violence? Would a society whose basic structure satisfies Rawls's principles result in arbitrary group-directed violence? It is hard to see how, as Rawls argues that all segments of society would see a society governed by Rawls's principles as a *fair deal*—one that would thereby cultivate a sense of justice and reciprocity among them, rather than envy or spite (things that plausibly motivate group-directed violence).¹⁴³

But now if this is right—if Rawls's ideal theory describes conditions in which none of Young's five forms of oppression would exist—then Rawlsian liberalism accomplishes what Young denies to be possible: it provides a *unified explanation* that grounds domination and oppression in distributive unfairness.¹⁴⁴ According to Rawlsian liberalism, the diverse forms of

¹⁴³ Rawls, *A Theory of Justice*, 156–7, and Chapter IX.

¹⁴⁴ Young, *Justice and the Politics of Difference*, Chapter 1.

oppression that feminists and CRT contest—ranging from ableism, to colonialism, racism, sexism, and beyond—are all unjust because they involve unfair inequalities of basic liberties, opportunities, wealth, and income. Finally, in nonideal theory, Rawlsian liberalism aims to *dismantle* these oppressions, ranging from the White supremacist “racial contract” to the patriarchal “sexual contract” and beyond.¹⁴⁵ For in nonideal theory, we again find deep affinities between Rawlsian liberalism, Young’s five faces of oppression, and the many diverse projects pursued in feminism and CRT using her framework. First, Young defends “an enabling conception of justice” which holds that in addition to redistributing wealth and power, justice requires a dialogic, communicative ethics which empowers marginalized groups to bring particularities of their experiences of domination and oppression to challenge structural domination and oppression.¹⁴⁶ Second, Young argues that justice thus requires democratizing public life in a way that satisfies a principle of representation which centers marginalized voices and perspectives.¹⁴⁷ Third, Young thus defends “a dual system of rights: a general system of rights which are the same for all, and a more specific system of group-conscious policies and rights.”¹⁴⁸ Yet, as we have seen, Rawlsian nonideal theory supports all of these conclusions.¹⁴⁹ So, Rawlsian liberalism provides another basis for critiquing precisely what feminism and CRT challenge across a diverse range of projects: the modern-day welfare state founded on histories of ableism, colonialism, sexism, racism, LGBTQIA+-phobia, etc. Finally, the Rawlsian *value-basis*

¹⁴⁵ Mills, *The Racial Contract*; Pateman, *The Sexual Contract*; Pateman and Mills, *Contract and Domination*.

¹⁴⁶ Young, *Justice and the Politics of Difference*, 39, 106–9.

¹⁴⁷ Young, *Justice and the Politics of Difference*, 184.

¹⁴⁸ Young, *Justice and the Politics of Difference*, 174.

¹⁴⁹ Arvan, “First Steps Toward a Nonideal Theory of Justice”; Arvan, “Nonideal Justice as Nonideal Fairness.”

for critiquing and dismantling these oppressions again converge with feminism and CRT: the relevant value being *fairness/equity*.¹⁵⁰

Critically, none of this implies that Rawlsian liberalism should displace Young's framework or the diverse feminist and CRT work utilizing it. First, different approaches to political philosophy approach justice from fruitfully different starting-points.¹⁵¹ Whereas Rawls's method of reflective equilibrium aims to bring our considered judgments about justice into greater coherence in pursuit of overlapping consensus, feminism takes women, gender, consciousness-raising, and advocacy as foci of analyses, and critical theory examines how laws and other features of society uphold an unjust (e.g., racist) *status quo*.¹⁵² Second, if Rawlsian liberalism is correct, then each of Young's five forms of oppression really *are* injustices: they are different forms of sociopolitical unfairness. Third, insofar as many decades of feminist and CRT projects and activism have analyzed, deconstructed, and developed useful discourses and strategies for dismantling various oppressions—something that, to be clear, Rawlsian liberalism has mostly not done (as Mills is correct that most Rawlsian work has been in ideal theory)—this paper's argument shows that Rawlsian liberalism, intersectional feminism, and CRT *complement* each other. On the one hand, Rawlsian liberalism has much to offer feminism and CRT: a distinctly liberal analysis of oppression as unfairness and liberal justification for diverse feminist and CRT projects. On the other, feminism and CRT have much to offer Rawlsian liberals: decades of painstaking, ongoing theoretical and activist work identifying,

¹⁵⁰ Rawls, *Political Liberalism*, 28; Rawls, *A Theory of Justice*, 16.

¹⁵¹ Floyd, "Political Philosophy's Methodological Moment and the Rise of Public Political Philosophy."

¹⁵² Ansell, "Critical Race Theory"; Cook and Fonow, "Knowledge and Women's Interests"; Rawls, *A Theory of Justice*, 18–19, 507–508; Rawls, *Political Liberalism*, Lecture V.

deconstructing, and dismantling unfair oppressions.

Finally, there are empirical reasons to think that allying feminism, CRT, and liberalism as such may be of great practical importance. First, empirical psychological findings indicate that violations of what people *perceive* to be requirements of fairness motivate people to engage in punishment and retaliation.¹⁵³ Conversely, procedural fairness is known to foster cooperativeness.¹⁵⁴ Third, these findings appear to generalize to other primates.¹⁵⁵ This suggests that to effectively dismantle injustice, we should do so in ways perceived to be fair. Yet, opponents of feminism and CRT have appear to be increasingly successful in casting them as illiberal and *unfair*.¹⁵⁶ Opposition to CRT appears to have been instrumental to the Republican candidate winning the 2021 election for Governor of Virginia and to have roughly tripled local school board recalls.¹⁵⁷ While I am not so naïve to suggest that using Rawlsian liberalism to support feminism and CRT would eliminate these counter-reactive forces, there are several grounds to think that it may help. First, liberalism is clearly a dominant ideology in Western culture. Second, as just noted, perceived fairness motivates cooperation and perceived unfairness provokes resistance. Third, although many feminist and critical race theorists explicitly invoke the language and resources of postmodernism and Marxism, critics of

¹⁵³ FeldmanHall et al, “Fairness Violations Elicit Greater Punishment on Behalf of Another than for Oneself.” Cf. Blancero et al., “Psychological Contracts and Fairness”; Mendoza et al., “For Members Only.”

¹⁵⁴ De Cremer and Van Knippenberg, “How Do Leaders Promote Cooperation”; De Cremer and Tyler, “The Effects of Trust in Authority and Procedural Fairness on Cooperation.”

¹⁵⁵ Yamamoto and Takimoto, “Empathy and Fairness.”

¹⁵⁶ Economist, “The Threat from the Illiberal Left”; Kapoor, “Feminism is Illiberal”; Powers, “Illiberal Feminism Is Running Amok.”

¹⁵⁷ Ballotpedia, “School Board Recalls”; Smith, “How Did Republicans Turn Critical Race Theory into a Winning Electoral Issue?”

feminism and CRT routinely (and seemingly effectively) depict feminism and CRT as illiberal and “un-American” on these grounds.¹⁵⁸ Fourth, persistent divisions on the political left—often derisively referred to as a “circular firing squad”—plausibly undermine broad-based solidarity necessary for more effectively dismantling oppression and combatting right-wing resistance.¹⁵⁹ Consequently, there are empirical grounds to believe that if we want to realize a more just world—rather than perpetuate counterproductive division and retaliation—the best way to do so may be to show how feminism and CRT are genuinely liberal, seeking a *fair and equitable* world in a *fair and equitable* way.

4. Replies to Five Objections

I foresee at least five related objections. First, my argument might seem problematically *post hoc*, at most showing how Rawlsian liberalism can “support” feminism and CRT long after the many insights of these fields have been developed by marginalized thinkers and activists. Second, this article might be thought to engage in epistemic appropriation, unjustly detaching epistemic resources developed by marginalized knowers in ways that benefit the powerful—in this case, Rawlsian liberals.¹⁶⁰ Third, my argument might be said to constitute a failure of allyship, as allies to marginalized groups have duties to “decenter” their own voices and perspectives, using their positional privilege to amplify marginalized voices.¹⁶¹ Fourth, this

¹⁵⁸ Crenshaw, “Beyond Racism and Misogyny”, 114; Juan Jr., “From Race to Class Struggle”; Leeb, “Marx and the Gendered Structure of Capitalism”; Leonardo, “The Race for Class”; Young, *Justice and the Politics of Difference*, 8, 20–21, 35–36, 48–53, 98–99, 124–130, 219. Cf. Carter, “Expert Says CRT Designed to Undermine American Values”; Seymour, “How Postmodernism Became the Universal Scapegoat of the Era.”

¹⁵⁹ Pengelly, “Barack Obama Warns Progressives to Avoid ‘Circular Firing Squad’”; Scholz, *Political Solidarity*.

¹⁶⁰ Davis, “On Epistemic Appropriation.”

¹⁶¹ Edwards, “Aspiring Social Justice Ally Identity Development.”

paper might be said to constitute an unjust form of “speaking for” marginalized individuals and groups.¹⁶² Finally, my argument might be claimed to be yet another example of CRT’s gentrification, where CRT is “watered down” by the “readiness of white liberals to tout themselves and their scholarship as ‘off-label’ uses of CRT methodology.”¹⁶³

These are all very serious concerns—and, if I have erred in any (or all) of these ways, then I accept the responsibility thereunto. However, any work in moral and political philosophy takes moral risks, and I have chosen to hazard these risks because I sincerely believe that it may be of real practical importance—indeed, important to realizing justice—to understand the extent to which feminism, CRT, and Rawlsian liberalism converge.¹⁶⁴ As Alcoff argues,

The source of a claim or discursive practice in suspect motives or maneuvers or in privileged social locations ... though it is always relevant, cannot be sufficient to repudiate it. We must ask further questions about its effects, questions which amount to the following: *will it enable the empowerment of oppressed peoples?*¹⁶⁵

I have written this paper not merely because I believe its argument to be sound, but because I believe that greater solidarity between feminism, CRT, and liberalism may be necessary for better empowering oppressed peoples and combatting injustice. First, there is ample empirical evidence that when in-group or outgroup members are thought to violate a particular group’s norms—such as feminists and critical race theorists denying liberal norms, or liberals denying

¹⁶² Trebilcot, “Dyke Methods.” Also see Minh-ha, *Woman, Native, Other: Writing Postcoloniality and Feminism*.

¹⁶³ Curry, “Racism and the Equality Delusion.”

¹⁶⁴ Brennan and Freiman, “Moral Philosophy’s Moral Risk.”

¹⁶⁵ Alcoff, “The Problem of Speaking for Others,” 29 [emphasis added]. Cf. Kendi, *How to Be an Antiracist*, who argues that anti-racist activism demands an “outcome advocacy” that puts “equitable outcomes before our guilt and anguish” (210).

feminist and CRT norms—it tends to activate the Fight-Flight-Freeze System, generating anger, confrontation, and exclusion.¹⁶⁶ Second, while righteous anger plausibly has legitimate purposes in justice activism, there are also grounds to think that anger *toward* feminism and CRT can significantly set back their causes.¹⁶⁷ For again, one common type of rhetoric used to vilify contemporary feminism and CRT is that they are “illiberal.”¹⁶⁸ This rhetoric plausibly impacts how many citizens view feminism and CRT, as well as how people vote—and it appears to have swung recent elections in favor of Republicans.¹⁶⁹ These phenomena thus plausibly stand in the way of feminist and CRT goals: eliminating all forms of oppression. Consequently, if our concern is to realize justice, we should combat these counter-reactionary forces effectively, rather than poorly. The question then is: what *is* the most effective way to combat reactionary right-wing politics and advance the goals of intersectional feminism and CRT? Curry suggests “militant and revolutionary strategies of Black radicals” and “praxis of struggle against systems of racist and neo-colonial oppression.”¹⁷⁰ Yet, some recent findings suggest that militant methods may have the unintended consequence of driving more people to favor White right-wing nationalism.¹⁷¹ Further, Derrick Bell Jr. (whose work Curry rightly demands serious engagement with) writes that because racial progress only tends to occur when it advances the interests of the White majority,

¹⁶⁶ Ditrich et al., “You Gotta Fight!”

¹⁶⁷ Cherry, *The Case for Rage*.

¹⁶⁸ Kapoor, “Feminism is Illiberal”; Powers, “Illiberal Feminism is Running Amok”; Sullivan, “Removing the Bedrock Of Liberalism.”

¹⁶⁹ Smith, “How Did Republicans Turn Critical Race Theory into a Winning Electoral Issue?” Cf. Conway et al., “Donald Trump as a Cultural Revolt Against Perceived Communication Restriction”; O’Hagan, “The ‘Anti-Woke’ Backlash is No Joke.”

¹⁷⁰ Curry, “Racism and the Equality Delusion.”

¹⁷¹ Simpson et al., “Does Violent Protest Backfire?”

The *harsh and perhaps unsettling truths* in those historically enlightened lessons should become essential elements in racial remediation plans and policies for they reveal clearly:

...

2. The necessity of remediation strategies that are *pragmatic and flexible*. *Undue commitment to ideology*, whether integration or separation, direct action or emigration, serve better individual actors rather than those for whom they claim to act.¹⁷²

None of this is to say that revolutionary Black radicalism should be dismissed or denigrated. On the contrary, those of us concerned with justice should presumably utilize every potentially useful tool in our arsenal. My argument is merely there are reasons to think that the central goals and commitments of intersectional feminism, CRT, and Rawlsian liberalism largely converge, and that expounding upon this may be of real practical importance in advancing justice. For if, as I have argued, we can make a convincing case that *liberals* should support central insights of feminism and CRT, then we may have a better chance of overcoming harmful (and incorrect) narratives opposing feminism and CRT, gaining more self-professed liberals as allies. While we should take seriously the concern that “broadening the progressive tent” in this way could amount to a kind of gentrification, we should also be open to the possibility that it might be a particularly effective way to advance the cause of justice—particularly given the empirical findings on human motivation discussed above.

Finally, I am optimistic that, so understood, this project has not engaged in harmful or unjust forms of epistemic appropriation, failure of allyship, or speaking for others. First, this article has supported the insights of marginalized scholars and activists, which is different than

¹⁷² Bell Jr., “Racial Remediation,” 28 [emphases added].

appropriating. Davis defines unjust epistemic appropriation as occurring when,

1. Epistemic resources developed within the margins are *overtly detached* from the marginalized knowers responsible for their production; and
2. Utilized in dominant discourses in ways that *disproportionately benefit the powerful*.¹⁷³

This paper has done neither. First, I have presented insights of intersectional feminism and CRT to *be* the achievements of those fields. Until recently, Rawlsian scholarship focused primarily on ideal theory, neglecting injustice. These were real failures of Rawlsian liberalism, and feminism and CRT played critical roles in revealing them to be serious failures. Secondly, however, these critiques appear to be precisely what led Rawlsian liberalism to focus more on nonideal theory: that is, on the realities of oppression. Rawlsian liberals have thus listened to and learned from feminism and CRT—which is a good thing: a sign of progress. Third, Rawlsian nonideal theorists have theorized in ways that aim to *benefit the marginalized*, not the powerful (e.g., by supporting feminist and CRT insights in theory and activism). Fourth, many Rawlsian scholars who have engaged in these projects are themselves marginalized knowers, arguing that Rawlsian liberalism has much of value to offer in the pursuit of racial and gender justice.¹⁷⁴

Similar considerations, I believe, relate to questions of allyship and “speaking for.”

Although this paper has in one obvious sense inserted “dominant” voices and perspectives into

¹⁷³ Davis, “On Epistemic Appropriation,” 702 [emphases added].

¹⁷⁴ Espindola and Vaca, “The Problem of Historical Rectification for Rawlsian Theory”; Krishnamurthy, “Completing Rawls’s Arguments for Equal Political Liberty and its Fair Value”; Krishnamurthy, “Reconceiving Rawls’s Arguments for Equal Political Liberty and Its Fair Value”; Matthew, “Rawlsian Affirmative Action”; Matthew, “Rawls and Racial Justice”; Matthew, “Rawls’s Ideal Theory”; Mills, *Black Rights/White Wrongs*, Chapter 9 and Epilogue; Mills, “Occupy Liberalism!”; Shelby, *Dark Ghettos*; Shelby, “Justice, Deviance, and the Dark Ghetto”; Shelby, “Race and Social Justice.”

the picture (e.g., Rawlsian liberalism), it has aimed to use this position of power and privilege to *advance the insights and voices* of the historically and presently marginalized, which is what proper allyship is generally argued to involve. As Alcoff argues, sound allyship cannot plausibly involve staying silent or abandoning one's position of privilege (the latter of which is impossible in a world with structural injustice). Instead, power and privilege (including dominant ideologies, such as liberalism) can be powerful tools for advancing the cause of justice, at least if used in the right way. For example, Audre Lorde is rightly lauded for affirming that, "The master's tools will never dismantle the master's house"—and there is doubtless an important insight here: namely, that a master's tools alone will never dismantle a master's house.¹⁷⁵ To fully dismantle a master's house, their slaves *must be liberated*. Still, as Mills argues, we should be careful not to take Lorde's point further than its weight can bear:

Imagine we're a group of escaped slaves who have begun by dismantling the master (presumably using our own tools) and now wish to move on to his house. Hunting around the plantation, we come across a tool-shed of hammers, pickaxes, saws, barrels of gunpowder, and so forth. Cannot we take these tools and—hammering, digging, sawing in half, blowing up—demolish the master's house? Of course we can—you just watch.¹⁷⁶

Indeed, depending on the other tools that are available, it may well be a mistake not to appropriate at least some of the master's tools. This has been this paper's aim. If I am correct, Rawlsian liberals should support feminism and CRT as genuine allies in pursuit of justice: not by supplanting marginalized voices, perspectives, knowledge, or theories, but by providing them distinctly *liberal* support in pursuit of a common, just cause: eliminating all forms of

¹⁷⁵ Lorde, "The Master's Tools Will Never Dismantle the Master's House."

¹⁷⁶ Mills, "Rousseau, the Master's Tools, and Anti-Contractarian Contractarianism," 93.

oppression. Used in this way, Rawlsian liberalism can be a good tool indeed.¹⁷⁷

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¹⁷⁷ I thank Laura Wildemann Kane, the Editors of *Journal of Ethics and Social Philosophy*, several anonymous reviewers, and audiences at the *Association for Social and Political Philosophy 'Crises of Liberalism?' Workshop* and *After Justice: John Rawls' Legacy in the 21st Century* conference.

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