



IS A FEMINIST POLITICAL LIBERALISM POSSIBLE?

BY CHRISTIE HARTLEY AND LORI WATSON

JOURNAL OF ETHICS & SOCIAL PHILOSOPHY

VOL. 5, No. 1 | OCTOBER 2010

URL: WWW.JESP.ORG

COPYRIGHT © CHRISTIE HARTLEY AND LORI 2010

Is a Feminist Political Liberalism Possible?¹

Christie Hartley and Lori Watson

IS A DISTINCTLY FEMINIST political liberalism possible? Certainly the answer depends in part on what one means by feminism, as there is substantive disagreement over what feminism is. For our purposes, all we mean by feminism is a view that is, broadly, committed to the following claims: 1) gender inequality exists and is pervasive and 2) we ought to develop principles and policies aimed at eradicating such inequality. In the context of this article, we aim to address whether political liberalism has the resources necessary to recognize the varied forms that sex inequality takes and to produce principles of justice that will eradicate such inequality.

Briefly, political liberalism is the view that modern democratic states are characterized by reasonable pluralism and that the possibility of a just democratic state depends on finding principles of justice and constitutional essentials that can be shared among persons as free and equal citizens.² Because citizens accept irreconcilable but reasonable comprehensive doctrines, principles of justice and constitutional essentials must be justifiable in terms of political values and reasons and not depend on the acceptance of a particular comprehensive doctrine. Indeed, many find political liberalism compelling because political liberals accept the fact of deep yet reasonable pluralism and its resulting challenges for democratic states and their citizens.

However, it is precisely political liberalism's regard for a wide range of comprehensive doctrines as reasonable that makes some feminists skeptical of its ability to address sex inequality. Some feminists claim that political liberalism maintains its position as a *political* liberalism at the expense of securing substantive equality for women or, they argue, that the only way for liberalism to address substantive equality for women is by relying on comprehensive values.³ Others have suggested that political liberalism can be feminist insofar as particular political conceptions of justice can have substantive feminist content.⁴ In answering feminist critics of political liberalism, we aim to

¹ For comments on earlier drafts, we thank Matt Zwolinski, Orly Lobel, Blain Neufeld and anonymous reviewers. Special thanks go to Peter Vallentyne for his very generous comments and suggestions. An earlier version of this paper was presented at Georgia State University. We thank audience participants for helpful suggestions and criticisms. We acknowledge equal authorship of this paper.

² See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996) (hereinafter *PL*).

³ Susan Moller Okin forcefully expresses the first concern: "Political Liberalism, Justice, and Gender," *Ethics* 105 (1994), pp. 23–43; "Justice and Gender: An Unfinished Debate," *Fordham Law Review* 72 (2004), pp. 1537–1567; and "'Forty Acres and a Mule' for Women: Rawls and Feminism," *Politics, Philosophy & Economics* 4 (2005), pp. 233–248. Ruth Abbey makes the second criticism in her "Back toward a Comprehensive Liberalism? Justice as Fairness, Gender, and Families," *Political Theory* 35 (2007), pp. 5–28.

⁴ S.A. Lloyd, "Family Justice and Social Justice," *Pacific Philosophical Quarterly* 75 (1994), pp. 353–371 and "Toward a Liberal Theory of Sexual Equality," in Amy R. Baehr (ed.), *Varieties*

show something much more radical: not only is it possible to show political liberalism *can* be feminist insofar as particular political conceptions of justice can have feminist content, but, also, political liberalism's core commitments actually *restrict* all reasonable political conceptions of justice to those that secure genuine substantive equality for all, including women (and other marginalized groups). And so, we claim, political liberalism is a feminist liberalism.

To make good on this claim, we consider why some maintain that political liberalism cannot secure substantive equality for women. Then we examine attempts by Sharon Lloyd, Amy Baehr and Martha Nussbaum, respectively, to demonstrate the feminist potential of political liberalism. We claim that insofar as Lloyd and Baehr attempt only to demonstrate that political liberals can accept particular political conceptions of justice that contain substantive feminist content, they miss the full feminist potential of political liberalism as such. And, we claim that, while Nussbaum recognizes that political liberalism's idea of equal citizenship limits the comprehensive doctrines that count as reasonable, she does not address how political liberalism's core ideas constrain all reasonable political conceptions of justice in a way that secures substantive equality for all citizens, which is what we aim to do. We argue that political liberalism's criterion of reciprocity limits reasonable political conceptions of justice to those that eliminate social conditions of domination and subordination relevant to reasonable democratic deliberation among equal citizens and that the criterion of reciprocity requires the social conditions necessary for recognition respect among persons as equal citizens. As a result we claim that the criterion of reciprocity limits reasonable political conceptions of justice to those that provide genuine equality for women along various dimensions of social life central to equal citizenship. Finally, we respond to a potential objection – namely, that our view is actually a partially comprehensive liberalism.

1. Feminist Criticism of Political Liberalism

Why do some feminists claim that political liberalism maintains its position as a *political* liberalism at the expense of securing substantive equality for women?⁵ First consider how political liberalism differs from comprehensive liber-

of Feminist Liberalism (Lanham: Rowman & Littlefield Publishers, Inc., 2004), pp. 63–84; Amy R. Baehr, "Perfectionism, Feminism and Public Reason," *Law and Philosophy* 27 (2008), pp. 193–222; Martha Nussbaum, "The Future of Feminist Liberalism," in Amy R. Baehr (ed.), *Varieties of Feminist Liberalism* (Lanham: Rowman & Littlefield Publishers, Inc., 2004), pp. 103–132.

⁵ Rawls certainly intends his theory of justice to secure some kind of substantive equality for citizens, as opposed to merely formal equality. This is evidenced by various features of his political conception of justice, justice as fairness, including its guarantee of the fair value of political liberties, fair equality of opportunity and the difference principle. John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, Mass.: Harvard University Press, 2001) (hereinafter *JF*), pp. 148–152.

alism. Here we follow Rawls. A comprehensive liberalism is a liberal theory that grounds principles of justice in moral, religious or other values which are not limited to citizens' interests as such and which concern claims about how things are, what is right and what is true. By contrast, political liberalism begins from the fact of reasonable pluralism⁶ – the claim that, in a free democratic society, reasonable people will accept contrary and irreconcilable but, nonetheless, reasonable comprehensive doctrines. Reasonable comprehensive doctrines result from the exercise of theoretical and practical reason, and they usually relate to a “tradition of thought or doctrine.”⁷ Furthermore, because reasonable comprehensive doctrines are those that are accepted by reasonable persons, they must be consistent with the criteria for reasonable personhood; reasonable persons, *inter alia*, accept the burdens of judgment and how the burdens of judgment restrict public reason, accept the claim that political power should not be used to limit reasonable comprehensive doctrines, and offer terms for social cooperation they think are justifiable to others as free and equal citizens.⁸ Given the fact of reasonable pluralism, political liberals consider how a just, democratic society is possible.⁹ Its possibility, they maintain, depends on the satisfaction of the liberal principle of legitimacy, which is the claim that the exercise of political power is justifiable only if it stems from political principles that are, in principle, reasonably justifiable to those to whom they apply.¹⁰ Reasonably justifiable principles are ones that can be accepted by persons viewed as free and equal citizens. They are not merely rational for individuals to accept given their situation.¹¹ Political liberals claim that principles of basic justice and constitutional essentials should be justified (at least) by values and reasons that persons can share as free and equal citizens.¹² These values and reasons are understood to be political values and reasons, and they are limited to citizens' interests as such. Citizens regard political values and principles as reasonable and need not affirm them as true or right. Also, central to political liberalism is its criterion of reciprocity and its conception of citizenship, which we will discuss below. It is these ideas, we think, that hold the key to addressing certain feminist criticisms of political liberalism and that actually constrain the set of reasonable political conceptions of justice for a politically liberal democratic state to those that

⁶ *PL*, pp. 36–37.

⁷ *Ibid.*, p. 59.

⁸ *Ibid.*, p. 59, p. 61, p. 60, p. 49.

⁹ *Ibid.*, pp. 3–4.

¹⁰ John Rawls, “The Idea of Public Reason Revisited,” in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999) (hereinafter *IPRR*), pp. 573–615, p. 578.

¹¹ We discuss the idea that principles of justice must be reasonably justifiable to those to whom they apply in our “Feminism, Religion, and Shared Reasons: A Defense of Exclusive Public Reason,” *Law and Philosophy* 28 (2009), pp. 493–536.

¹² This concerns political liberalism's idea of public reason. See Rawls, *IPRR*. We argue that political liberals should endorse what can be called an exclusive as opposed to inclusive account of public reason. See our “Feminism, Religion and Shared Reasons.”

will yield genuine substantive equality for women (and other marginalized groups). But, we should not get ahead of ourselves, as we need an account of the alleged tension or incompatibility between women's substantive equality and *political* liberalism.¹³

Susan M. Okin characterizes the problem as follows: Political liberals accept a wide range of comprehensive doctrines as reasonable (including all the major religions) and permit families and other private associations to organize as they see fit as long as they do not violate the principles of political justice. Some of these doctrines contain elements that suppose the legitimacy of gender hierarchies or essential gender differences. Under certain conditions, (some) persons' acceptance of these sexist yet reasonable comprehensive doctrines can effectively prevent women from enjoying real social, economic and political equality with men because any political conception of justice that is capable of being shared by all persons viewed as free and equal citizens will not be sufficient to protect women from gender inequality.¹⁴

Central to this concern is the idea that political liberalism (at least as it stands) lacks the theoretical resources necessary to secure substantive equality for women. Thus, the claim is that political liberalism is not a feminist liberalism. We aim to show the contrary and to do so by developing certain core ideas at the heart of *political* liberalism. Importantly, other feminists – Amy Baehr, S.A. Lloyd and Martha Nussbaum, in particular – have argued that political liberalism can yield feminist conclusions.¹⁵ But, we think these feminists have failed to show how *political* liberalism's core ideas restrict all reasonable political conceptions of justice to those that secure substantive equality for women. To be fair, Baehr, Lloyd and Nussbaum do not aim to show the feminist potential of political liberalism without reference to a particular political conception of justice. Hence, our project differs from theirs in that we intend to show that political liberalism's criterion of reciprocity entails a principle of non-domination and a principle of recognition respect, which

¹³ We will not attempt to note all feminist concerns about Rawls' political philosophy, but, instead, we focus on *some* that challenge the compatibility of women's substantive equality and *political* liberalism. Martha Nussbaum notes a number of feminist concerns about Rawls' theory in her "Rawls and Feminism," in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), pp. 488–520 and, also, see her "The Future of Feminist Liberalism."

¹⁴ Okin, "Political Liberalism, Justice and Gender" and "Justice and Gender: An Unfinished Debate." Okin also claims that sexist comprehensive conceptions of the good can preclude children's development of the two moral powers. But, as Sharon Lloyd argues, whether certain sexist comprehensive doctrines would prevent children from developing the two moral powers to the necessary degree in a Rawlsian society is an empirical question. See Lloyd, "Family Justice and Social Justice." If some citizens' beliefs and actions in accordance with such doctrines worked to thwart the development of the two moral powers in children, someone sympathetic to Rawls' theory would be on firm ground for insisting on children's protection, although we cannot address what sorts of measures would be appropriate here.

¹⁵ Lloyd, "Family Justice and Social Justice," and "Toward a Liberal Theory of Sexual Equality"; Baehr, "Perfectionism, Feminism and Public Reason"; Nussbaum, "Rawls and Feminism."

restrict all reasonable political conceptions of justice in important ways; hence, here we do not defend a particular political conception of justice as being capable of securing substantive equality for women.

So it will be clear how our project differs from that of Lloyd, Baehr and Nussbaum, we briefly describe their work. Baehr and Lloyd argue that political liberals can address substantive equality for women through the use of public reason arguments. However, both Lloyd and Baehr only show that political liberalism is compatible with political conceptions of justice that have feminist content; neither shows that political liberalism as such requires it. Consider Lloyd. She is concerned with “equality in the distribution of the benefits and burdens of social cooperation,” and she offers a particular conception of the goods of justice.¹⁶ The political conception of justice she ultimately develops is very similar to Rawls’, with the following caveat concerning sex equality: “(i)f women bear a disproportionate share of social burdens (and/or enjoy a proportionately inferior share of social benefits) according to publicly recognized criteria of value, then they are subequals.”¹⁷ Baehr interprets this caveat as an *anti-discrimination* principle according to which “gender not affect the distribution of *any* of the goods [relevant to justice].”¹⁸ This principle would entail, for example, that, if women are disadvantaged relative to men in terms of social primary goods such as income and wealth, then society should be restructured to prevent this. We are sympathetic to Lloyd’s particular conception of what justice requires; we do not criticize the content of her political conception of justice. However, even if Lloyd’s arguments are successful, she only shows that a particular political conception of justice (a modified version of justice as fairness) can generate feminist content but not that political liberalism as such requires it.

Now consider Baehr. Although she argues that feminism (or, to be more precise, some feminist conception of the good) cannot itself be a public political philosophy insofar as it rests on substantive ideals about the good life, she aims to show “some of the feminist content of a public political philosophy.”¹⁹ To this end, she assesses political liberalism’s ability to deliver feminist content by combining certain aspects of Rawls’ justice as fairness with features of Lloyd’s political conception of justice. In particular, she seems to adopt much of Rawls’ method, including the original position and the veil of ignorance to argue for Lloyd’s anti-discrimination principle, and then she assesses feminist concerns such as the commodification of sex from this point of view.²⁰ However, decision procedures for political principles such as the original position (and its veil of ignorance), specific accounts of the goods of justice and political principles themselves are all features of particular political

¹⁶ Lloyd, “Toward a Liberal Theory of Sexual Equality,” p. 65, p. 69.

¹⁷ Ibid., pp. 69–70.

¹⁸ Baehr, “Perfectionism, Feminism and Public Reason,” quoting p. 209, but see her full discussion of this point, pp. 208–212.

¹⁹ Ibid., p. 195.

²⁰ Ibid., p. 211.

conceptions of justice, and political conceptions of justice will vary in their accounts of these features. Like Lloyd, if her arguments are successful, Baehr shows that a particular political conception of justice can have feminist content and not that political liberalism as such requires it.

Nussbaum's claims go further than either Baehr's or Lloyd's, as she suggests that certain ideas at the core of political liberalism can protect women from injustice. In "Rawls and Feminism," she notes that the idea of equal citizenship is central to political liberalism and that any reasonable comprehensive doctrine must "grant the full equal citizenship of women" and "impose no barriers to women's exercise of those civic functions."²¹ Any comprehensive doctrine that fails to do this is unreasonable. Although we think that Nussbaum is correct to stress the feminist potential of political liberalism's conception of equal citizenship, Nussbaum does not develop an account of how the idea of equal citizenship as such, and independent of her particular political conception of justice, has much content such that it can be understood to provide a basis for substantive equality for women.

Of course, Nussbaum proposes a particular political conception of justice – a capabilities approach – which, if defensible by public reason and the object of an overlapping consensus of comprehensive doctrines, would certainly address many issues relevant to women's substantive equality. Her capabilities approach specifies certain human capabilities as "implicit in the idea of a life worthy of a human dignity" and as the "source of political principles for a liberal pluralistic society."²² Among the numerous capabilities part of her approach are "being able to have good health," being "secure against violent assault" and "being able to participate effectively in political choices that govern one's life."²³ Such capabilities are certainly central to women's equality. It is not our aim to criticize Nussbaum's particular political conception of justice, to assess whether it can be justified using public reasons or to determine the extent to which it delivers sex equality. Rather, our project is to step back from particular political conceptions of justice altogether and examine and develop political liberalism's criterion of reciprocity to show its substantive content and the constraints it puts on any reasonable political conception of justice. We claim the criterion of reciprocity limits reasonable political conceptions of justice to those that provide genuine equality for women along various dimensions of social life central to equal citizenship.

2. Reciprocity, Citizenship and Equality

To show that political liberalism is a feminist liberalism, we now consider how political liberalism's ideas of reciprocity and of equal citizenship limit

²¹ Nussbaum, "Rawls and Feminism," p. 510.

²² Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Belknap Press of Harvard University Press, 2006), p. 70, and see her *Women and Human Development* (Cambridge: Cambridge University Press, 2000).

²³ Nussbaum, *Frontiers of Justice*, pp. 76–77.

reasonable political conceptions of justice to only those that include principles that yield substantive equality for all, including women (and other marginalized groups). We begin by discussing political liberalism's criterion of reciprocity.²⁴ According to Rawls, the criterion of reciprocity requires that when persons advance principles of basic justice or constitutional essentials, "those proposing them must also think it at least reasonable for others to accept them as free and equal citizens, and not dominated or manipulated, or under the pressure of an inferior political or social position."²⁵ We claim that the criterion of reciprocity calls for 1) the eradication of social conditions of domination and subordination relevant to democratic deliberation among equal citizens and 2) the provision of the social conditions of recognition respect. As a result we claim that the criterion of reciprocity limits reasonable political conceptions of justice to those that provide genuine equality for women along various dimensions of social life central to equal citizenship.²⁶ In the final section of the paper, we explain why the view we develop – which relies upon a conception of the normative priority of citizenship – does not commit us to a partially comprehensive liberalism.

The criterion of reciprocity expresses the normative core of political liberalism and is the ideal by which citizens are to engage with one another in their deliberations about matters of basic justice and the constitution. The deliberations of citizens under the constraints of the reciprocity condition determine the very terms of social cooperation in a democratic state. Importantly, the criterion of reciprocity is not a mere formal constraint on deliberation. It imposes substantive content on political conceptions of justice, and political conceptions of justice that lack that content are not reasonable. Rawls claims, "there are numerous reasonable political conceptions of justice" and "the limiting feature of these forms is the criterion of reciprocity, viewed as applied between free and equal citizens, themselves seen as reasonable and rational."²⁷ The substantive content that Rawls believes reciprocity

²⁴ We understand Elizabeth Anderson's conception of democratic equality to be similar to Rawls' criterion of reciprocity. Anderson claims, "Negatively, egalitarians seek to abolish oppression – that is, forms of social relationship by which some people dominate, exploit, marginalize demean, and inflict violence on others...Positively, egalitarians seek a social order in which persons stand in relations of equality" and, as we note below, she argues that "democratic equality regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to each other, and in which they take mutual consultation, reciprocation, and recognition for grant." "What's the Point of Equality?" *Ethics* 109 (1999), pp. 287–337, p. 313. Anderson, however, does not state a connection between the view she develops and Rawls' criterion of reciprocity. The view of reciprocity we develop is specifically for political liberalism, and we use it to show how political liberals can address feminist concerns.

²⁵ IPRR, p. 578.

²⁶ Neufeld asserts that given political liberalism's criterion of reciprocity, Okin's policy proposals for gender justice (e.g., subsidized childcare and flexible work schedules for parents) can be supported, although he does not develop this claim. Blain Neufeld, "Coercion, the Basic Structure and the Family," *The Journal of Social Philosophy* 40 (2009), pp. 37–54, p. 46.

²⁷ IPRR, p. 581.

imposes on any reasonable political conception of justice includes “a list of certain basic rights, liberties, and opportunities,” “special priority to those rights, liberties, and opportunities, especially with respect to the claims of the general good and perfectionist values,” and “measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms.”²⁸ To explain the limiting nature of the criterion of reciprocity, Rawls remarks, “For what reasons can both satisfy the criterion of reciprocity and justify denying to some person religious liberty, holding others as slaves, imposing a property qualification on the right to vote, or denying the right of suffrage to women?”²⁹ Hence, Rawls thinks that when we try to determine principles for a democratic state that we think are reasonable for persons as free and equal citizens to accept, certain kinds of things (e.g., slavery) cannot possibly be reasonably justifiable to persons viewed in a certain way, and other things must be accepted (e.g., certain rights and liberties, such as freedom of association).

We think that the substantive content for conceptions of justice that the criterion of reciprocity generates goes significantly beyond what Rawls imagines for two reasons. First, the sort of reasoning that Rawls uses to generate the list of features that will be characteristic of any reasonable political conception of justice can be employed to justify access to other social goods, including social goods that have been of particular concern to feminists. We will demonstrate this below. And, second, the criterion of reciprocity itself has negative and positive aims with respect to the social conditions for reasonable democratic deliberation among persons viewed as free and equal citizens. The social conditions for reasonable democratic deliberation should be secured by any reasonable political conception of justice, and these conditions place significant restraints on reasonable political conceptions of justice. Demonstrating the latter point is our main concern, and the point with which we begin.

We propose that reciprocity as an ideal of justification has negative and positive aims. Negatively – so that persons can avoid addressing others as dominated, manipulated or under the pressure of an inferior social position – it requires the elimination of pervasive social hierarchies that thwart the give and take of public reasons among free and equal citizens. Positively, it requires the social conditions necessary for recognition respect among persons viewed as free and equal citizens.³⁰ These negative and positive aims of reciprocity are not always easily separable, since eliminating the social conditions of domination among individuals helps to create the conditions for recognition respect among persons. In what follows, we develop in more detail our view of the negative and positive aims of reciprocity and note some of the

²⁸ Ibid., pp. 581–582.

²⁹ Ibid., p. 579.

³⁰ Here we rely on the idea of recognition respect as it has been developed in the work of Stephen Darwall. See, e.g., his *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), pp. 119–147.

laws and policies that, under certain social conditions, are important to realizing reciprocity.³¹

To understand the negative aim of reciprocity, consider examples of how pervasive social hierarchies can interfere with the give and take of reasons among free and equal citizens and more generally interfere with individuals' ability to view others as free and equal citizens.³² Deborah L. Rhode discusses relevant examples in her book *The Beauty Bias*.³³ She notes that while both men and women suffer social exclusion and inequality on the basis of their appearance from time to time, gender norms about beauty affect how women are viewed by others and disadvantage women as such in ways that undermine their standing as equal citizens. Rhode notes:

Overweight women are judged more harshly than overweight men and experience greater income penalties. ... So too, in employment contexts, women face a standard more difficult to satisfy; they can lose by being either too attractive or not attractive enough. Unattractive women are disadvantaged in female dominated occupations, such as receptionist or secretary. But in the upper-level positions that historically have been male-dominated, beautiful or "sexy" workers are subject to the "bloopsy effect": their attractiveness suggests less competence and intellectual ability.³⁴

Gender norms about beauty influence not only how women are viewed in the employment context but also in other social spheres, including the political sphere.

Consider other ways in which gender norms influence how women are viewed in the employment and the political sphere and which marginalize women from participation in these domains. Joan Williams notes, "Most women remain in 'women's work,' in substantial part, because masculine

³¹ Our account develops Watson's understanding of reciprocity in her "Constituting Politics: Power, Reciprocity, and Identity," *Hypatia* 22 (2007), pp. 96–112. She argues that reciprocity requires 1) that a citizen have the ability to formulate an identity as an equal citizen, 2) that a citizen be regarded by others as an equal citizen and 3) that a citizen be able to engage in the exchange of reasons as an equal citizen.

³² Watson considers other examples in her "Constituting Politics." Also, one might object that members of socially dominant groups often are subject to a kind of problematic reductionism. For example, a wealthy, white male arguing for tax cuts or, say, against affirmative action might be criticized on the grounds that he only defends such a position due to his group membership, e.g., only a white, wealthy male would make such an argument. Are his reasons dismissed because of his group membership, and is he simply reduced to his group status if he is criticized on such grounds?

We need not deny that members of dominant groups are sometimes reduced to their group status and that this, too, presents an obstacle to reciprocity. However, insofar as membership in a dominant group confers systematic advantages to persons, an individual's standing as an equal citizen is not compromised by such group membership. Moreover, working to remove the social conditions that create and maintain socially oppressive hierarchies and undermine reciprocity will also eliminate the conditions that lead to reductionism of persons in socially dominant groups. We thank Matt Zwolinski for raising this concern.

³³ Deborah Rhode, *The Beauty Bias: The Injustice of Appearance in Life and Law* (Oxford: Oxford University Press, 2010).

³⁴ *Ibid.*, pp. 30–31.

norms exclude them from jobs traditionally held by men.”³⁵ With respect to white-collar jobs, women secure entry-level positions, but masculine norms often thwart their advancement. Williams notes, “mentoring and other opportunities are linked with what theorists call masculine gender performance – behaving in the ways traditionally expected of men.”³⁶ For example, male bonding between junior and senior professionals over sports, etc. often leads to better information and work assignments. Men seem to out perform women, when they in fact have had an insider advantage. Furthermore, women face “the assumption that motherhood does, and should, preclude women from performing as ideal workers.”³⁷ This affects women’s opportunities for employment as well as the sorts of projects and opportunities they are given on the job. Just as gender norms can operate to disadvantage women in the labor market, they can disadvantage women in the political sphere as well. Consider that in her 2008 campaign for U.S. vice presidency Sarah Palin’s ability to care for her children while attending to the responsibilities of the vice presidential office was the subject of much debate, despite the fact that there is never public discussion about how male political candidates will manage to care for their children while discharging their duties. Our point with these examples is that, in our society, when women run for public office, engage in public, political debate or participate in the labor market, they must try to overcome gender norms and expectations or succeed in spite of them. In other words, gender norms and expectations often result in women operating under the pressure of an inferior social position. Such social subordination, in turn, interferes with or obstructs equality of standing and, hence, undermines the conditions for reciprocity. In what follows, we argue that such subordination must be addressed in order to secure the conditions for reciprocity and equality among citizens.

The negative aim of reciprocity requires the elimination of social hierarchies that are incompatible with all persons’ ability to be viewed as free and equal citizens, and protection from domination must be part of any reasonable political conception of justice. Again, reasonable persons offer others terms of cooperation they believe others can accept as equal citizens.³⁸ Hence, reasonable political conceptions of justice must be ones that reasonable persons believe other persons can accept as free and equal citizens and not as individuals who occupy a subordinate status. Because no citizen could reasonably accept a political conception of justice that permitted her social

³⁵ Joan Williams, *Unbending Gender: Why Family and Work Conflict and What To Do About It* (Oxford: Oxford University Press, 2000), p. 66.

³⁶ *Ibid.*, p. 68.

³⁷ *Ibid.*, p. 70. In her extensive discussion, Williams further notes how mothers often leave white-collar jobs because of the executive schedule, the marginalization of part-time workers and relocation expectations for top executives. Importantly, Williams documents that women are also excluded from blue-collar jobs for a number of reasons, including gendered job descriptions, equipment designed for masculine bodies, and job scheduling.

³⁸ *PL*, p. 49.

domination, protection from domination must be part of any reasonable, political conception of justice.

The ideal of reciprocity is central to explaining how justice is possible in a society characterized by the fact of reasonable pluralism, and this ideal requires that fundamental principles of justice be justifiable to all members of society viewed as free and equal citizens. Political legitimacy itself, Rawls says, is

based on the criterion of reciprocity: our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions – were we to state them as government officials – are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons.³⁹

When social hierarchies are pervasive, they compromise some persons' ability to be viewed as equal citizens by others and thwart reciprocity and justice. Furthermore, these hierarchies can interfere with the exercise of basic liberties, fair equality of opportunity and the fair value of political liberties. The latter requires that "the worth of political liberties to all citizens, whatever their social or economic position, must be approximately equal, or at least sufficiently equal, in the sense that everyone has a fair opportunity to hold public office and to influence the outcome of political decisions."⁴⁰ Hence, in order for any set of principles of basic justice to be reasonable, they must preclude social hierarchies which threaten persons' ability to stand as equal citizens and be so regarded by others.

Importantly, our interpretation of reciprocity is central to the stability of a well-ordered society characterized by the fact of reasonable pluralism.⁴¹ The stability of a conception of justice concerns both whether those raised in a society structured by the political conception of justice will develop a sense of justice so as to act in accordance with the political conception and whether the political conception can demand an overlapping consensus of reasonable comprehensive doctrines.⁴² Our conception of reciprocity is fundamental to stability in the following way. The stability of society depends on the fulfillment of the liberal principle of legitimacy, which, again, requires that the exercise of political power is justifiable only if it stems from political principles that are, in principle, reasonably justifiable to persons viewed as free and equal citizens. Rawls says that the principle of legitimacy is "based on the criterion of reciprocity."⁴³ When systematic social hierarchies are in place, even if not directly as a result of state action, the legitimacy of the state

³⁹ IPRR, p. 578.

⁴⁰ *PL*, p. 327.

⁴¹ A well-ordered society is one in which a) each person endorses the conception of justice and knows others do as well, b) the basic structure is thought to distribute the goods of justice in accordance with the principles of justice and c) there is strict compliance with the principles of justice, given persons' sense of justice. *PL*, 35.

⁴² *PL*, p. 141.

⁴³ IPRR, p. 578.

may be undermined. As we have argued, systematic social hierarchies can thwart public reasoning among free and equal citizens. What persons may accept given an inferior social position is not the same as what they would find reasonably justifiable as free and equal citizens. Conditions of non-domination further promote stability in a number of ways: they increase the confidence of citizens that they are the political equals of others; they prevent systematic abuse of positions of social privilege; and, they underwrite the authority of all citizens (particularly, members of socially subordinated groups) to engage in the political process as equals. Hence, the eradication of social conditions of domination and subordination relevant to the exchange of public reasons among free and equal citizens is necessary for stability.⁴⁴

The ideal of reciprocity does not require the elimination of gender altogether or certain other social identities. It does not even require the elimination of all possible hierarchical notions of gender or social identities. To be precise, it requires the elimination of social positions (created by norms, expectations, etc.) which compromise persons' ability to be viewed as free and equal citizens and have standing as equal citizens. Arguably, gender systems would have to be radically revised but not necessarily eliminated. The negative aim of the criterion of reciprocity, then, requires non-domination or freedom from social positions that compromise persons' ability to be viewed by others as free and equal citizens and that interfere with their standing as free and equal citizens.

The positive aim of reciprocity concerns the social conditions necessary so that individuals can advance fundamental principles of justice under conditions in which they can believe it is reasonable for others to accept them as free and equal citizens. We said that these social conditions are, essentially, the social conditions necessary for recognition respect among persons as citizens.⁴⁵ Stephen Darwall argues that *recognition respect* for persons fundamentally involves acknowledgment of an individual's standing or authority as a person.⁴⁶ Hence, recognition respect for persons as citizens involves acknowledgment of an individual's standing or authority as a citizen. Such respect is central to the criterion of reciprocity. A citizen must offer other citizens terms for cooperation that are reasonable *because* she acknowledges that oth-

⁴⁴ Thanks to Peter Vallentyne for pressing this point.

⁴⁵ For discussion of the role of respect for persons in political liberalism, see also Charles Larmore, "The Moral Basis of Political Liberalism," *The Journal of Philosophy* 96 (1999): 599–625; Blain Neufeld, "Civic Respect, Political Liberalism, and Non-Liberal Societies," *Politics, Philosophy & Economics* 4 (2005): 275–299; and James W. Boettcher, "Respect, Recognition, and Public Reason," *Social Theory and Practice* 33 (2007): 223–249. Larmore claims that a principle of respect for persons is the moral basis of political liberalism; Neufeld claims that political liberalism's criterion of reciprocity is based on equal civic respect for persons, which is a kind of recognition respect; and Boettcher claims that the basis for political liberalism's account of public reason is mutual respect, understood as recognition respect. We thank Neufeld for these references and for suggesting that our claim of the connection between reciprocity and recognition respect is further supported by this literature.

⁴⁶ Darwall, *The Second-Person Standpoint*, pp. 119–147.

ers have authority as equal citizens to demand reasonable justifications for principles of basic justice and constitutional essentials. Persons' standing as equal citizens, importantly, also gives them the right to make claims of justice on others and to promote their conception of the good consistent with the demands of justice. In public, political debate, this means that citizens should take other citizens to have a legitimate right to make claims, to propose principles and policies, and to offer justifications for their views. In the public, political sphere, citizens should not disparage, degrade or humiliate others who disagree with their political views, have a different comprehensive conception of the good or have a social identity that they dislike or find objectionable. The latter is a moral requirement, not a legal one.

Two types of problems are associated with pervasive social hierarchies that undermine the conditions necessary for recognition respect. We will call one type of problem *the problem of authority* and the other *the problem of advancing claims of justice*. The problem of authority occurs when members of a social group fail to garner recognition respect from other citizens and cannot participate in public, political deliberation on a basis of equality. Members of the social group are not regarded as fully equal citizens by others; they are not acknowledged to have the *authority* to make claims on others as equal citizens. The second type of problem occurs when, because of their subordinated position, members of a group are unable to advance their claims of justice as equal citizens. We clarify the nature of these problems below.⁴⁷

Equal authority among citizens is central to the criterion of reciprocity. Such authority is fundamentally about the kind of political relationship that exists among members of society. In a politically liberal society, citizens must stand in a relation of *equal authority*. This idea is akin to Elizabeth Anderson's idea of democratic equality. She says that "democratic equality regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation and recognition for granted."⁴⁸ Persons' acceptance of the obligation to justify their actions by principles acceptable to others depends on the idea of equal authority. Anderson stresses that the primary interest of democratic egalitarianism is that citizens have a certain kind of relationship relative to other citizens in society; in her view, the distribution of goods in society is secondary to this. Recognition respect for persons as citizens requires the recognition of person's mutual equal authority as citizens in the public, political realm and in civil society more generally. Democratic societies' acknowledgement of the importance of recognition respect among citizens in civil society is reflected in civil rights legislation. Consider, for example, the U.S. Civil Rights Act of 1964. This legislation, inter alia, forbid racial discrimination in employment and public accommodations and desegregated

⁴⁷ The problem of authority results in the problem of individuals not being able to advance claims of justice, but it can have other causes, too.

⁴⁸ Anderson, "What Is the Point of Equality?" p. 313.

public schools. The legislation was central to securing better employment and educational opportunities as well as providing access (or better access) to public accommodations for African-Americans and other groups. But, it also *affirmed* the standing of African-Americans as equal citizens and recognized their *authority* to demand respect from others. Civil rights legislation can be central to securing the background conditions for reciprocity in society.

Each person's ability to advance a claim of justice as an equal citizen is also essential for reciprocity among citizens. This requires both 1) that persons as citizen claim-makers regard themselves in a certain kind of way and have the self-worth and self-respect required to advance claims of justice and 2) that others not only recognize the equal authority of citizen claim-makers but that they also give proper hearing to the claims of other citizens. With respect to how persons must understand themselves, Rawls asserts that central to citizenship is that persons see themselves as "self-authenticating sources of valid claims."⁴⁹ Of importance for our purposes is that persons must be capable of thinking that – like other citizens, and regardless of their social positions or social identities – they can make legitimate claims of justice and are entitled to promote their conception of the good, provided this is done in a way that is consistent with other citizens' freedom to do the same. All persons have a political identity, which is their identity as free and equal citizens, as well as various social identities, which are the identities that persons assume or are assigned by social institutions. Being able to formulate an identity as an equal citizen requires that a person's social identities do not undermine his/her identity as a free and equal citizen. As noted above, if a person is a member of an oppressed group, then his/her ability to form an identity as an equal citizen can be compromised.⁵⁰ Reciprocity requires that background institutions be such that all reasonable persons can form an identity as an equal citizen. Hence, socially hierarchical identities cannot result in second-class citizenship for members of socially dominated groups; this is incompatible with democratic equality.

Pervasive social hierarchies can also prevent the claims of some persons from receiving a proper hearing as the claims of equal citizens. Charles Mills discusses this problem in his *The Racial Contract*. There Mills describes the ways in which systematic oppression serves to distort the moral ontology and

⁴⁹ *PL*, p. 32.

⁵⁰ Cheshire Calhoun makes this point in her discussion of the status of gays and lesbians in American society. She claims that

equating *being* a homosexual with immorality produces a novel civic status: the citizen-deviant. Because all things gay or lesbian are routinely coupled, in legal and lay imaginations, with sodomy, child molestation, solicitation, promiscuity or some other category of immorality, nothing one does *as* a gay man or lesbian is untainted by the specter of immorality. . . . Constructed as citizen-deviants, gay men and lesbians occupy a shadowy territory neither fully outside nor fully inside civil society.

Feminism, The Family and the Politics of the Closet: Lesbian and Gay Displacement (Oxford: Oxford University Press, 2000), pp. 104–105.

epistemology of both dominant and subordinate classes. In the case of racial inequality as present in the modern political landscape, Mills argues that to be a full member of political society, to be “white,” one must come to learn and accept a “set of mistaken perceptions” that validate white political and epistemic authority. But, he also says that this cognitive distortion is not easily exposed to members of dominant groups because it “precludes self-transparency and genuine understanding of social realities.”⁵¹ Of course, this is just the point that, for social hierarchies to remain stable and functioning, they must find ideological support that seems to justify in some way the inequality, and when such ideologies are pervasive such as racism and sexism, members of dominant groups, especially, are often blinded to the ideologies’ causes and solutions. As such ideologies operate in the background culture, or even the foreground, claims of injustice by subordinate groups – claims for equal treatment or equal respect – fail to register as legitimate within the dominant moral discourse. The positive aim of reciprocity, then, requires the provision of social conditions in which persons as citizens can relate to each other as equal authorities and in which persons can advance claims of justice as equal citizens. Call this reciprocity’s principle of recognition respect.

We imagine that reasonable conceptions of justice can vary in how the social conditions of recognition respect are folded into principles of justice. However, surely part of what the social conditions of recognition respect would require in any political liberal society is a certain kind of civic education. In addition to knowing their rights, liberties and responsibilities as citizens, persons must appreciate that their entitlements and responsibilities and those of others stem from their standing or authority. Persons must appreciate their legitimate right to participate in democratic deliberation and civil society. Furthermore, as Rawls asserts, persons must understand that as citizens they are regarded as free in the sense that, even if they modify or abandon their conception of the good, they retain their entitlements and responsibilities as citizens. Person’s social identities and comprehensive doctrines do not change their entitlements as citizens.⁵²

Other types of law and policy will be necessary in certain societies to satisfy reciprocity’s principle of recognition respect. In hierarchically gendered societies in which women as such are targeted for violence, legislation like the Violence Against Women Act (VAWA) as passed by the U.S. Congress, or some similar act, is necessary. This act had immense potential for not only addressing actual violence against women in the United States but also for affirming women’s status as equal citizens. The VAWA recognized a “Federal civil rights cause of action for victims of crimes of violence motivated by gender,” and it declared that “(a)ll persons within the United States shall have the right to be free from crimes of violence motivated by gender.”⁵³ This leg-

⁵¹ Charles Mills, *The Racial Contract* (Cornell University Press, 1997), p. 18.

⁵² *PL*, p. 30.

⁵³ Violence Against Women Act of 1994, 42 U.S.C. §13981 (1994).

isolation allowed victims of gender-based violence to sue perpetrators for compensatory and punitive damages, injunctive and declaratory relief, etc. As Catharine MacKinnon notes, not only did the VAWA recognize gender violence as sex inequality but it also gave power to victims insofar as victims had the power to bring causes of action and, thereby, affirm their own status as citizens.⁵⁴ Although the U.S. Supreme Court nullified the most substantive parts of this legislation,⁵⁵ in its original form it is precisely the kind of legislation that can help secure and sustain conditions of reciprocity among citizens.⁵⁶ Similarly, feminist arguments to the effect that pornography, prostitution, rape, domestic battery and so forth undermine women's equality (and so should be considered as civil rights violations) deserve serious consideration.⁵⁷

Importantly, in any politically liberal society there will be numerous political conceptions of justice, one of which, it is supposed, will be the subject of an overlapping consensus of reasonable comprehensive doctrines. In public discussions of political conceptions of justice, persons must assess the merits of various political conceptions of justice with respect to how well they secure the social conditions necessary for reciprocity. Some political conceptions of justice will no doubt fail to secure these conditions. Persons can object to such conceptions of justice as unreasonable.

Above we also noted that Rawls thinks that the criterion of reciprocity imposes substantive demands on reasonable political conceptions of justice in another way. He claims that, insofar as we try to determine principles for a democratic state that we think are reasonable for persons as free and equal citizens to accept, certain kinds of things cannot possibly be reasonably justifiable to persons and other things must be accepted. We noted that Rawls proposes a list of three features that he thinks must be part of *any* reasonable political conception of justice. Again, those features include 1) certain rights, liberties and opportunities, 2) priority for these rights, liberties and opportunities and 3) "measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms."⁵⁸ Rawls stresses that there are different understandings of the "ideas of citizens as free and equal persons and of society as a fair system of cooperation over time" and as a result political conceptions can vary in how the above features are specified and with respect to "how they order, or balance, political principles and values."⁵⁹ Even

⁵⁴ Catharine A. MacKinnon discusses the potential of the Violence Against Women Act for affirming women's citizenship in her "Disputing Male Sovereignty: On *United States v. Morrison*," *Harvard Law Review* 144 (2000), pp. 135–177.

⁵⁵ *United States v. Morrison*, 120 S. Ct. 1740 (2000).

⁵⁶ Watson makes a similar argument in favor of regulating pornography as a sex equality issue in her "Pornography and Public Reason," *Social Theory and Practice* 33 (2007): 467–488.

⁵⁷ See, for example, Catharine MacKinnon's arguments in *Women's Lives, Men's Laws* (Cambridge, Mass.: Harvard University Press, 2005).

⁵⁸ IPRR, pp. 581–582.

⁵⁹ *Ibid.*, p. 582.

so, he takes the features noted above as central to any reasonable political conception of justice, given the sort of reasons that could “satisfy the criterion of reciprocity.” Here we suggest that the features of any reasonable political conception of justice that follow from what could possibly satisfy the criterion of reciprocity go beyond those enumerated by Rawls and that these features include ones that concern substantive equality for women.

In any society characterized as a fair system of cooperation over time, the “orderly production and reproduction of society and its culture from one generation to the next”⁶⁰ is of fundamental concern. Indeed, it is a fundamental interest of every person as a citizen that she is reasonably cared for as a child⁶¹ – that is, that her physical and emotional needs are met and that others provide for her moral development and her education so she can be prepared for the responsibilities of citizenship and to pursue her conception of the good when she reaches maturity. Women have done and continue to do most of the work caring for children and, as a result, have been disadvantaged relative to men in their ability to participate in the labor market, the political sphere and civil society. However, because it is a fundamental interest of every person that she receives care as a child and because this work is necessary for the continuation of society over time, this work should be regarded as socially obligatory work for which we are all collectively responsible. And, those who perform this work should not be disadvantaged relative to other citizens with respect to their ability to participate in the various spheres of social life central to citizenship.⁶² Recall that Rawls regards slavery, denying religious liberty and certain voting qualifications as simply incompatible with the criterion of reciprocity. So, too, we claim is any distribution of socially obligatory work that privileges some citizens over others in spheres of social life central to citizenship. How could any citizen reasonably think that other citizens could reasonably accept a distribution of socially obligatory work that significantly disadvantages a group of citizens in their ability to participate in the labor market, civil society and the political sphere?

Recall that some worry that the core commitments of political liberalism will not guarantee substantive equality for women in a so-called well-ordered

⁶⁰ The quoted passage is from Rawls, and he claims that “the orderly production and reproduction of society and its culture from one generation to the next” is why the family is part of the basic structure. IPRR, p. 595.

⁶¹ In fact, it is clearly a fundamental interest of every person as a citizen that he is cared for in any time of dependency over the course of a life. As Eva Kittay, Martha Nussbaum and others have noted, Rawls has not adequately addressed issues of justice relating to dependency and disability. We cannot adequately address how the criterion of reciprocity bears on these issues here, but we hope to take this up in future work. On Rawls’ failure to address issues of justice relating to dependency and disability, see, e.g., Eva Kittay, *Love’s Labor: Essays on Women, Equality and Dependency* (New York: Routledge, 1999) and Nussbaum, *Frontiers of Justice*.

⁶² See Nancy Fraser’s anti-marginalization principle in her “After the Family Wage: A Postindustrial Thought Experiment,” in *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York: Routledge, 1997), pp. 41–66, p. 48.

politically liberal society.⁶³ Again, political liberals accept the fact of reasonable pluralism and view a wide range of comprehensive doctrines as reasonable, including ones that are sexist according to some feminist comprehensive doctrines. The thought is that a political conception of justice that is capable of being justified by political values and beliefs and that can be the object of an overlapping consensus of reasonable comprehensive doctrines is likely to leave unaddressed many of the obstacles to substantive equality women face.

We think our view effectively responds to this worry. Although our view does not entail that comprehensive doctrines that contain sexist elements (according to some) will necessarily be unreasonable, we think the criterion of reciprocity places substantive demands on any reasonable political conception of justice. Hence, political liberalism's criterion of reciprocity can curtail the power of comprehensive doctrines to perpetuate the subordination of women with respect to the dimensions of social life central to equal citizenship and can deliver the social goods necessary for equal citizenship. This is as much as any liberal view can do.

We have argued that the criterion of reciprocity requires the elimination of social positions that undermine persons' ability to be free and equal citizens. One might wonder what our view entails with respect to the ways in which the state can legitimately address the social subordination of some groups. For example, can the state directly attack gender norms that are part of a comprehensive doctrine?⁶⁴ As we have indicated, we think the state can enact social policy aimed at structuring society in accordance with the criterion of reciprocity. If women as such are targeted for violence, it may be appropriate or necessary for the state to make violence against women a civil rights violation. If practices such as prostitution subordinate women, the state can prohibit them or regulate them in ways consistent with equality.⁶⁵ Furthermore, suppose the state offers parental leave to new parents, but gender norms are such that only women use this leave. If this results in gendered norms and expectations in the economy that disadvantage women's participation as equal citizens, the state can condition maximum leave periods on sequential work leaves by both parents, absent special circumstances. Of course, sometimes the way in which the state can address certain practices is limited by freedom of expression. Consider proposals for banning burqas in public places.⁶⁶ One reason for such proposals is that the burqa can be thought to express the sentiment that women should be invisible in public or have no public presence. Even if this is true, under most conditions, banning the burqa in public places would be an unacceptable violation of freedom of

⁶³ Okin, for example, stresses this worry.

⁶⁴ We thank an anonymous reviewer for urging us to clarify our view on this issue.

⁶⁵ For example, the state could criminalize consumption of prostitution (i.e., the "johns") or distribution of prostitution (i.e., the "pimps") while decriminalizing prostitution itself in order to address the sex inequality at stake here.

⁶⁶ We thank Eddy Nahmias for raising this example and Andrew Altman for discussion.

expression.⁶⁷ Furthermore, the equal status of women as citizens in the public, political sphere and in civil society can be addressed by other social policy. Given the importance of freedom of expression, prohibitions on the expression of both reasonable and unreasonable comprehensive doctrines are only justifiable in the most extreme conditions.⁶⁸ Comprehensive doctrines will both be expressed and critiqued in the background culture of society. However, public reason should be limited to political values when principles of basic justice and constitutional essentials are at issue, and public reason condemns comprehensive doctrines that reject the central features of political liberalism. Rawls says, “Central to the idea of public reason is that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, except insofar as that doctrine is incompatible with the essentials of public reason and a democratic polity.”⁶⁹

3. Not a Partially Comprehensive Liberalism

In conclusion, we would like to defend the view we develop from the charge that our conception of reciprocity is not consistent with political liberalism. Recall that we claim that the criterion of reciprocity requires 1) the eradication of social conditions of domination and subordination relevant to democratic deliberation among equal citizens and 2) the provision of the social conditions of recognition respect. There are two ways one might make the charge. One might claim that, because the view we develop requires all reasonable comprehensive doctrines to be compatible with accepting the substantive demands of the principle of non-domination and principle of recognition respect, the range of comprehensive doctrines that will be *reasonable* on our account will be quite narrow. And, this is not consistent with the spirit of political liberalism which begins with the recognition of “a pluralism of incompatible yet reasonable comprehensive doctrines.”⁷⁰ That is, political liberals view a wide range of comprehensive doctrines as reasonable, including the main comprehensive doctrines that currently characterize modern, democratic societies. Our view, it may be said, is inconsistent with this. Or, one might object that the substantive content that we attribute to the criterion of reciprocity is not part of the political culture of democratic states or that we develop the ideas that are part of the political cultural in controversial ways.

To begin, while we think that any reasonable comprehensive doctrine must be compatible with reciprocity’s principle of non-domination and principle of recognition respect, we think that most comprehensive doctrines in

⁶⁷ See Martha Nussbaum, “Veiled Threats?” *The New York Times*, July 11, 2010, accessed September 17, 2010, <http://opinator.blogs.nytimes.com/2010/07/11/veiled-threats/>.

⁶⁸ See Nussbaum’s discussion of this point in Rawls in her “Rawls and Feminism,” p. 509.

⁶⁹ IPRR, p. 574.

⁷⁰ *PL*, p. xvi.

modern democratic states are so compatible.⁷¹ And, as a result, we think that political conceptions of justice constrained by the criterion of reciprocity could be the object of an overlapping consensus among reasonable comprehensive doctrines. While we cannot demonstrate here the compatibility between particular comprehensive doctrines and our conception of reciprocity, clarifying our view a bit should help make the case. The demands of the principle of non-domination and the principle of recognition respect concern persons standing as free and equal citizens and the social conditions necessary for this. Persons' social positions and socially ascribed or assumed identities should not affect their standing as citizens. Belief in gender differences (or even gender hierarchy in religious authority) can certainly be part of a reasonable comprehensive doctrine so long as the doctrine is compatible with the recognition of all persons as equal citizens in the substantive sense outlined above. We do not see why believing, for example, that God requires a kind of gender hierarchy in the church and home *necessarily* prevents individuals from also recognizing that persons regardless of sex are equal citizens and have certain entitlements and responsibilities, although we note that it may.

That said, political liberals do accept a particular notion of the normative priority of citizenship, given their conception of freedom. Citizens are free in the sense that persons regard themselves as citizens who are capable of modifying or abandoning their conception of the good and that they understand that they have rights, liberties and responsibilities as citizens, irrespective of their other identities or associations.⁷² Citizens are also free in the sense of being self-authenticating sources of valid claims. This means that persons in a politically liberal society are viewed as ends and as such can legitimately press claims on others in connection with their beliefs, values and ideas of the good life.⁷³ Thus, a person's identity as a citizen has normative priority over her other identities in the following ways: 1) from the point of view of the state, a person regardless of her beliefs, affiliations or social identities always enjoys certain rights, liberties and responsibilities as a *citizen*, and, because persons are citizens (and for no other additional reason), they can legitimately make claims on others to promote their idea of the good life *and* 2) from her own point of view and the point of view of other citizens, a person is always owed respect as a *citizen*, regardless of her beliefs, affiliations or social identities and, because she is a citizen, has standing to promote her interests (provided she is reasonable). This means that her rights and liberties as a citizen cannot be denied by others and that she cannot sell, exchange or otherwise

⁷¹ Perhaps this claim is contentious. A significant number of Americans accept religious doctrines according to which women should be subordinated to men in the church and home. Whether persons who accept such views can accept the central tenets of political liberalism depends on whether these persons believe that women should be *equal citizens* with men and enjoy the same entitlements as men as citizens. We think most do but, if we are wrong, such persons are unreasonable. Thanks to a reviewer for pressing us on this.

⁷² *PL*, p. 30.

⁷³ *Ibid.*, p. 32.

divest herself of her rights and responsibilities as a citizen (even if she chooses not to enjoy them). One's identity as a citizen, then, has normative priority over other identities just in the sense that, no matter what one's other identities are, one's identity as citizen always gives one a certain standing and rights, liberties and responsibilities. This does not mean a person must understand citizenship as the most important part of her identity or as who she fundamentally is.

We also believe the conception of reciprocity we develop is part of the public, political culture of modern, democratic states. Concern with non-domination and recognition respect is at the heart of the various civil rights movements that have characterized democratic states in the past hundred years. Claims about discrimination on the basis of sex, race, disability and sexuality are about access to certain social goods, but they fundamentally reflect concern for persons' standing as free and equal citizens with others and the elimination of oppression.

Thus, although feminists have doubted political liberalism's ability to secure substantive equality for women, this doubt is misplaced. Political liberalism's criterion of reciprocity places substantive demands on any reasonable political conception of justice, as any reasonable political conception of justice must secure social conditions of non-domination and recognition respect among citizens. Hence, political liberalism is feminist.

Christie Hartley
Georgia State University
Department of Philosophy
chartley@gsu.edu

Lori Watson
University of San Diego
Department of Philosophy
Director of Women's and Gender Studies
pwatson@sandiego.edu