

**THE LIBERAL PRINCIPLE OF LEGITIMACY AND THE  
GENDERED DIVISION OF LABOUR: WHAT TO MAKE OF THE  
TENSION BETWEEN POLITICAL LIBERALISM AND FEMINISM**

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## ABSTRACT

Political liberalism and its accompanying liberal principle of legitimacy enjoy wide support among contemporary political philosophers, however, some worry that some of what feminists working with their own assumptions have established as injustices may not be recognisable as such from within the framework of political liberalism. One of the most illustrative examples of these hurdles that has drawn attention is the question of the gendered division of labour. How can the gendered division of labour be recognised as unjust and tackled operating with the assumptions of political liberalism and abiding by the liberal principle of legitimacy? For reasons that I lay out, and as the example of the gendered division of labour will illustrate, the tension between political liberalism and feminism appears to be real and dispelling it, if at all possible, requires serious philosophical argument. This paper aims to capture where exactly the tension between political liberalism and feminism lies, how it may be dispelled and to judge whether such arguments have already been successfully made as well as to offer an assessment of what the prospects are that such an argument can be forthcoming.

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## I. INTRODUCTION

Political liberalism as formulated by John Rawls and its accompanying liberal principle of legitimacy enjoy wide support among contemporary philosophers. The liberal principle of legitimacy requires that in a democratic society of free and equal citizens, the exercise of collective political power be justified by reasons that all reasonable citizens can accept. More specifically, for the exercise of power to be legitimate, in matters of constitutional essentials and basic justice, reasons supporting the exercise of state power must be expounded without appeal to comprehensive doctrines. While many find the liberal principle of legitimacy plausible and attractive, some feminist philosophers have drawn attention to an important and striking problem, namely, that the principle may be hard, if not impossible to reconcile with some feminist aims (Okin: 1994; Exdell: 1994; Llyod: 1995; Chambers: 2008; Hartley and Watson: 2018; Schouten: 2019, Gheaus: 2023). This feminist worry will be the focus of my paper.

In short, political liberalism promises to find a conception of political justice that can be endorsed by citizens as free and equal yet profoundly divided along their moral, religious, and philosophical outlooks. To find such a conception of justice, the politically liberal solution recommends that we formulate a conception that does not require consensus on any of these diverse worldviews and is instead motivated by its own intrinsic ideals that can be endorsed by citizens characterized as free and equal yet doctrinally divided. To achieve this, political liberalism requires that the conception be expounded without reference to any of the diverse comprehensive outlooks and imposes the stringent criterion that no appeal to comprehensive views can function as a public basis of justification for state action. Feminism and its values, along with any other comprehensive or partially comprehensive view are thereby rendered one

among the many reasonable views and thus not a proper basis for grounding arguments for the exercise of state power. We can see why this development would worry feminists.

Indeed, as we will see, it *has* worried many feminists. Any of the enactments of state power that feminists might argue is necessary to achieve gender justice must, on this framework, be grounded in ideals that all can accept and not only that but many of the injustices that feminists working with their own assumptions have established as injustices may not be recognisable as such from within the framework of political liberalism. One of the most illustrative examples of these hurdles that has drawn the attention of feminists is the question of the gendered division of labour, specifically how it may be recognised as unjust and tackled operating with the assumptions of political liberalism and abiding by the liberal principle of legitimacy. For reasons that we will see, and as the example of the gendered division of labour will illustrate, the tension between political liberalism and feminism appears to be real and dispelling that tension, if at all possible, requires serious philosophical argument. This paper aims to capture where exactly the tension between political liberalism and feminism lies, how it may be dispelled and to judge whether such arguments have already been successfully made as well as to offer an assessment of what the prospects are that such an argument will be forthcoming.

To do this, I begin with a careful reconstruction of the central tenets and motivating ideas of political liberalism as put forward by John Rawls. The first chapter is entirely devoted to introducing the reader to the vocabulary of political liberalism. Given the highly technical nature of the language of the framework, a thorough introduction to the most essential concepts with which it operates is necessary. I hope that this way, the rest of the paper will be more comprehensible than it otherwise may have been. Those well-versed in political liberalism may wish to skip to chapter 2 which is where I begin to elucidate why feminism and political liberalism are thought by many to be in tension. First, relying on the excellent work of Susan Moller Okin, John Exdell and Sharon A. Llyod from the early years of the debate, I offer a

general diagnosis of what I call the ‘Feminist Challenge’. The general diagnosis draws out the assumptions of political liberalism that raise immediate worries for feminists. The general diagnosis sets the stage for a more fine-tuned account later. Before I turn to the fine-tuned account, I first lay out an account of the central aims of feminism and introduce the concept of the gendered division of labour as well as why many believe the gendered division of labour to be the ‘linchpin’ of gender justice. To foreshadow what is to come, drawing on Anca Gheaus (2022) I argue that a central, if not the main, aim of feminism is to dismantle unjustified gender norms. Perhaps not all feminists would agree, but I argue that in the context of the gendered division of labour, they might agree that the goal is to eradicate gender norms that sustain it. Following my discussion of feminist aims, gender norms and the gendered division of labour, I return to the feminist criticism of political liberalism, this time in a more fine-tuned form. Having diagnosed the tension and having situated the problem of the gendered division of labour in this context, I finish this section by showing what general direction an attempt to dispel the tension might take. As I see it, in the context of gendered division of labour (but I believe that this hold generally) a strategy to this effect may take two general forms. One must either show that whatever one would deem unjust from her feminist standpoint can be so regarded by the lights of a political conception of justice and thus actionable, or one must show that some general feature about political liberalism such as its intrinsic (moral) ideals of reciprocity or some other piece of the general framework supply the reasons for action. I also offer some reasons for why in the particular case of the gendered division of labour the latter strategy may be better suited to get to the heart of what is objectionable about the phenomenon. In the third and last chapter, I review two recent elaborate attempts that pursue the latter strategy. I offer some arguments for why we have reasons for scepticism about the success of the two approaches and some further reservations about the prospect of the success of the project of entirely dispelling the tension between political liberalism and feminism in general.

## II. POLITICAL LIBERALISM

With the publication of his book *Political Liberalism*, John Rawls popularised the idea that in a democratic society, ‘our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions [...] are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons’ (2005, pp 446 – 447). This idea is central to the principle of legitimacy based on the criterion of reciprocity which is, or so Rawls believes, the proper response to the fact that free and equal citizens are to agree about how to exercise political power as a collective body when, in a society structured by free institutions, they inevitably affirm a diverse range of irreconcilable, yet reasonable comprehensive doctrines. Political liberalism promises to show that agreement on a liberal conception of justice can be forthcoming even among citizens not all of whom share a comprehensively liberal outlook and further that a society ordered by the principles set out by liberal conception can be stable for the right reasons. Rawls’ argument for political liberalism enjoys considerable support among contemporary philosophers and many find the idea of providing reasons for the exercise of power that can be shared by all reasonable citizens an intuitively appealing idea. Yet, Rawls’ framework of political liberalism, to borrow the words of S.A. Lloyd, ‘forms a system as complex and imposing as any philosophers have yet devised’ (1995, p 1319). For this reason, as well as to make the subsequent parts of the thesis more lucid, I will begin with a rather long and thorough reconstruction of the central aims and tenets of political liberalism. I hope that the first chapter will make the reader’s task much easier in trying to comprehend whatever is to come in the subsequent sections. It certainly makes my task easier since throughout the rest of the paper, unless necessary, I no longer offer painstaking definitions of the central concepts. All of that is done in Chapter 1 and for this reason, anyone well-versed in political liberalism may even feel free to skip to Chapter 2.

## **The fact of reasonable pluralism**

For political liberalism, one of the most fundamental steps is the acknowledgement of what Rawls calls *the fact of reasonable pluralism*. According to Rawls, the fact of reasonable pluralism is a general fact that characterises any democratic society. As Joshua Cohen explains, when practical reason is operating under enduring free institutions, that is institutions that secure ‘the liberties of conscience, expression, and association are secured, as well as the resources needed to exercise those liberties’, convergence among citizens on any religious, philosophical, and moral doctrines is not forthcoming (1994, p 598). In a democratic society characterised by free institutions, citizens will affirm a diversity of conflicting comprehensive doctrines, among them a wide range of reasonable comprehensive doctrines. This is a ‘natural consequence of human reason under enduring free institutions’ and thus a permanent feature of the public culture of a democratic regime (2005, p xxiv, 36). Consequently, accompanying the fact of reasonable pluralism is ‘*the fact of oppression*’ meaning that ‘a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power’ (2005, p 37).

## **The burdens of judgement**

Rawls argues that there is a further general fact about a democratic society: we cannot expect ‘that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion’ (2005, p 58). In a free society, different religious, philosophical, and moral views of the world can be reasonably elaborated from different standpoints and even among people who sincerely and conscientiously attempt to reason with one another sources of reasonable disagreement remain (Rawls: 2005, p 58). These reasonable sources of disagreement Rawls calls *the burdens of judgement*. They include the complexity of evaluating evidence, the difficulty of selecting and weighing relevant considerations, the vagueness of our concepts, the



effects of our total experience and course of life, the difficulty of making an overall assessment of all normative considerations and the difficulty of setting priorities given that any system of social institutions has limited social space for the realisation of values and thus must select from the full range of moral and political values (Rawls: 2005, p 56-57).

### ***A political conception of justice***

Given that citizens are profoundly divided by reasonable comprehensive doctrines, it is difficult to see how it is possible that they, characterised as free and equal and affirming conflicting comprehensive doctrines might come to endorse a conception of political justice for a constitutional regime and to endorse it for the right reasons and not because it is what ‘the balance of political and social forces dictates’ (Rawls: 2005, pp xxv; xl; xxxviii). Rawls intends political liberalism to show that it is possible to find such a conception of justice (more precisely, a family of such conceptions) and explains how it may possibly attain the endorsement (for the right reasons) of free and equal yet doctrinally divided citizens. To find a political conception of justice, Rawls writes, the way to proceed is not by trying to strike a balance or compromise between comprehensive doctrines (this would make the political conception political in the wrong way) (2005, p xlv). Given the general facts about a democratic society, Rawls argues that a conception of justice will be able to gain the endorsement (for the right reasons) of free and equal citizens only if it is not presented as derived from, or as part of any comprehensive doctrine. For a political conception to be political in the right way, it must be formulated as a freestanding conception (Rawls: 2005, p xlii). A distinguishing feature of a *political conception of justice* is thus that it is presented as a freestanding view meaning that it has its own intrinsic (moral) ideals and is ‘expounded apart from, or without reference to’ any other doctrine (Rawls: 2005, p 12). Further, a political conception is strict in its scope, it only applies to *the basic structure* of society that is to ‘a society’s main political, social, and

economic institutions, and how they fit into one unified system of social cooperation from one generation to the next' (Rawls: 2005, p 11). Unlike conceptions that are general and apply to a range of subjects, a political conception then has a specific subject to which it applies, and that subject is the basic structure of society. A political conception, unlike a comprehensive view, does not include conceptions of what is of value in human life and personal virtue and character (Rawls: 2005, p 13). Third, the content of a political conception of justice is not formulated in terms of comprehensive doctrines but in terms of ideas that are implicit in the public political culture of a democratic society (Rawls: 2005, p 14). So, a political conception of justice is limited in scope, it applies to a specific subject which is the basic structure of society, it does not presuppose the acceptance of any comprehensive doctrine and is expressed not in terms of a comprehensive doctrine but in terms of fundamental ideas implicit in the public political culture of a democratic society.

### **A fair system of social cooperation**

Two fundamental ideas implicit in the public political culture of democracy are that of a society as a fair system of social cooperation over time, from one generation to the next and the conception of persons as (reasonable and rational) free and equal citizens. The idea of *society as a fair system of social cooperation* draws out the following characteristics: first, social cooperation is guided by publicly recognised rules that those involved regard as properly regulating their conduct, second, these terms are fair terms in that each participant may 'reasonably accept' them, 'provided that everyone else likewise accepts them' (Rawls: 2005, p 16). To quote Rawls: '[f]air terms of cooperation specify an idea of reciprocity: all who are engaged in cooperation and who do their part as the rules and procedures require, are to benefit in an appropriate way as assessed by a suitable benchmark of comparison' (2005, p 16). Third, cooperation also involves an idea of the rational advantage or good that specifies what those

engaged in cooperation are trying to achieve ‘when the scheme is viewed from their own standpoint’ (Rawls: 2005, p 16). These aspects Rawls files under ‘the reasonable’ and ‘the rational’, where ‘the reasonable’ refers to the aspect of mutuality or reciprocity between the cooperating members and ‘the rational’ refers to what each participant as an individual is trying to achieve according to that individual’s conception (2005, p 472). A conception of political justice specifies the fair terms of social cooperation that can be shared by the participants, that is, terms that each participant may reasonably be expected to accept, provided that all other participants likewise do.

### **Citizens and their two moral powers**

Given the conception of society as a system of fair social cooperation, the appropriate conception of the person to go along with this idea is that of someone who can be a fully cooperating member of society over a complete life (Rawls: 2005, p 18). By viewing persons as capable of being full cooperating members of society when society is understood as a system of fair social cooperation, we attribute to persons *two moral powers*: ‘the capacity for a sense of right and justice (the capacity to honour fair terms of cooperation and thus to be reasonable), and the capacity for a conception of the good (and thus to be rational)’ (Rawls: 2005, p 103-4). The first moral power, *the capacity for a sense of justice* ‘is the capacity to understand, to apply, and normally to be moved by an effective desire to act from (and not merely in accordance with) the principles of justice as the fair terms of social cooperation’ (Rawls: 2005, p 103-4). The second moral power, *the capacity for a conception of the good* on the other hand ‘is the capacity to form, to revise, and rationally to pursue such a conception, that is, a conception of what we regard for us as a worthwhile human life’ (Rawls: 2005, p 103-4). In addition to the two moral powers, persons are also viewed as having ‘at any given time a determinate conception of the good that they try to achieve’ (Rawls: 2005, p 19). Implicit in the public

political culture of a democracy is the view of *persons as free and equal citizens*. Citizens are free by virtue of their two moral powers (capacity for a sense of justice and capacity for a conception of the good) coupled with the powers of reason, and they are equal by virtue of having the two moral powers and the powers of reason to the requisite minimum degree to be fully cooperating members of society (Rawls: 2005, p 19).

## **Reasonable doctrines**

A *reasonable comprehensive doctrine* is simply a comprehensive doctrine that has the following three features: they are the product of theoretical and practical reason and draw upon a tradition of thought in that they tend to evolve slowly in light of what according to their own conception count as good reasons and not suddenly in unexplainable ways (Rawls: 2005, p 59). There is a diversity of reasonable doctrines affirmed by citizens and assuming that reasonable people hold only reasonable comprehensive doctrines, the doctrine any reasonable person holds is just one reasonable doctrine among many (Rawls: 2005, p 60). Therefore, reasonable people recognise that their own comprehensive doctrine ‘has and can have, for people generally, no special claims’ (Rawls: 2005, p 60). Even if the views held by others are different from our own, granted that they meet the three criteria of a reasonable doctrine- that is, they are the result of the exercise of theoretical and practical reason drawing on a tradition of thought-, then holding them is not as such unreasonable.

## **Reasonable persons**

As *rational*, citizens exercise their powers of judgement and balance their various ends and interests (Rawls: 2005, p 50, 56). As *reasonable*, citizens stand ready to propose to one another fair terms of social cooperation and are willing to abide by them, provided that all others likewise do (Rawls: 2005, p 49-50). It is part of a fair system of social cooperation’s idea of

reciprocity that its terms are reasonable for all to accept (Rawls: 2005, p 50). As we recall, however, even when citizens are reasonable to the extent that they are willing to propose and readily abide by fair terms of social cooperation, reasonable grounds for disagreement remain. Being reasonable, therefore, has a further element: reasonable citizens recognise the burdens of judgement and are willing to bear its consequences (Rawls, 2005, p 58-59). The burdens of judgement put limits on what 'reasonable persons think can justified to others' since they recognise that reasonable persons do not all affirm the same doctrines and all are subject to the burdens of judgement (Rawls: 2005, p 59-60).

Further, since many doctrines can be regarded as reasonable, reasonable persons recognise that given the burdens of judgement, the reasonable comprehensive view they affirm is just one among the many reasonable doctrines, and even if they think that their doctrine is alone true, this is a claim 'that cannot be made good by anyone to citizens generally' (Rawls: 2005, p 61). So reasonable people recognise that seeking to use the power of the state to repress those views of others that are reasonable, though different from their own views, would be unreasonable (Rawls: 2005, p 60). All citizens are equally subject to the burdens of judgement and all as free and equal citizens share equally in the collective political power of the state so there is no reason why any citizen should have the right to use the coercive power of the state to decide fundamental matters as their own comprehensive doctrine dictates (Rawls: 2005, p 62). Political power, which is 'always coercive power backed by the government's use of sanctions' is 'ultimately the power of the public, that is, the power of free and equal citizens as a collective body' (Rawls: 2005).

### **The liberal principle of legitimacy**

Given the fact of reasonable pluralism coupled with the idea of political power as the collective power of citizens, the question arises: when is political power exercised properly? Rawls writes,

‘political liberalism says: our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. This is the *liberal principle of legitimacy*’ (Rawls: 2005, p 217). The liberal principle of legitimacy is the proper response to the fact that free and equal citizens are to come to an agreement about how to exercise political power as a collective body when, in a society structured by free institutions, they inevitably affirm a diverse range of irreconcilable, yet reasonable comprehensive doctrines. Given this fact of reasonable pluralism, Rawls thinks that for the exercise of power to be legitimate, it must be supported by reasons that all reasonable citizens can endorse, that is, by reasons whose acceptance does not depend on the affirmation of any particular comprehensive doctrine as doctrinal conflict is the very thing that characterises societies living under free institutions. The liberal principle of legitimacy states that in a democratic society of free and equal citizens, the exercise of collective political power should be justified by reasons that all reasonable citizens can accept. More specifically Rawls means that for the exercise of power to be legitimate, ‘on matters of constitutional essentials and basic justice, the basic structure and its public policies are to be justifiable to all citizens’ (Rawls: 1993, 224). To reiterate, this means that the reasons supporting the exercise of state power must be expounded without appeal to comprehensive doctrines.

## **Public reason**

Since the exercise of political power must be legitimate, Rawls writes that the ideal of citizenship imposes a moral duty, the duty of civility, to be able to explain to one another when constitutional essentials and matters of basic justice are concerned how principles and policies we advocate and vote for can be supported by public reasons (Rawls: 2005, p 217). The content of public reason is given by the family of political conceptions of justice.

### **III: THE 'FEMINIST CHALLENGE': TENSION BETWEEN POLITICAL LIBERALISM AND FEMINISM?**

Some have forcefully argued that the framework of political liberalism as put forward by Rawls is possibly in significant tension with feminist aims (Okin: 1994; Exdell: 1994; Llyod: 1995; Chambers: 2008). While many plausible criticisms of political liberalism have been formulated from a feminist perspective, here I present the case that I think best captures the crux of the tension. Drawing on the assumptions and aims of political liberalism outlined above, I begin by laying out which features of political liberalism that seem immediately problematic from a feminist perspective and explain why this is the case. To foreshadow some of what is to come, there are two main considerations that seem to ground feminist discontent. First, political liberalism does not seem to rule out as unreasonable comprehensive doctrines that contain sexist elements, including for example those that hold the traditional division of labour within the family to be the proper response to what they deem to be differences in the nature of men and women. Second, feminist doctrines are at least partially comprehensive views and therefore in the politically liberal framework the exercise of political power cannot be based on simply an appeal to these views. Of course, clarification is due. First, my discussion of the alleged tension between feminism and political liberalism will be quite general to set the stage for a more detailed and focused account. This is because I think the most illuminating way forward after getting a grip on the foundations of the feminist worry is first to introduce the concept of the gendered division of labour and some of the arguments that feminists have put forward concerning why they believe it is the 'linchpin' of gender justice. Some clarification is also due concerning what I take to be the most persuasive account of feminist aims (and what parts of these aims can reasonably, in the colloquial sense, be thought to command agreement among feminists). Again, to foreshadow what is to come, drawing on Anca Gheaus (2022) I argue that

a central, if not the main, aim of feminism is to dismantle unjustified gender norms. Perhaps not all feminists would agree, but I argue that in the context of the gendered division of labour, they should agree that the goal is to eradicate gender norms that sustain it. Following my discussion of feminist aims, gender norms and the gendered division of labour I return to the feminist criticism of political liberalism, this time in a more fine-tuned form. I finish the section by taking a step back from political liberalism and argue that since gender justice cannot be achieved without state action that seeks to erode the gender norms that underpin it, those who are committed to gender justice should think it to be a requirement of an adequate theory that it does not rule it out as an illegitimate aim. Therefore, if the tension between the aim of tackling the norms in question through state action and the framework of political liberalism cannot be dispelled, those who are committed to achieving gender justice should reject the framework of political liberalism, or at the very least, I argue they have very good reasons for doing so. I admit, however, that there may be good reasons for endorsing political liberalism nonetheless, but if the tension cannot be dispelled, we should recognise that endorsing political liberalism comes at some cost in terms of what we can hope society can achieve with regard to gender justice. None of this means, however, that seeking to develop arguments for feminist aims within the politically liberal framework is not a worthwhile exercise, partly for the reason that many do endorse political liberalism, partly because it has the potential for generating new arguments for feminist aims and even if they do not succeed, they may be illuminating in other respects and have potential to inform and guide empirical investigation.

### **General Statement of the Feminist Criticism of Political Liberalism**

Most forcefully developed by Susan Moller Okin (1994), Sharon Llyod (1995) and John Exdell (1994), the thrust of the feminist critique can be captured by pointing to two consequences of political liberalism's central requirements as alluded to above. First, political liberalism does not seem to rule out as unreasonable comprehensive doctrines that contain sexist elements and



citizens with sexist but reasonable comprehensive doctrines belong to the justificatory community who, as free and equal citizens must find acceptable the reasons offered for the exercise of state power. Second, feminist doctrines are at least partially comprehensive views and therefore in the politically liberal framework, the exercise of political power cannot be based simply on an appeal to them, instead, justification must be based on reasons that are shareable by all reasonable citizens. As we have seen above, the bedrock of political liberalism is the recognition of the fact that in a democratic society, citizens endorse a diversity of reasonable views about the good and the values worth pursuing as individuals or collectively. Reasonable disagreement is, in other words, a natural consequence of life under free institutions and agreement on any particular comprehensive view in a democracy is not forthcoming. Political liberalism sets its aim as articulating how - given the fact of reasonable pluralism - citizens as free and equal may nonetheless stably (for the right reasons) live together and propose terms that are fair and can be seen to be fair by all reasonable citizens. The idea is, as we have seen, that abiding by the criterion of reciprocity, reasonable citizens recognise the burdens of judgment and propose each other terms that they reasonably believe can be acceptable by all as free and equal citizens. This gives the liberal principle of liberal legitimacy, somewhat misleadingly often referred to as liberal state neutrality, according to which the exercise of political power must be supported by reasons that are shareable by all reasonable citizens. To be shareable, they must stay free from assuming any one comprehensive view as true. All reasonable citizens affirming reasonable comprehensive doctrines must find the reasons acceptable and thus not in conflict with their reasonable conceptions. Rawls maintains that unreasonable doctrines do not merit accommodation, like those views that would deny equal basic liberties to some (2005, p 60-61). So, the feminist worry arises since the definition of a reasonable comprehensive view, as we have seen, is 'deliberately loose' so that political liberalism can meet the challenge it sets itself which is to find terms of social cooperation that

can be endorsed by people holding a genuine diversity of different conceptions of the good (Llyod: 1995). All this means that, at least on the face of it, a range of views that are objectionable from a feminist point of view because they have sexist elements, are to be counted reasonable and require accommodation so long as they do not want to use the power of the state to deny equal basic liberties to some (Llyod: 1995, p 1323).

On this conception then, reasonable comprehensive views include, for example, religions that, as Okin points out, ‘preach and practice highly sexist modes of life’ (2004, p 1555). She quotes Rawls who writes that “except for certain kinds of fundamentalism, [...] all the main historical religions [...] may be seen as reasonable comprehensive doctrines” (Rawls: 2005, p 170, Okin: 2004). This is problematic since ‘the more orthodox (but by no means necessarily fundamentalist) versions of all three – including Orthodox Judaism, Catholicism and some Orthodox and Protestant branches of Christianity, and many variants of Islam – still discriminate against women and reinforce their subordination within religious practices, and within and outside the family, in numerous significant ways’ (Okin: 2004, p 1556). Exdell powerfully notes that among the reasonable count views that hold that ‘the family provides harmony, and this harmony requires hierarchy. Biblical text clearly establishes the naturalness of sexual difference and the necessity of male sovereignty in the household. Without women’s submission the family cannot sustain itself and serve as the divinely ordained source of moral virtue in a world corrupted by liberal relativism’ (1994, p 444-5). So religious belief in a God-given hierarchy between the sexes based on alleged natural differences, and other views with assumptions about the metaphysical inequality between men and women are not to be dismissed as unreasonable (unless they also deny equal basic liberties). The same goes for the ideas they contain about the appropriate division of labour within the family. Since they are not dismissed as unreasonable, it is permissible for these views to regulate families and private associations in line with their beliefs (provided this is compatible with the political conception of justice).

In families, churches, religious schools, citizens are free to perpetuate male supremacy, therefore, as Cynthia Stark writes, the worry is that ‘a politically liberal society is likely to be gender unjust, perhaps gravely so’ (2020, p 875). As indicated above, the feminist concern is rendered more acute by the fact that the truth of any feminist view about ‘the proper relation between men and women and the proper conception of how family life should be ordered’ is not something that may be appealed to within the politically liberal framework (Llyod: 1995, p 1321). Political liberalism states that those ‘who endorse sexist, but reasonable, views, are owed justification for state policies in terms that avoid assuming the truth of comprehensive feminist conceptions of the good life’ (Gheaus: 2023, p 7). As Llyod writes, feminism ‘is reduced to one among many reasonable doctrines’ with no special claim on how society should be organised and state power enlisted (1995, p 1321). An appeal to the truth of a feminist doctrine is not a proper basis for grounding the exercise of political power within the politically liberal framework. We can see how feminist critics were led to the conclusion that, in Exdell’s words, political liberalism seeks ‘accommodation with religious conservatives by limiting state power to affect a feminist reform of domestic gender roles’ (1994, p 442). Although the example of religious views with sexist elements forcefully illustrates the point, these are far from the only doctrines that subscribe to assumptions that are problematic for similar reasons. I will return to this in the restatement of the feminist challenge later on. Now I turn to the question of feminists’ relationship with the gender roles alluded to by Exdell.

## **Feminism, Gender Norms and The Gendered Division of Labour**

A long tradition of feminist thought has argued that much of what has traditionally been thought to be natural differences between the sexes is socially produced (Okin: 1989, p 6). Many within the feminist literature rely on a traditional distinction between sex and gender, where gender, as captured by the famous slogan, can be understood as ‘the social meaning of sex’. According to this tradition of thought, people are socially trained into roles based on their sexual

characteristics, thus gender can be thought of as ‘the sum of norms that govern people’s lives depending on their sexual characteristics’ (Gheaus: 2022, p 37). These norms (from now on gender norms) sort people into different categories such as ‘woman’ and ‘man’ depending on sexual characteristics and based on these delineate an appropriate role for those to whom the categories apply. Feminists have long argued that these gender norms are morally objectionable. Among other things, such norms, as Gheaus writes, ‘demand different treatment of individuals based on their (perceived) male or female sexual characteristics, and entail that there is a particular way of being a good female human being i.e. by conforming to the gender role of womanhood, which is different from being a good male human being, i.e. by conforming to the gender role of manhood. Gender norms say, for example, that women should be mostly caring, lacking assertiveness, nurturing, capable and willing to put other people's needs first; some of these norms shape value-loaded expectations, conscious or not, that, for instance, women lack leadership qualities and public ambitions, need more protection than men, put more effort into self-grooming than men etc’ (2022, p 38). Failure to comply with them often elicits social criticism (Gheaus: 2022). Importantly, these norms are inegalitarian and because of them women have been made systematically worse off than men in terms of access to opportunities, freedom from domination, marginalisation, exploitation, and as a result of gender norms, women’s safety is also routinely undermined (Gheaus: 2022, p 38). Further, as Gheaus points out, even if, based on their sexual characteristics, gender norms sorted people into roles whose burdens and rewards were equally shared, these norms would still unduly limit people’s development (2022, p 39). A central aim of feminist thought has been to identify the injustice of these gender norms and many, including me, see it as the ultimate goal of feminism to do away with them.

One of the most illustrative phenomena that brings out the intricacies and injustice of gender norms is the gendered division of labour. Not only is the gendered division of labour a good illustration of the injustice of gender norms but addressing the gendered division of labour is also a particularly difficult philosophical puzzle for political liberalism. I have identified as a central aim of feminism the dismantlement of unjust gender norms. Yet, some feminists do not in general object to gender norms, rather they object to the unequal division of burdens and rewards that result from them. The gendered division of labour is a classic example of the unequal socio-economic trade-off faced by men and women in society, therefore, these feminists will also find the phenomenon deeply problematic. As I will argue, the gendered division of labour is in part sustained by unjust gender norms and gendered institutions that have been shaped by these norms. In fact, I will argue that part of what is unjust about the gendered division of labour is the very fact that it is sustained by gender norms and the institutions shaped by them. In any case, when it comes to the gendered division of labour, feminists of all stripes will come to the agreement that it is unjust. Feminists will also think that the gendered division of labour is an obstacle to achieving gender justice. Some philosophers have even called the gendered division of labour the ‘linchpin’ of gender justice (Okin: 1989). As such, I believe it is reasonable to say that the gendered division of labour should be dismantled if gender justice is to be achieved. This is a joint goal of feminists. Since the gendered division of labour is sustained and mutually reinforced by the interaction between compliance with gender norms and institutions shaped by gender norms, the erosion of these norms in the case of the gendered division of labour can reasonably be thought to be a joint feminist goal.

So, what exactly is the gendered division of labour? One way to understand it, in a nutshell, is to see that in the societal division of labour, people specialise in different roles. As Gheaus writes, if the pattern of specialisation into different roles results from gender norms, the division

of labour is gendered (Gheaus: 2023). Some gender norms promote the specialisation of women into caregiving roles; indeed the vast majority of care work is performed by women. Girls and young women tend to be socialised differently for adulthood than boys and young men and this affects the aspirations they develop and, among other things, the jobs they enter (Okin: 1989). Importantly, young girls are raised to expect that they will be the primary caregivers should they have children (Okin: 1989). As a host of social scientists have observed, the organisational logic of work assumes an ideal worker who does not have caregiving responsibilities (Acker: 1990). Since the vast majority of care work is performed by women, advantage and disadvantage in the workplace and outside incur differently to men and women (Acker: 1990). Women, who perform the bulk of care responsibilities are severely disadvantaged in the labour market compared to men (Acker: 1990). Women have fewer opportunities in the labour market, partly as a result of statistical discrimination (when based on the assumption of higher productivity, firms prefer male candidates to child-rearing-age women) and partly as a result of status-based discrimination (Corell et al: 2007). Status-based discrimination partly drives what has come to be known as the motherhood penalty (Corell et al: 2007). The motherhood penalty can be understood as a bias against mothers in hiring, promotion, and salary decisions (Corell et al: 2007). These biases have been explained by social scientists as resulting from the tension between the cultural expectations of good motherhood pitted against the expectation of the ideal worker who does not have caregiving responsibilities (Corell et al: 2007). Given the expectation that mothers are the primary caregivers coupled with the norms attached to good motherhood, mothers are expected to prioritise caregiving responsibilities over work commitments and are thus judged less competent and less committed to paid work than men who are expected to conform to the breadwinner, 'care-free' ideal worker norm. As a result, women's good performance in the workplace is thought inconsistent with expectations thus women face more scrutiny than men whose good work performance is expected (Corell et al: 2007). Despite

higher educational attainment among women compared to men, women still face the infamous ‘glass ceiling’ and continue to be underrepresented in leadership positions. Those few women who are in leadership positions experience heightened visibility and find themselves in a double bind where their ambition and assertiveness come in conflict with the cultural expectations of ‘womanhood’ (Moss Kanter: 1977). In the meantime, jobs that can accommodate the caregiving responsibilities of workers are less well-paid and less esteemed (Okin: 1989). Much of what is behind the gender pay gap is also the fact that women, based on the assumption that they exhibit the ‘feminine virtues’ of being able to meet others’ needs and so and so forth specialise in caregiving jobs which are systematically undervalued. The early socialisation of girls into caregiving roles thus effectively enlists young women into a cycle of ‘asymmetric vulnerability’ (Okin: 1989). The undervaluing of ‘feminine’ work also ‘sustains the economic precarity of low-income professional caregivers’ and contributes to the prevalence of female poverty (Schouten: 2019, p 6). The cycle of asymmetric vulnerability is reinforced by the fact that when couples face the question of who should step back from work to meet caregiving needs, it will often make perfect economic sense for the women to step back from paid work. This results in the woman forgoing the development of her own labour marketability, reinforcing the earning potential differential, and thus increasing her dependency on her partner (Schouten: 2018). Women who specialise in caregiving are more often than not financially dependent on their partners and as a result often have less bargaining power in their domestic relationship and are more likely to be vulnerable in material terms as well as in terms of physical safety (Schouten: 2019).

The above description is by no means a full account of the myriad of ways women are disadvantaged relative to men by the gendered division of labour. It seems clear that the gendered division of labour causes inequalitarian distributions of a variety of goods, from opportunities, power, and esteem to money and so and so forth. The inequalitarian distributional

consequences of the gendered division of labour certainly make a strong case for deeming it unjust. Yet, it seems to me, that by purely focusing on the distributional consequences crucial as they are, we would miss an underlying injustice of the gendered division of labour: the fact that it is *gendered*, that is, it is dictated by gender norms and these gender norms are unjust and the injustice of the norms is only partly explained by the distributional consequences they have (as I have argued in the section on feminism and gender norms). As Schouten argues, '[e]ven if caregiving were publicly remunerated to such a degree that no distributive inequality persisted between caregivers and breadwinners [...], we should not regard the injustice of the gendered division of labour as thereby eliminated' (2019, p 99). The problem is that the gendered division of labour is due to individuals acting according to gender norms mutually reinforced by social institutions taking these gendered choices for granted (Schouten: 2019, p 108). As Schouten writes, this means that an appropriate strategy to tackle the injustice of the gendered division of labour must seek to erode the norms on which individuals act and structurally reform social institutions so that they no longer take for granted these gendered choices (2019, p 108). As we have seen, a strong feminist case can be made for the injustice of the gendered division of labour there are very good feminist reasons for maintaining that justice requires state action to structurally reform institutions built around gendered assumptions as well as to erode the norms that prop up the gendered division of labour. But what can a political liberal say about the gendered division of labour? Can the political liberal recognise the gendered division of labour as unjust? Is it possible within political liberalism to deem state action of the kind described as a legitimate exercise of power? What would it take to provide a politically liberal argument for state action to tackle the gendered division of labour? Before I turn to answering these questions, let me recapitulate and refine why it is particularly difficult for a political liberal to answer them.



## **The Tension Between Political Liberalism and Feminism: A Restatement**

Recall that political liberalism seeks to find terms of cooperation expressed as principles that can be endorsed by reasonable citizens as free and equal and profoundly divided along reasonable comprehensive doctrines. Recall also that political liberalism requires that reasonable citizens recognise the burdens of judgement and abide by the criterion of reciprocity. This means that reasonable citizens only propose each other terms that they reasonably believe can be accepted by all reasonable citizens as free and equal. Recall also that these requirements yield the liberal principle of legitimacy according to which the exercise of state power is proper only when it is supported by reasons that all reasonable citizens as free and equal can find acceptable. As I have said, the gendered division of labour is sustained by individuals acting according to gender norms, and no doubt, some people act on them because they endorse them. Indeed, many reasonable comprehensive doctrines have elements that endorse the gender norms that sustain the gendered division of labour because they, for example, believe that they reflect some metaphysical difference between the sexes and thus are perfectly justified. For similar reasons, many believe that the traditional gendered division of household labour is the right way to organise family life. Given the principle of legitimacy, none of these views can function as a public basis of justification for state action. However, a feminist doctrine, being one among the many reasonable views found in society similarly cannot ground the legitimate exercise of state power (Lloyd: 1995). Note, however, that while the principle of legitimacy is often called a principle of liberal state neutrality this is misleading to the extent that it might be taken to imply that the effect of the exercise of state power must be neutral among different comprehensive views and their conception of the good. This is not what state neutrality means in political liberalism. State neutrality, that is the liberal principle of legitimacy requires only that the reasons grounding the exercise of state power be neutral among the different conceptions of the good. The politically liberal state neutrality requires the neutrality of

justification or reason and not neutrality of effect (Rawls: 2005, p 194). The challenge that establishing the legitimacy of exercising state power to dismantle the gendered division of labour would have to meet is thus to show that it can be supported by reasons that are shareable among citizens and thus do not depend on any particular comprehensive doctrine. How could that argument be forthcoming?

To abide by the principle of legitimacy, any argument supporting state policy to address the injustice (from a feminist perspective) of the gendered division of labour will have to rely on reasons that are shareable among reasonable citizens in the way outlined. One way forward would be to show that the gendered division of labour is unjust in the light of a reasonable political conception. As we have seen, the content of public reason is given by a family of reasonable liberal political conceptions. If it can be shown that principles of a reasonable political conception conflict with the gendered division of labour, then there are publicly sharable reasons for remedying it. There are several attempts in the literature that take this strategy to argue for some policies seeking to address the issue of the gendered division of labour but there is reason for pessimism that these would be able to achieve the goal of dismantling the gendered division of labour (Schouten: 2019). Part of the problem, as I see it, is that principles of distributive justice can go some way in addressing the unequal burdens of the gendered division of labour and to the extent that they do, arguments to that effect are somewhat reassuring but they do not address the root cause of the gendered division of labour which is to be found in the compliance with gender norms. Another option, still within the strategy of appealing to a political conception is to point to a particular political conception, Rawls' justice as fairness and in particular to the first principle according to which each person is guaranteed the fair value of her equal basic liberties (Rawls: 2005, p 5). Such an argument has been put forward by Gheaus, who argues that relying on arguments from psychoanalysis, it can perhaps be shown that women-only childrearing results in widespread misogyny which in

turn undermines the fair value of the basic liberties of women (2023, p 17-19). If this can be empirically proven, it could generate public reasons for If this can be empirically proven, these empirical findings could generate public reasons for the kinds of policies that could tackle the gendered division of labour by encouraging men to take up caregiving (Gheaus: 2023, p 19).

An alternative strategy to offer shareable reasons for grounding policies that seek to dismantle the gendered division of labour and thus to abide by the principle of legitimacy, instead of appealing to any particular political conception would be, to refer to the intrinsic ideals of political liberalism. If successful, this would be a particularly robust way to ground state action. In recent years, two of the most elaborate attempts that have been put forward to try to dispel the feminist critique of political liberalism have taken this route. In what follows, first, I take a closer look at the argument put forward by Christie Hartley and Lori Watson (2018) who seek to show that political liberalism's intrinsic moral ideal of reciprocity and its ideal of equal citizenship can ensure the substantive equality of women. Hartley and Watson (2018) also specifically argue that the gendered division of labour can be adequately addressed from within the framework of political liberalism. Second, I examine the work of Gina Schouten (2019) who maintains that the liberal principle of legitimacy that is usually regarded as the obstacle to progressive gender egalitarian policies in fact holds the key to dispelling the tension between gender egalitarianism and political liberalism. Not only does Schouten (2019) think that political liberalism can license state action necessary to dismantle the gendered division of labour, but she also argues that in some circumstances, the principle of liberal legitimacy positively mandates that it does. While I think both Hartley and Watson and Schouten explore exciting paths forward, I contend that there is some reason for passivism regarding whether these strategies can be successful. After discussing some of the weaknesses of their approaches, I briefly outline what elements of their arguments might be most fruitfully developed further.

## IV. A TENSION RECONCILED?

### Political Liberalism as Feminist Liberalism?

One of the most well-developed attempts to reconcile feminism and the framework of political liberalism has been put forward by Christie Hartley and Lori Watson. Hartley and Watson seek to show that the tension between feminism and political liberalism can be dispelled. In their book *Equal Citizenship and Public Reason: A Feminist Political Liberalism*, the authors argue that political liberalism is itself necessarily feminist. Hartley and Watson then not only respond to the criticism outlined above, namely that political liberalism's restriction on what can count as public reasons obstructs the project of gender justice by ruling out feminist arguments needed to justify state action necessary for securing gender justice, but they also argue that political liberalism is necessarily a feminist liberalism (2018, p 4). They take feminism to be committed to the recognition that gender inequality exists and is pervasive and that it should be eliminated. By claiming that political liberalism is a feminist liberalism then, they mean that political liberalism can recognise gender inequality as well as its pervasiveness and supply theoretical resources to do away with that inequality, indeed, it requires this inequality to be done away with.

Hartley and Watson's (2018) argument that political liberalism does not obstruct the project of achieving equality for women and that political liberalism is itself a feminist liberalism rests on two of the ideas central to the framework of political liberalism: reciprocity and equal citizenship. They argue that the proper interpretation of these two central ideas put constraints on what political conceptions of justice may count as reasonable and importantly, these constraints limit reasonable political conceptions of justice to those that include principles that secure the substantive equality of women. In other words, Hartley and Watson (2018) seek to

derive the feminist requirements by appealing to ideas central to the framework of political liberalism (reciprocity and equal citizenship). Hartley and Watson (2018) argue that it is the criterion of reciprocity that makes political liberalism feminist because the criterion entails principles that secure the substantive equality of women. The two principles in their view entailed by the criterion of reciprocity are what they call a principle of non-domination and a principle of recognition respect. In short, Hartley and Watson (2018) argue that the criterion of reciprocity is not merely a formal criterion but rather one that imposes substantive requirements on any political conception of justice that is to count as a reasonable conception. Those conceptions that do not meet these requirements are thereby rendered unreasonable.

Recall that in Rawls' formulation, the criterion of reciprocity requires that when people propose terms of cooperation expressed by principles, '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' (2005, p xliii). Hartley and Watson (2018, p 160) claim that this criterion has both negative and positive aims. Its negative aim is to eliminate pervasive hierarchies so that people can address each other as 'free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior position', this is the principle of non-domination. The positive aim of the criterion of reciprocity on the other hand is to secure 'social conditions necessary for recognition respect among free and equal citizens', this is the principle of recognition respect. These two aims of the criterion of reciprocity, in Hartley and Watson's (2018, p 137) view, secure the substantive equality of women by restricting the array of reasonable political conceptions of justice to those conceptions that include the principle of non-domination and the principle of recognition respect. Let me lay out their argument more fully.

Hartley and Watson (2018, p 145) argue that the negative aim of the criterion of reciprocity is to dismantle pervasive social hierarchies that interfere with citizens' free and equal standing in the give and take of public reasons because they undermine the ability of the members of socially subordinated groups to be viewed as free and equal citizens by undermining the authority of members of socially subordinated groups as reason givers. To show how, they rely on Miranda Fricker's (2007) notion of testimonial injustice. They argue, along with Fricker (2007) that, when prejudicial social stereotypes based on a speaker's gender (or race, or other 'aspects of social identity' or their intersection) pervade society this can result in 'hearers systematically discounting the speaker's testimony'. This, they argue frustrates or undermines their standing as free and equal citizens. Thus, when social hierarchies give rise to prejudicial social stereotypes, these social hierarchies can compromise people's ability to be viewed as a free and equal citizen by fellow citizens and relegate them to second-class citizenship (of course not in a politically liberal sense since a citizen is by definition free and equal). Hartley and Watson's (2018) argument is thus that since the criterion of reciprocity requires that people view and address each other as free and equal citizens, and since pervasive social hierarchies threaten some people's ability to stand and be viewed as equal citizens, the criterion of reciprocity requires the elimination of pervasive social hierarchies<sup>1</sup>. As far as gender is concerned, Hartley and Watson (2018, p 151) claim that the criterion of reciprocity does not require the elimination of gender as such, nor does it require 'the elimination of all possible hierarchical notions of gender'. The criterion of reciprocity only requires the elimination of *'social positions (created by norms, expectations etc.) that compromise a person's ability to be viewed as free and equal citizens'* (Hartley and Watson: 2018, p 151). This is a point to which I will return later.

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<sup>1</sup> Hartley and Watson also note in passing that since Rawls writes that the liberal principle of legitimacy is 'based on the criterion of reciprocity', this means that 'when systemic hierarchies are in place [...], the legitimacy of the state may be undermined'. Hartley and Watson do not expand on this possibility.

As far as the positive aim of the criterion of reciprocity is concerned, Hartley and Watson (2018, p 152) write that reciprocity requires the provision of social conditions necessary for citizens to advance principles of justice. They argue that these conditions are the social conditions necessary for recognition respect which is essentially the recognition of individuals' standing as citizens. Pervasive social hierarchies undermine these conditions for two reasons. When social hierarchies pervade society, members of socially subordinated groups are not recognised as having the authority to make claims of justice and are unable to advance their claims of justice and thus to form an identity as equal citizens (Hartley and Watson: 2018, p 154). Moreover, pervasive social hierarchies can prevent people from getting a fair hearing. The positive aim of the criterion of reciprocity requires that the conditions of recognition respect, that is, conditions in which all reasonable people can develop an identity as equal citizens and can be recognised as such and are given a proper hearing are provided (Hartley and Watson: 2018, 153).

Further, Hartley and Watson address the issue of the gendered division of labour and show what they think political liberalism can say in that context. They believe that the gendered division of labour is at least in part due to individuals making choices about the way to lead their lives even if these decisions are influenced by gender norms. Hartley and Watson recognise that social norms can influence behaviour and limit opportunities. Further, they contend that social norms can be objectionable. They maintain that 'when social norms in the background culture influence choice in such a way as to undermine persons' standing as free and equal citizens, then the state can intervene and sometimes must intervene, regardless of persons' preferences and endorsement of a way of life or aspects thereof' (Hartley and Watson: 2018, p 198). This is an important claim in the context of the gendered division of labour and the criticism faced by political liberalism according to which political liberalism cannot enact policy to undermine

objectionable, sexist social norms (Watson and Hartley: 2018, p 211). To this worry, Hartley and Watson reply that not only can such policies be enacted within a politically liberal framework but that they sometimes must be: when social norms undermine equal citizenship. What Hartley and Watson need to show then is how, in the context of the gendered division of labour, objectionable social norms influence and limit opportunities in such a way that undermines equal citizenship.

In what way do Hartley and Watson think then that the gendered division of labour undermines citizenship? They appeal to political liberalism's understanding of society as an ongoing system of social cooperation from one generation to the next. Given this conception of society, according to Rawls, in a 'democratic regime, the government's legitimate interest is that public law and policy should support and regulate, in an ordered way, the institutions needed to reproduce political society over time' (2005, p 456). In *The Idea of Public Reason Revisited*, Rawls argues that since political society is a scheme over time indefinitely, 'reproductive work is socially necessary work' (2005, p 467). Hartley and Watson take up the idea of reproductive work being socially necessary work both for the orderly reproduction of society and, they argue, in terms of citizens' interest in receiving care in times of dependency (2018, p 202). They argue that since care work is socially necessary work, the provision of care is the collective responsibility of citizens (Hartley and Watson: 2018, p 202). This means, they think, that those who perform it should not be disadvantaged in any of the spheres of life that are central to citizenship, this would not be publicly justifiable. These spheres include the family, the labour market, the political sphere, and civil society. Citizens have an interest in the goods (understood broadly) distinctive to each sphere and it is impossible to make up for the inability to participate in one sphere by participating in the other (Hartley and Watson: 2018, p 208).

I have some reservations about their arguments. I do think that their strategy to appeal to the animating ideas of political liberalism to answer the feminist challenge is extremely promising



and worth pursuing. I am doubtful, however, that the principle of reciprocity can be stretched to yield the two principles Hartley and Watson propose. I worry that it is possible to argue that the criterion of reciprocity, and its requirement that citizens only offer each other terms that others can accept as free and equal not as dominated or subordinated is satisfied as long as citizens steer clear from trying to impose parts of their own comprehensive doctrines on others and nothing beyond this. Stepping back from political liberalism, I agree with Hartley and Watson that the political relationship between citizens in a democracy as well as the proper functioning of democracy have deliberative preconditions, and these can be frustrated in exactly the ways in which they outline but I find it difficult to see how this can be deduced from the criterion of reciprocity. Beyond this worry, there are other reasons to doubt that Hartley and Watson make good on their claim to show that political liberalism is a feminist liberalism or that it can fully answer the feminist challenge outlined in the previous section. Hartley and Watson claim that their interpretation of the principle of reciprocity requires the elimination of social positions that are incompatible with free and equal citizenship and while this might require a radical revision of our gender system (Hartley and Watson: 2018, p 151), it does not necessarily undermine hierarchical notions of gender. If it does not, however, the feminist criticism that political liberalism's requirement to trade substantive equality for political equality leaves the feminist project worse off than it otherwise would have been, seems apt. Further, as far as the gendered division of labour is concerned, the argument that the gendered division undermines citizenship by denying caregivers the ability to participate in all spheres central to citizenship is shaky. It is not clear what an adequate level of ability to participate would be or what ability to participate exactly means or how exactly caregivers currently lack the adequate ability and therefore it is not clear whether the connection between citizenship and the gender norms that underlie the gendered division of labour is actually established. Further, I think even if Hartley and Watson's argument for state policy against the gendered division of

labour is successful, it seems to me that if drawn up as a problem of ability to participate in all spheres central to citizenship, then this could be remedied by policies that improve the abilities of caregivers to participate in all spheres but after all not address the root cause of the gendered division of labour: traditional gender norms and people acting on them.

### **The Principle of Legitimacy: Culprit or Solution?**

Another elaborate argument for the conclusion that political liberalism can, and indeed must, address the issues feminists are concerned about has been presented by Schouten (2019). In her book *Liberalism, Neutrality, and the Gendered Division of Labour*, Schouten (2019) argues that feminists' worry that the principle of legitimacy (or the requirement of state neutrality) obstructs gender justice is misplaced. In fact, she argues the principle of liberal legitimacy is a powerful resource for feminists. Schouten seeks to show that 'if certain conditions obtain, gender egalitarian interventions are not only compliant with the neutrality constraint but are positively called for by the normative commitments that undergird that very constraint', so that, 'if the conditions obtain, it is illegitimate to abstain from enacting the gender egalitarian interventions in question' (2019, p 13). This is quite an argumentative burden to meet. So how does Schouten get to her conclusion?

The central question that Schouten seeks to answer is: 'May we take political action to eradicate the gendered division of labour without violating the constraints on intrusive political action that a liberal democratic society ought to respect?' (2019, p 1). Schouten argues that tackling the gendered division of labour requires the reform of 'social institutions and social norms' so that they no longer take for granted gendered specialisation (2019, p 4). Policies that are needed would have to 'change the fact that women and men are systematically socialised to have gendered preferences and aspirations to allocate work in their domestic partnerships according to gender' because these are unjust social constraints (Schouten: 2019, p 108). Moreover, she

thinks that the injustice of the gendered division of labour would survive the removal of inequalities in burden-sharing (Schouten: 2019, p 99). This much we have seen in Chapter 2. But how does she think this is objectionable from within the framework of political liberalism? What are the reasons that abide by the neutrality constraint that she can provide for the policies she recommends?

Ultimately, Schouten argues that the societal backdrop against which individuals make their decisions about the domestic division of labour frustrates essential interests of citizenship (2019, p 112). We can recall from Chapter 1 above that Rawls characterises citizens as having two moral powers and a higher-order interest in protecting these moral powers. The higher-order interests of citizens in protecting the conditions for the exercise of their two moral powers certainly seems to be a reason that all free and equal citizens can accept as a reason for justifying the exercise of political power, therefore, if Schouten's argument is successful this will indeed be a neutral reason.

But how does the social backdrop to the gendered division of labour frustrate citizenship interests? First, Schouten argues that the moral power to reflect on and revise one's conception of the good requires that one has 'the capacity to judge which of the values she sees reflected around her are worthy and which are unworthy of her own endorsement and allegiance [...]' this capacity [...] in order *reliably* to be realised, depends on visible access to role models of comprehensive autonomy' (Schouten: 2019, p 188). So, while comprehensive autonomy (as opposed to political autonomy) is not admissibly appealed to within political liberalism, to make sure 'that all citizens are secure in their capacity for a conception of the good', there is strong citizenship interest in ensuring that comprehensive autonomy is enacted by enough people so as to secure access to role models of comprehensive autonomy (Schouten: 2019, p 198). So comprehensive autonomy matters *politically* too. But how does this connect with the societal backdrop of the gendered division of labour? It connects through an argument from stability.

Comprehensive autonomy, Schouten argues, protects a moral power of citizens and thus is politically valuable. Citizens who wish to enact comprehensively autonomous lifestyles have a ‘reasonable complaint of unfairness against an institutional arrangement that makes it excessively costly due to an institutionalised assumption that is inimical to it’ (Schouten: 2019, p 204). The high costs of gender egalitarianism that form the backdrop against which citizens make their decisions, work on ‘an institutionalised assumption that effectively constrains individuals to populate the roles in question whether or not they endorse those roles. *Insofar as its costs under the status quo are sustained by an institutionalised assumption inimical to autonomy, those costs are an affront to autonomy*’ (Schouten: 2019, p 203). An institutional arrangement that fails to preserve the genuine availability of gender egalitarianism is inimical to autonomy, therefore citizens can have a reasonable complaint against its unfairness (Schouten: 2019).

One is tempted to say that even if this argument is sound, it is so complicated that this alone might rule it out as a publicly sharable basis for the exercise of state power. On a more serious note, there are other reasons for scepticism. The worry is very similar to the one I have raised above to Hartley and Watson’s argument, and it is powerfully voiced by Cynthia Stark (2022). Schouten argues that to learn how to revise one’s ends, citizens must encounter role models who value and enact autonomous lifestyles. The difficulty is, Stark writes, that the moral power to form, reflect on and revise a conception of the good simply is the capacity for autonomy, therefore, Schouten’s argument is reduced to the claim that encountering enactments of the capacity to revise one’s conception of the good is a social condition for developing the capacity to revise one’s conception of the good (Stark: 2022, p 4). This would mean that for citizens to develop their moral power to revise their conception of the good, they merely need to encounter citizens who enact ‘an aspect of their two moral powers’ (Stark: 2022, p 4). Where this becomes similar to the concern raised in my discussion of Hartley and Watson is that it might be argued

that citizen's ability to develop their capacity to revise their conception of the good is secured by the requirement that arguments for the exercise of state power are not based on any particular comprehensive view (Stark: 2022, p 4). In this sense, we might be back to square one, if this means that 'legislating to remove the social obstacles to a gender-egalitarian division of labour is not necessary to safeguard the power to revise one's conception of the good' so long as neither feminists nor anti-feminists can appeal to their own conceptions about how to wield state power (Stark: 2022, p 5).

Yet, independently of whether Schouten successfully shows that the dismantlement of the gendered division of labour is a legitimate goal within political liberalism or not, some of Schouten's arguments are promising in that they challenge the idea that 'justice issues demands but legitimacy only imposes constraints' (Schouten: 2019, p 12). Importantly, Schouten considers the argument that exercises of political power face a kind of special justificatory burden, one that does not equally apply to omissions (2019, p 125). She argues that no such justificatory burden categorically distinguishes between omissions and exercises of political power (2019, p 127). She reminds us that political power purportedly faces a special justificatory burden because, as outlined above, it is only legitimate if acceptable from the point of view of citizenship (Schouten: 2019, p 125). However, she argues that when viewed from the perspective of citizenship, the idea that the exercise of political power faces such a special justificatory burden relative to omissions does not hold because citizens, characterised as they are – possessing the two moral powers of capacity for a conception of the good and of justice, and a higher order interest in preserving these capacities - would insist upon exercises of power that are necessary for the preservation of these capacities (2019, p 125-126). So, she maintains that exercising political power in certain ways may be a 'necessary means of amending social circumstances that undermine the development of free and equal citizenship' (Schouten: 2019, p 126). I think Schouten might be right the liberal principle of legitimacy can be a powerful

resource if there is any way to show that certain circumstances undermine citizenship, and this can be attributed to social conditions that feminists tend to find objectionable. I think a successful argument for that conclusion has not yet been forthcoming.

### **Tensions Not (Yet?) Dispelled**

As I have argued, we have reasons to doubt that Hartley and Watson's or Schouten's arguments to make peace between feminism and political liberalism are successful. Of course, as far as the general tension is concerned, merely focusing on the relationship between political liberalism and the gendered division of labour would be unlikely to succeed given that there are a myriad of other issues to be addressed (albeit presumably not entirely independent of the gendered division of labour and the norms that prop it up) from sexual objectification of women to a host of beauty norms and the list goes on (Chambers: 2008). Why the possibility of locating feminist resources in the animating ideas of political liberalism is so appealing is that presumably, if these resources exist, they would be capable of addressing a wider range of injustices. Yet, I have provided some reasons to doubt that these projects have so far been successful. One consideration that I have not yet mentioned but is worth introducing at this point and which is powerfully argued by Clare Chambers (2020, p 869) is that the more the framework of political liberalism is stretched to make room for comprehensive autonomy and comprehensive equality to show that it is indeed hospitable to feminist aims, the more the project resembles comprehensive liberalism. One of the ideas behind political liberalism is to show that it is distinct from comprehensive liberalism, stretching too far might blunt its potential to deliver what it promises. Yet, to dispel the tension between feminism and political liberalism it is exactly this kind of stretching towards comprehensive equality and autonomy that seems to be required.

## V. CONCLUSION

This paper aimed to capture where exactly the tension between political liberalism and feminism lies, how it may be dispelled and to judge whether such arguments have already been successfully made as well as to offer an assessment of what the prospects are that such an argument can be forthcoming. As we have seen, the crux of the problem is that political liberalism's principle of legitimacy holds that for the exercise of political power to be legitimate, in matters of constitutional essentials and basic justice, reasons supporting the exercise of state power must be expounded without appeal to comprehensive doctrines. Some feminist philosophers have argued that the principle may be hard, if not impossible to reconcile with feminist aims. The principle renders feminism along with its value commitments one among the many reasonable views and thus not a proper basis for grounding arguments for the exercise of state power. Any of the enactments of state power that feminists might argue is necessary to achieve gender justice must, on this framework, be grounded in ideals that all can accept and not only that but many of the injustices that feminists working with their own assumptions have established as injustices may not be recognisable as such from within the framework of political liberalism. As I have shown, the example of the gendered division of labour captures what is at the heart of what is thought by many to be a tension between feminism and political liberalism.

I have argued that there are two general directions that an attempt to dispel the tension might take. One strategy is to show that whatever one would deem unjust from her feminist standpoint can be so regarded by the lights of a political conception of justice and thus actionable, another is to show that some general feature of political liberalism such as its intrinsic (moral) ideals of reciprocity or some other piece of the general framework supply the reasons for action. I offered some reasons to favour the latter strategy. In the third and last chapter, I reviewed elaborate

attempts at the latter strategy, one by Christie Hartley and Lori Watson, and one by Gina Schouten. Hartley and Watson (2018) argue that the proper interpretation of the criterion of reciprocity puts constraints on what political conceptions of justice may count as reasonable and these constraints limit reasonable political conceptions of justice to those that include principles that secure the substantive equality of women. Further, Hartley and Watson (2018) claim that political liberalism can address the gendered division of labour because it is within the bounds of public reason to argue that citizens who perform the socially necessary work of caregiving should not be disadvantaged in any of the spheres of life that are central to citizenship. Concerning the first argument, I have offered reasons to doubt that it is possible to deduce their two principles from the criterion of reciprocity. Concerning the second argument, I contended that as it stands, it is incomplete. I then turned to Schouten (2019) who seeks to show that there is an argument for gender-egalitarianism as a legitimate social aim of state action that abides by the principle of legitimacy which runs through citizens' interest in protecting their moral power to revise their conception of the good. Roughly, she argues that this capacity is currently insecure because of the lack of genuine availability of gender egalitarianism. I argued that one might worry that it is possible to reply that citizens' capacity to revise their conception of the good is after all already secured as long as citizens refrain from proposing policies that are grounded in their comprehensive views. I concluded by noting some further reservations about the prospect of the success of the project of entirely dispelling the tension between political liberalism and feminism.



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