

# Reasonable Pluralism and Feminism: Resolving Okin's Challenge to Rawls' Political Liberalism

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## Abstract

Susan Moller Okin argued that John Rawls' political liberalism involves an internal failure by tolerating most religions as reasonable comprehensive doctrines. Martha Nussbaum disagreed with Okin and defended Rawls. By way of examining the "debate" among Okin, Nussbaum, and Rawls, this article first identifies valid and invalid criticisms and defenses in such an exchange. It also provides its own pragmatic argument to reconcile Okin's disagreement with Rawls, which allows Rawls' political liberalism to remain valid. Indeed, what Rawlsian liberalism allows is comprehensive gendered doctrines, rather than sexist ones, which are clarified herein. These gendered views when reasonable and acceptable are just or can be reconstructed according to justice, as Sally Haslanger suggested that gender systems could and should be. As a result, Okin's disapproval of Rawls' liberal endorsement of comprehensive doctrines can be dissolved under this new demonstration of the application of Rawlsian theory, for it dispels misunderstandings of Rawlsian theory and avoids what feminists will not allow: bad theoretical consequences for women.

## Keywords

John Rawls, Susan Moller Okin, Martha Nussbaum, Feminism, Political Liberalism, Pluralism

“If the so-called private sphere is alleged to be a space exempt from justice, then there is no such thing.”

—John Rawls (*Political Liberalism*: 471)

## 1. Background and significance of Okin’s challenge to John Rawls’ political liberalism

In his widely read and discussed book, *Political Liberalism* (henceforth referred to as PL), John Rawls addressed the following general problem: “how is it possible for there to exist over time a just democratic society that is stable for the right reasons, of free and equal citizens, all of them agree on a liberal conception of justice, but who nonetheless remain profoundly divided by reasonable philosophical, religious, and moral doctrines?” (Freeman, 2007: 326). By introducing a distinction between comprehensive liberalism and political liberalism, Rawls intended to provide a political liberalism to answer the general problem and save his theory of justice presented in his famous work, *A Theory of Justice* (henceforth referred to as TJ), from an internal problem of stability.<sup>1</sup> Many also believe his answer—that is, the political liberalism Rawls provides—if justified, would set an appealing standard that contemporary societies urgently need. However, Susan Moller Okin (1994: 23-43; 2004: 1537-1567; 2005: 233-248), a pioneer feminist and political philosopher, bearing in mind systematic obstacles and disadvantages women encounter in everyday activities, argued that Rawls’ PL is now even more problematic than TJ. Presumably the said distinction constitutes an advance upon earlier liberal theory for its ability to address the general problem; nevertheless, it severely diminishes the capacity of the theory to cover feminist concerns.<sup>2</sup> According to Okin, Rawls now makes it clear that reasonable conceptions of good may include notions from religions, and since many branches of major religions such as Islam, Buddhism, and Christianity still preach and practice highly sexist modes of life, Rawls’ political liberalism simply appears to ignore how these religions continue to disadvantage women, particularly in the private contexts where women’s equal rights are most vulnerable.<sup>3</sup> Even though Okin surely recognized that Rawls did not

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1 See PL, “Introduction.”

2 Over her career, Okin raised other charges against Rawls’ theory in the name of feminism. Although I have dealt with her other concerns elsewhere, the present article is only devoted to the liberal endorsement of comprehensive doctrines.

3 See particularly Rawls (PL, 170, 195-199) and Okin (2004: 1554-1562).

hold that every religious view is reasonable, she believed that he gave religion too much latitude for sexism.

Okin made her critique even more powerful by spelling out what she thought were the bad theoretical consequences of political liberalism. She inferred that since Rawls' theory fails to declare a sexist comprehensive doctrine unreasonable, it tolerates oppression of women to some extent. Since oppression of women (indeed oppression of any group) should not be allowed by any theory of justice, Rawls' theory, due to its failure to deal with such important theoretical implications, is unfair to women and thus implausible. To make matters worse, this problem in turn could intensify the stability problem PL has long been suspected of, since, among other things, it greatly reduces the potential for development of a sense of justice in families. As Okin in *Justice, Gender, and the Family* (1989) demonstrated, the possibility of sustaining a just Rawlsian society would require families to instill a sense of justice in children, yet when girl children and women are treated unequally within the family compared to their male kin, this inevitably results in boys and girls internalizing an unjust sense of family relations. As a result, at worst, political liberalism promises no equality for women, while at best it promises a vacuous one.

Okin's challenge to Rawls' theory is not only critical but also contains a two-fold proposal to remedy his political liberalism. In order for a Rawlsian theory of political justice to develop a sufficiently good liberalism which can ensure the promise of gender justice, Okin suggested that the first step in modifying Rawls' theory was to restrict "reasonable conceptions of the good" to those that are non-sexist, and to abandon his insistence on the distinction of the political and nonpolitical and his view of the priority of the political. Presumably, for the theory to qualify as offering a plausible theory of gender justice, such a proposal demands that Rawls must pronounce all comprehensive sexist doctrines unreasonable and retreat to a theory that does not separate spheres.<sup>4</sup>

Leading liberal philosopher Martha Nussbaum (2003: 488-520) defended Rawls' position against this powerful charge by Okin. Nevertheless,

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4 This second suggestion of a remedy itself is simultaneously another direct charge of Okin (2005)—in order to keep political liberalism from becoming a vacuous promise of "forty acres and a mule" for women, Rawls must give up the distinction of the political and nonpolitical—goes deeper than the current one discussed here, but to keep the discussion focused, this article does not directly deal with that charge.

even though Nussbaum's defense helpfully framed and clarified genuine concerns from both sides, Okin's doubts about the sexist implications of political liberalism were not adequately answered. Nevertheless, in spite of the fact that I agree with parts of Okin's analyses, I find Rawlsian political liberalism defensible, and her critical conclusion needs to be revised. In this article I carefully examine Okin's criticism of Rawls, and with the aid of Nussbaum's defense of Rawls, reframe a critical exchange between political philosophers who both embrace liberalism as their basic theoretical position.<sup>5</sup> Okin's position is that only a theory allowing no distinction of the political and nonpolitical can be justified as a theory of justice for all. What this article offers is an integrated argument that lends support to the Rawlsian use of the distinction between the political and nonpolitical. The Rawlsian position (eg. Nussbaum's and mine) is conveniently named a "political liberal feminist" position for the context and issue in question, in contrast to Okin's "comprehensive liberal feminist" approach.<sup>6</sup> Once Rawls' political liberalism is shown to be defensible against the comprehensive liberal feminist critique, the political liberal feminist position can initially be maintained.

In what follows, I attempt to enunciate a way to dissolve the apparent

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5 Andrew F. Smith (2004) argued that Rawls did not adequately respond to Okin's critiques. He directly deals with what he sees as three critiques from Okin: (O1) Rawls' inadequate dealing with the role the family plays in educating the moral development of children; (O2) Rawls' equivocation over the way the principle of justice is applied in the family; and (O3) citizens of faith who adhere to traditionalist religious views as reasonable compromises of the freedom and equality of women as citizens, and concludes that Rawls still fails to adequately answer it (O3). By taking an approach of examination dealing with internal critical exchanges from fellow liberals and focusing on Smith's (O3), this paper provides arguments demonstrating a different conclusion, that is, how Rawls or Rawlsian theory can be understood to reconcile adequately meeting this critique by Okin.

6 For a helpful understanding of the distinction, see Baehr (2004). In contrast to the approach in this article, Ruth Abbey (2007: 5-28) argued for a version of comprehensive liberal feminism—she argues that if liberalism is to accommodate feminist concerns, it should be comprehensive, rather than political, liberalism, and she also argues that this is what Rawls actually produced when he showed how justice as fairness includes women.

Also, in responding to a doubt about Rawls as feminist, I lay down what I mean by feminist here. Against a historical background of patriarchy, my taxonomy suggests that a use of two positions, feminists and anti-feminists, to the issue of gender justice, rather than three positions, feminists, non-feminists, and anti-feminists. The labels feminist and non-feminist attributed to the personal political duty that I argue are only made distinguishable from an awareness or personal inclination by the actor about such action to help women's equality or well-being. The result of the practice of the duty, no matter one is feminist or non-feminist, is the same—women being justly treated. Can there be reasonable non-feminists? Yes, but they are effectively reasonable feminists in my account.

offending implication of Rawls' theory as conceived by Okin. The upshot of my proposed reading of Rawlsian theory is to introduce a distinction between sexist comprehensive doctrines (sexism) from gendered comprehensive doctrines, to make it clear how Rawls tolerates no sexist comprehensive doctrines but only gendered comprehensive doctrines, and finally to emphasize that while a sexist comprehensive doctrine is unreasonable, a gendered comprehensive doctrine is not. In order to properly reply to Okin's charge that a gendered comprehensive doctrine is necessarily unreasonable, and to show that it is an arguably satisfactory implication of Rawlsian theory, I refer to a compatible work by Sally Haslanger, who convincingly argued that gender can and should be justly reconstructed. (Haslanger, 2000: 31-55; 2003-4: 4-27; 2005: 10-26)

## 2. Nuts and bolts of the examination

Before entering into a critical examination of Nussbaum's defense of Rawls and Okin's response to Nussbaum, I first introduce crucial essentials of Rawls' political liberalism, and then identify the genuine dispute among them. The first task concerns understanding the distinction Rawls drew between a political conception and a comprehensive doctrine.<sup>7</sup> The distinction between the two is characteristically marked by the scope, the kinds of questions, and the epistemological criteria each covers. Rawls defined a doctrine (or a moral view) as comprehensive "when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship of familiar and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated" (PL, 13). Political conceptions pick out a limited domain which Rawls terms "the basic structure of society," and which refers to the main political, legal, social, economic, and family institutions in society. While comprehensive

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<sup>7</sup> Note that Rawls uses the word 'conception' rather than 'concept' in many contexts. Here is an example to illustrate the difference between them. While we have one concept of table, we have many different conceptions of table—many ideas about how tables appear, what they should be, and so on. In what follows some arguments rely on the distinction for their validity.

doctrines are beliefs and views that advise all sorts of questions regarding life, values, and realities, political conceptions are views that directly advise only political questions or domains regarding the basic structure of society and indirectly associations within that society.<sup>8</sup> Rawls' political liberalism advances a political conception rather than a comprehensive doctrine to systematically respond to matters regarding the basic structure of society. The Rawlsian political conception is supposed to aid us in achieving what is *reasonable* regarding matters of the state and public affairs. Truth is not a priority concern, especially when we consider how tolerance among citizens who hold diverse and even conflicting views is possible. In contrast, most comprehensive doctrines aim to tell us what is in fact *true*, if our reasoning is correct. For example, a comprehensive religious doctrine intends to tell us what is true, even though the truths do not rely on science.

For Rawls, people who hold conflicting comprehensive doctrines in a liberal and pluralistic democracy can live together peacefully only because of an overlapping consensus, specified as a political conception acceptable to all, and a basic structure of society directly designed and governed by principles of justice specified by such a political concept. Some comprehensive doctrines are not fair to women; however, not all sexist comprehensive doctrines are obviously unreasonable. Consider religious doctrines that do not allow women to be priests or leaders of the religion simply because they are women. Although Rawls explicitly requires a political conception that is acceptable to all, as Okin showed, when reasonable comprehensive doctrines are permitted to be sexist, not only is women's oppression tolerated, it is also less likely that families will raise future citizens with a nonsexist sense of justice. A sexist political conception is more likely to be accepted as an overlapping consensus for social justice in an environment with many sexist comprehensive

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8 As to a general guideline on how the principles of justice relate to the basic structure of society, see Rawls (PL, 258) where Rawls says, "The basic structure of society is understood as the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arise through social cooperation. Thus the political constitution, the legally recognized forms of property, and the organization of the economy, and the nature of the family, all belong to the basic structure." For more distinctions between direct and indirect applications of the principles of political justice, see Rawls' idea of domains (PL, 471).

Notice that Rawls' addition of the family into part of the basic structure of society is a revision successfully pressed by Okin. Please also note that legitimate state power is taken as the power of free and equal citizens as a collective body.

doctrines. If Okin is right, in this way, Rawls' theory could become unstable and therefore self-defeating.

To see how Okin's criticism can be resolved, we need to move to the second task of identifying what the crucial and genuine dispute is among Okin, Nussbaum, and Rawls. It involves what Okin alleges to be inconsistent application of Rawls' understanding of justice. Rawls, in Okin's estimation, allows women to be discriminated against by certain practices that he rejects when they discriminate against persons of a different race or ethnicity (Okin, 2004: 1557). Okin believes, as mentioned above, that by simply admitting sexist comprehensive doctrines as reasonable, Rawls not only ignores women's oppression, a significant omission in itself, but is also guilty of an inconsistency by ignoring women's oppression and yet acknowledging the oppression of other persons in society. I believe this charge is inconsequential; the text permits us to read Rawls a bit more sympathetically than Okin did. When any discrimination conflicts with the principles of political justice and needs to be eliminated to achieve justice, various possibilities are certainly not exhausted by those that Rawls explicitly considers. Thus, inequality based on sex and gender, which requires the repression or degradation of women, can also be viewed along Rawlsian lines as something that needs to be eliminated. While Rawls clearly and explicitly forbids discrimination based on racial, ethnic, and perfectionist grounds, we can reasonably interpret that Rawls condemns sexual and gender inequality even though he does not explicitly discuss conflicts due to sexual and gender differences. Furthermore, given our intention to read Rawls consistently, such an interpretation makes sense. Therefore, this charge of inconsistency cannot be sustained.

Some might accept my argument that Rawls does not commit an inconsistency of that sort, but still hold that he was rather insensitive or even offensive for not explicitly including gender. After all, why should he not be required to explicitly mention gender inequality, since it was repeatedly made clear to him by his critics that he had omitted it, despite the fact that gender oppression is a serious and widespread form of oppression (affecting half of the world)? Unfortunately Rawls does not do that in PL, but only explicitly shows his feminist evaluation regarding gender in another later work.<sup>9</sup> In any case, the dismissal of the charge of inconsistency allows us to concentrate on

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9 Rawls (2001: 131) said, "Fixed status ascribed by birth, or by gender or race, is particular odious."

examining Okin's more serious one—a charge that stems from issues more crucial to the validity and acceptability of the Rawlsian project, which is that political liberalism is apparently ignorant of women's oppression within comprehensive doctrines that many religions endorse. It is to this question that I now turn.

### 3. Can sexist comprehensive doctrines be reasonable?

While the alleged inconsistency in Rawls' theory may be easily remedied by a reasonable extension of his doctrine, the objection that sexist comprehensive doctrines can be deemed reasonable is a serious charge and requires careful examination. Nussbaum defended Rawls by arguing that Okin was mistaken on that charge in two respects. First, Nussbaum argued, Okin was wrong about the consequences of unreasonable comprehensive doctrines in a society based on Rawls' political liberalism. Freedom of speech and liberty of conscience would permit any comprehensive doctrines, whether reasonable or unreasonable, to be present and exercised in the domain of the nonpolitical. They represent individual rights that the state should honor. Okin's insistence on screening out "sexist" comprehensive doctrines is thus at odds with Rawls' respect for freedom of speech.

Nonetheless, it can be argued, as I believe Okin successfully did, that the quasi-absolute status of freedom of speech that Nussbaum attributes to Rawls is not sufficiently grounded (Okin, 2005). Even though Rawls endorsed freedom in the realm of the political, it is not clear that Rawls would not temper political, religious, or philosophical speech when it is unreasonable, particularly in the nonpolitical realm. One can appeal to a fair value of protection of political equality in order to require certain regulations on those forces that consistently affect and violate citizens' equal rights in the realm of the nonpolitical. Rawls once said, "No institution or association in which they [citizens] are involved can violate their rights as citizens" (PL, 471). Moreover, Rawls did believe that liberties should be limited to a constraint of equal compatibility with those of fellow citizens.<sup>10</sup> Rawls granted no absolute protection to any single liberty, be it the domain of the political or the nonpolitical. When the exercise of any one of those liberties by a citizen conflicts with the exercise of another liberty other citizens enjoy, limitations

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10 See Rawls (PL, Lecture VIII). "Each person has an equal right to a fully adequate scheme of equal basic liberties and these liberties fit into one coherent scheme."



can be imposed upon the exercise of freedom for the sake of liberty itself.<sup>11</sup> Thus, Okin is correct in insisting that in Rawls' liberal society, adjustments need to be made and limitations imposed when the expressions of our various freedoms generate conflicts among them. Now, not only is this first defense of Rawls by Nussbaum against Okin's charge clearly not necessarily valid, because Rawls' account does not render derivations as liberal as Nussbaum thought, it is also clear that unreasonable comprehensive doctrines in a society based on Rawls' political liberalism can be restrained.

Nussbaum (2003: 507-511) provided another argument defending Rawls. She believed that Okin failed to distinguish between two types of sexist comprehensive doctrines, one of which can be reasonable. She argues that sexist comprehensive doctrines that grant women unequal rights of citizenship are unreasonable, while comprehensive doctrines that say women are metaphysically unequal or dissimilar can be reasonable. In Nussbaum's view, Okin failed to recognize that Rawls deemed only certain sexist comprehensive doctrines reasonable from the standpoint of the state and the basic structure. Reasonable comprehensive doctrines are of the second type, which supports the idea of equal citizenship for both men and women. Thus, Nussbaum concluded that not all sexist comprehensive doctrines are reasonable. Only some sexist comprehensive doctrines are reasonable from the standpoint of political liberalism.

Nussbaum's second defense of the tolerance of sexist comprehensive doctrines, if successful, would have to be able to meet two challenges. First, Rawls' political liberalism justifies one that "exist over time [as] a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical and moral doctrines" (PL, 4), so there is little doubt that both unreasonable and sexist comprehensive doctrines are allowed to exist in such a society. If sexist comprehensive doctrines are permitted to be present in the nonpolitical domain of a society, there are rights to be appealed to counter them; but when some of them are admittedly reasonable, women's equal status in every aspect of their lives could be jeopardized as Okin predicted. Then, how does Rawlsian theory deal with the malicious consequences of holding sexist comprehensive doctrines that deeply worry feminists like Okin? Second, the permission for a reasonable

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11 Remembering that it can be supported by what he said, "If the so-called private sphere is alleged to be a space exempt from justice, then there is no such thing." (PL, 471)

defense of sexist comprehensive doctrines in no way mollifies those who hold, intuitively, that all sexist doctrines are unreasonable. One's ability to distinguish comprehensive doctrines as reasonable or unreasonable implies that one is using a criterion of reasonableness. For those who believe the very concept of *reasonable* sexist comprehensive doctrine is self-contradictory, there is simply no good reason to accept a sexist criterion of reasonableness. Acknowledging the existence of certain sexist comprehensive doctrines as reasonable seems self-defeating for feminists and anyone who cares about women's equality.

Dissatisfaction with Nussbaum's tolerance of sexist comprehensive doctrines prompted me to more closely probe Rawls' criterion of reasonableness, and ask what sexism is to determine whether reasonable sexist comprehensive doctrines are genuinely a Rawlsian derivation. What is Rawls' criterion of reasonableness? Rawls believed that to be reasonable, citizens must regard each other as free and equal, and he prescribed two basic characteristics of the moral psychology of a reasonable person: "the willingness to propose fair terms of cooperation and to abide by them provided others do" and "the willingness to recognize the burdens of judgment and accept their consequence for the use of public reason in directing the legitimate exercise of political power in a constitutional regime" (PL, 54). A reciprocal relationship, fair cooperation, and justification are components of the idea of reasonableness. A reasonable judgment, act, or cooperation means a reciprocal, fair, and justified one. Reasonable persons affirm only reasonable comprehensive doctrines by an exercise of theoretical reason and an exercise of practical reason. Reasonable comprehensive doctrines, although not necessarily fixed, belong to, or draw upon, a tradition of thought and doctrine.<sup>12</sup>

Then, what defines and qualifies sexism? Sexism refers to anything that creates, constitutes, promotes, sustains, or exploits an unjustifiable distinction between the sexes.<sup>13</sup> Examples of such unjustified distinction include beliefs that women are by nature inferior to men (or the other way around); oppression or subordination of one sex to another is normal; females/women

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12 This deliberately loose definition is given in order to avoid the danger of being arbitrary and exclusive. Rawls emphasized that a tighter criterion is not needed for the purpose of political liberalism. (PL, 59-60)

13 See Frye (1983: 18). For critical discussion on this discussion, see Jones and Cudd (2005: 74).

are born subordinate to males/men; and females/women are to be excluded from the highest ranks of religion. A commonly understood relationship between sex and gender is that sexual differences refer to biological differences between males and females, while gender differences refer to different social norms for men and women and are constructed by reference to sexual differences. Although historically, gender systems were controlled and shaped by and for the benefit of men, gender systems are not by definition sexist nor need they be oppressive to women. A conception of gender can be based on sexual differences without being based on sexism. A conception of gender is based on a concept of sex, come what may, but a conception of gender is not necessarily based on sexism. In short, for gender systems to be reasonable, they should not be based on sexism and so prescribe only non-sexist gender practices including equal education and employment for women, same-sex marriage, free expression of gender, etc.

Applying the Rawlsian criterion of reasonableness to evaluate whether or not sexism is reasonable, we immediately see that sexism and sexist ideas are evidently unreasonable, for, among other reasons, although they may stem from traditional beliefs and values, they are unjustified by the exercise of theoretical and practical reasons, and are informed by contemporary democracy and the idea that sexism is by definition unjustifiable. Moreover, sexism presumably violates the basic assumption of free and equal persons and the principle of reciprocity that figures centrally in the idea of public reason. Thus, sexism is not reasonable because it cannot pass the Rawlsian criterion of reasonableness. No comprehensive doctrine that encourages or permits a pernicious distinction between the sexes should be taken as reasonable or even be used to judge the basic structure of society. Does the explanation lend full support to Okin's complaint about Rawls' inclusion of sexist comprehensive doctrines or settle the disagreement between Okin and Nussbaum on the reasonableness of sexist comprehensive doctrines?

Consider the following question first. Can a sexist view also be a component of a "reasonable" comprehensive doctrine, which in turn would imply that a sexist comprehensive doctrine is reasonable? Sexism or a sexist view, standing on its own, cannot be reasonable in Rawls' theory; it is, as we have seen, screened out by his criterion of reasonableness. Moreover, sexism (as well as racism) cannot be accepted as a reasonable view on how persons should be treated within the sort of liberal society Rawls imagines, for it

violates the definition of a reasonable person, in which all are regarded as free and equal. Most importantly, Rawls never approved of any form of sexism, whether at the level of the political or nonpolitical, even though he endorsed the notion that many religions susceptible to sexism are reasonable. It was Okin who claimed that religions practice sexism; and it is, as Okin pointed out, a fact till nowadays that some practice sexism violently, while others to do so mildly. Because of Rawls' acceptance of religions, Okin concluded that Rawls derivatively admits sexism as reasonable. But this conclusion is misleading. Okin's conclusion should have been more carefully put in a formulation like this: Rawls *derivatively tolerated* sexist comprehensive doctrines as reasonable, particularly when those reasonable religions are sexist from the standpoint of those who do not accept those religions. Rawls tolerated religions because he did not necessarily see them as sexist, and when those religions, sexist or not, were acceptable because they were reasonably adopted by reasonable persons.<sup>14</sup>

Rawls implicitly distinguished between comprehensive reasonableness of a particular religious view and the reasonableness of any particular idea included within that view. Even though no single thought is ultimately independent, a single sexist idea and a comprehensive religious view can and should be separated for their different scopes and differences in use. Rawls held that when sexism is embedded in a larger comprehensive doctrine of a religion, the religion as a whole may be reasonable, not because of its sexist idea about sex and gender, but because, all things considered, the comprehensive doctrine in question is reasonable.<sup>15</sup> A reasonable comprehensive doctrine is deemed reasonable because the overall message delivered by the comprehensive view is reasonable from a reasonable person's point of view. To emphasize, what is more crucial in qualifying the comprehensive view as reasonable is that it is *voluntarily adopted* by reasonable persons, and it is *reasonably applied* to one and others who also deem it reasonable. Thus, in this way, such a comprehensive doctrine, even though it contains a sexist idea, can paradoxically be considered reasonable by political liberalism. In fact, because Rawls never labeled sexist comprehensive

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14 When religions are sexist and Rawls derivatively tolerates them, I think it is not because Rawls thinks the sexism that the tolerable religions practice is "mild" or innocuous, but it is because they are reasonable because people adopt the religions. More relevant discussion is given in "Section 4".

15 See Rawls (PL, lvi), where he indicates that, "a comprehensive doctrine can be unreasonable on one or several issues without being simply unreasonable."

doctrines reasonable comprehensive doctrines and because of the clarification between a sexist idea and a comprehensive view, these comprehensive doctrines should have been carefully termed “*permissible*,” rather than “reasonable” comprehensive doctrines.

But puzzles remain. Some might suspect that, under such circumstances, the distinction between the sexist and the gendered doctrines might disappear. Suppose a reasonable woman finds a certain gender practice in her religion actually a sexist practice, how would she initiate the change from within the religion if her acceptance of the religion meant everything is “reasonable”? Moreover, in the first beginning, why would women, who are reasonable and rational, voluntarily accept such sexist comprehensive doctrines with reasonable beliefs in them or gendered comprehensive doctrines with sexist beliefs in them, when those doctrines specifically discriminate against them? Indeed, for an individual, the distinction between the sexist and the gendered doctrines is relied on a distinction between perceptions of justice and justice. Liberals often respond to such choices as a result derived from one’s overall context of life and they respect personal choices compatible with laws. However, by that I do not mean Rawlsian political liberals necessarily take that oppression by choice as reasonable, and most importantly, hold that the state does not and can not do anything about such choices. Rawlsian liberal institutions need not inquire into relevant personal circumstances, since they assume and expect women to be free and equal persons with reasonable and rational capacities. Rather, the primary consideration of Rawlsian theory when applied in a realistic society demands that the basic institutions of society cultivate and maintain the free and equal status of citizens in voluntary agencies and organizations, as guaranteed by the state. That is to say, the state needs not inquire about the reasons individual woman have for herself voluntarily accepting sexist or gendered religious doctrines, but the state is obligated to make laws prohibiting sexism and resources that equip citizens become substantively equal available. At least, for example, the state, as a democracy, has to provide a civic education for equal citizenship, especially when women citizens are prone to victims of sexism, to respect both the individual liberty and conscience of association and subscription, the right to exit and fair equality of opportunity.<sup>16</sup> And a possible change from perceived justice to justice within the religion is conducted by the state’s

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16 This is argued by Cass R. Sunstein (1999: 129-139).

robust support of equal citizenship and women's act of their public identity, that is, besides many other identities, women are simultaneously citizens in the so-called "private" contexts, no matter it is associational, culture, religious, or theoretical.

Okin's complaint about Rawls' inclusion of sexist comprehensive doctrines can now be explained away as misleading. Rawls would agree with a clarified understanding contributed by feminist efforts that the very idea of reasonable sexist comprehensive doctrines is an oxymoron. Yet we can also reach the conclusion that Rawlsian reasonable persons can reasonably hold sexist comprehensive doctrines if they have not been exposed to feminist thought and have been exposed instead to sexist but reasonable (i.e., adopted voluntarily by reasonable persons) religious doctrines. For one thing, there is an optimistic side to political liberalism; that is, when reasonable people hold sexist comprehensive doctrines, they remain open to giving up those unreasonable ideas, sexist ones among them.

Such a clarification permits consistency in understanding Rawls' support for women's equality, even when the view which Nussbaum identifies as the second type of sexist comprehensive is indeed tolerated in his civil society. Moreover, relating the clarification to judge whether Nussbaum's second defense is valid, I concluded that a view of women as metaphysically unequal or dissimilar to men in some respects is reasonable, while a view that accepts sexism or a sexist comprehensive doctrine that pronounces women as metaphysically inferior or subordinate to men is still unacceptable. Therefore, Nussbaum's distinction that Rawls allows only a certain type of comprehensive doctrine as reasonable is correct, but it is a misunderstanding or even a mistake to conclude that this type of comprehensive doctrine must be sexist.

Let us take stock. Reasonable persons may accept sexist comprehensive doctrines, but not Rawls or his political liberalism. For Rawls and his political liberalism, however, comprehensive doctrines deemed reasonable (not just tolerable) may be gendered, rather than sexist. Even though sexism and gender can be mutually inclusive, it is important to recognize that sexism must simultaneously prescribe gender, but gender is not necessarily sexism. While an idea of sexism leaves no room for reasonableness, a conception of gender does. Okin is right in insisting on political liberalism tolerating no reasonable sexist comprehensive doctrines. And Rawls would not and should not have

taken those sexist comprehensive doctrines as reasonable. Okin's conflation of reasonable with tolerable comprehensive doctrines may have led to Nussbaum's invalid defense of sexist comprehensive doctrines as reasonable.

#### 4. Gendered comprehensive doctrines as reasonable

Now we have clarified that only gendered comprehensive doctrines are reasonable in a Rawlsian political liberalism. What Rawls permits is reasonable gendered comprehensive doctrines, rather than reasonable sexist comprehensive doctrines. Some readers might wonder whether in making this argument, we have switched the topic to ideal, non-existent, gendered but non-sexist religions. If so, then I agree the argument does nothing to alleviate Okin's worry. Indeed, unconscious, stereotyped, and mistaken acceptance and practice of gender are sexist and mostly unfair to women, but were often once effectively or wholeheartedly embraced and practiced by virtually everyone, including those who were discriminated against and were mistaken for innocent gendering. For example, some Christian sects admonish wives to obey and honor their husbands' authority, but do not promote mutual respect and obedience between spouses, and many married women appear to voluntarily accept this subordinating, obedient norm. Chinese folk religions and traditional teachings prescribe males/masculine values and orders over females/feminine ones. Therefore, such seemingly sexist-free gender practices observed in common religions and the recognized need to reverse sexist effects drive us back to address Okin's worry about women's disadvantages because of these powerful accepted comprehensive doctrines. That is, even though this gendering might not be sexist from the standpoint of people who embrace them, such practices are not voluntarily reflective choices of free and equal citizens and may well have personal and institutional impacts which make freedom and equality ultimately impossible for women. That prompted me to ask this next, realistic question: under Rawlsian political liberalism, how can gendered comprehensive doctrines be really reasonable as we want them to be?

I do wish to emphasize that it is a non-sexist gender practice that Rawlsian political liberalism had in mind and that we can distinguish gendered practices from sexist ones, while admitting an overlap but not coextension. For example, gender practice and distinction such as separate and non-hierarchical relations in dormitories, sports, and dress codes may be innocuous and

expedient for everyday life, but not necessarily sexist. We know historically there have been a lot of sexist practices in dormitories, sports, and dress codes, but when forms of dormitories are diversified, new sports are designed by non-masculine standard, dress codes are not confined to a two-sex gender line and open to all, etc, we know it means sexist component are gradually dropped. A gendered doctrine is distinguished from a sexist one in that an unfair and pernicious understanding based on a claimed sexual difference is excluded from the (non-sexist) gendered doctrine. Again, gender practices can disrespect and devalue persons based on their sex or gender, but gender systems need not be sexist. When the idea of gender is what Sally Haslanger describes as a reformative idea of gender according to justice, then it can be a genuinely reasonable idea of what we want them to be. This is because any account of justice must include an account of reasonableness, and when the reformative ideal is just, it must be reasonable as well.

The next crucial question for political liberalism is what role the state should play here. Whether a system of gender or otherwise is absolutely repressive or only to a certain degree, one can appeal to political liberalism to support the idea that the state has a responsibility to ensure appropriate voluntariness in such a system, especially when it generates faults in political terms. For political liberalism, in order to counter a gender system's faults, the state may abolish discriminations based on sex and gender and promote substantive equal liberties for all. Retrieving Rawls' specifications of citizens as free and equal, we have a more-concrete idea what the presumption of the status of citizens requires of the state. It must maintain conditions that make them capable of becoming free from the subscription to and control by sexism, and of reforming unjust gender concepts. Rawls specified that citizens are free in three respects: first, "they conceive of themselves and of one another as having the moral power to have a conception of the good"; second, "they regard themselves as self-authenticating sources of valid claims"; and third, "they are viewed as capable of taking responsibility for their ends and this affects how their various claims are assessed" (PL, 29-34). "The basic idea is that in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the powers of reason (of judgment, thought, and inference connected with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal" (PL, 19). So we know that to what extent Rawlsian political liberalism can be appealed in the responsibility of



the state, the delivery of ensuring free and equal citizens is the guideline. And gender, even in its personal aspects, should be in accordance with equal citizenship.<sup>17</sup> Aspects of gender completely unrelated to the political are then not the business of the state. Gendered comprehensive doctrines can and must be reasonably accepted only when we, as persons, citizens, and state agencies, are substantially equipped with all the powers to be free and equal citizens, and then are truly able to want them to be reasonable.

Therefore, since the overlapping conception a society adopts for its basic structure and the status of citizens is presumed to conform with the idea of persons as free and equal, not only will political liberalism not suffer from an internal instability due to lack of support from the bad influences and prevalence of sexist practices, but political liberalism can demand that gender practices relating to the basic structure of society be reformed according to justice. Reformation may include rules about quotas for persons that promote equal citizenship in congresses and legislatures, rules about education and censorship for fairness, and enforcement of justice in the family, although these are the same principles of political justice for regulating the basic structure of society as the Two Principles of Justice Rawls proposed. If reformative ideas of gender inform the basic structure of society, we are likely to have a more-feminist outcome than if all gendered conceptions are ruled out of the overlapping consensus and allowed to grow outside of and in opposition to a strictly feminist, just society.

According to a liberal standard, it is really the fact that individual persons adequately voluntarily subscribe to the gender idea that makes a gendered, non-sexist doctrine reasonable. A conception of gender requiring systematic repression or degradation of people based on sex is evaluated as unreasonable and should be eliminated, but when a conception of gender involves no systematic repression or degradation of people, it can be reasonable. While the idea of reasonable sexist comprehensive doctrines is an oxymoron, the idea of reasonable gendered comprehensive doctrines is not. Some conceptions of gender can be reasonable, for they are acceptable ideas voluntarily subscribed to and properly practiced by citizens who are free and equal. Most importantly, these conceptions of gender, when they are intended to be delivered in a context of children's education or practice in family daily

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<sup>17</sup> For more specifications on such a possibility, see a strong public reconstruction of political liberalism argued by Corey Brettschneider (2007: 19-31).

living, are all required to be compatible with the basic status of citizens as free and equal.

Would this convince Okin that Rawls' permission of gendered comprehensive doctrines is justified? Okin defined gender as the institutionalization of sexual difference and argued that a just society should aim to eliminate gender because she believed it is a hopelessly unfair system.<sup>18</sup> She seems not to accept gender as reasonable, and think abolishing gender is reasonable. However, most people, who grow up with a gender system instilled in them from birth and which continues to play a pervasive role in everyday life, may agree that gender as we now practice it is in need of reformation, but still not desire its complete elimination; to take gender away is simply dubious. For one thing, even though gender may be technically blocked from the public sphere, personally it cannot be blocked from the private sphere. At least this is not an unreasonable view. The fact is that we grew up with some sort of socialization of gender grouping. There is a deep connection between sexuality and gender norms, even though we might not know exactly how sexuality is entwined with gender. Also, sexed people who define gender as one's nature and inevitably omnipresent would voluntarily take Okin's view to be unreasonable. Note that all these views should be equally taken as ones among many comprehensive doctrines which political liberalism incorporates. Since what political liberalism subscribes to is the criterion of reasonableness, rather than the criterion of truth, regardless of what gender really is or is defined to be, as long as it is reasonable (i.e., voluntarily chosen, etc.), a gendered comprehensive doctrine is thereby permitted to be reasonable in political liberalism. Given conflicts as stated in the above, I think Rawls' permission of gendered comprehensive doctrines could eventually convince Okin as justified by the Rawlsian democratic standard of reasonableness and the protection and guarantee of political liberalism for capacities of free and equal persons, as argued above which would substantively relieve Okin's worry about women's inequality.<sup>19</sup> That is, the substantive inequality and unfairness resulted by gender is ameliorated by remedies that I argued a Rawlsian political liberal's standpoint would dictate, according to the idea that conceptions of gender not only are

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18 Okin (1989), *passim*; Okin (1994: 28).

19 The sort of understanding of justice might not be exactly what Okin as a comprehensive liberal feminist expects, but then the issue is different and therefore a subject of another article.

reasonable but also should be made compatible with social justice. And it is how political feminism as a legitimate derivation of Rawlsian theory uses the distinction between the political and nonpolitical and the priority of the political to address comprehensive feminists such as Okin in her concerns for reasonable comprehensive doctrines builds its own plausibility.

## 5. Conclusions

I have argued that Nussbaum's defense of Rawls is too liberal to be Rawlsian, for she admitting sexism that Rawls would not. Okin was right to insist that a sexist comprehensive doctrine is unreasonable and should not be admitted as reasonable by any acceptable political conception of justice. Rawls' political liberalism, contrary to what Okin concluded, sees neither sexism nor sexist comprehensive doctrines as reasonable. Indeed, Okin and Rawls are on the same page in that sexist comprehensive doctrines are unreasonable. If one, including Okin, could reasonably and rationally agree with Rawls' political liberal endorsement of comprehensive doctrines, these doctrines are in no way sexist, but only gendered. To emphasize the point, Rawlsian political liberalism accepts gendered comprehensive doctrines, not sexist ones. A political conception will be determined by reasonable persons who want to practice gender, but gender as reasonable not sexist. And political liberalism, embracing a distinction between the political and nonpolitical and building up its political conceptions on grounds of gendered comprehensive doctrines, remains stable.

Furthermore, as I have clarified, a much more-genuine disagreement between Rawls and Okin could have been whether and how gendered comprehensive doctrines should be reasonable and acceptable. Apparently, gendered comprehensive doctrines, depending on the contents and the way they are embraced and practiced, can be reasonable or not and be reasonable in many understandings. Not only is reasonable gendering not good enough for Okin, contrary to Rawls, Okin saw gender as necessarily oppressive, if not unreasonable, and so unacceptable. Nevertheless, even though gender distinction does not always imply sexism, when gender prevails in an oppressive and involuntary manner, Rawls' political liberalism does require gender reformation that the basic structure of society and the state is responsible for. For example, when reasonable gendering is unjust according to political liberal's standard of equal citizenship, it is the duty of

political liberalism to make gender become just. Thus, while Okin herself endorsed a particular view that demanded gender be abolished in the interest of social justice, the consequences of political liberalism may eventually be in convergence with hers; that is, gender (practice), whether it is defined as what she thinks it is or not and whether it should be abolished as she thinks it best, should be scrutinized so as to make it compatible with social justice. And that makes why Rawls' overlapping consensus or a political conception of justice *is not* to become sexist or gendered embodied with unjust understanding and practice. Political liberalism does promise substantive equality for women by serving as a theoretical resource in support of women as free and equal. In the end, whether such equality is *de facto* sufficient to respond to problems of women's oppression in a society relies ultimately on the way agents, including individual persons and state representatives as members of society, use political liberalism and, most importantly, how they actually treat each other in all spheres of their lives.

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# 合理多元主義與女性主義：解析歐肯對羅爾斯政治自由主義的挑戰

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## 摘要

蘇珊歐肯論說，羅爾斯的政治自由主義在理論上存有內在缺失，因為它容許大多數的宗教為合理的全面性學說。那斯邦與歐肯意見不同，她為羅爾斯作辯護。本文檢討歐肯、那斯邦與羅爾斯之間的「論辯」，首先指出其間有效與無效的批評與辯解，然後提出自己的實用取向論證，以求進一步化解歐肯對於羅爾斯的異議，並藉此保留羅爾斯的政治自由主義理論有效性。此論證澄清的是，羅爾斯式自由主義所允許的全面性學說是性別化的，而非性歧視的。當這些性別化的全面性學說是合理可被接受的，它們即是正義的，而且誠如哈斯蘭兒所議，性別系統可以也應該根據正義重建為正義的。歐肯提出的挑戰，即她不贊同羅爾斯寬容地為全面性學說背書，於是在這項羅爾斯式理論應用新解之下被化解，因為它既排除了對於羅爾斯式理論的誤解，也避免女性主義者向來不縱容之理論對於女人不良對待。

## 關鍵字

羅爾斯、歐肯、那斯邦、女性主義、政治自由主義、多元主義