

Ruth Abbey (editor)
Feminist Interpretations of John Rawls
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Feminist Interpretations of John Rawls brings together eight essays that occupy a broad spectrum of perspectives on the relevance of John Rawls's work for feminist thought. The anthology is part of the series "Re-reading the Canon," edited by Nancy Tuana, which assesses whether the works of canonical Western philosophers can be reinterpreted to yield fruitful resources for feminist purposes. The authors presented in this volume explore topics as varied as political liberalism's potential for resisting women's oppression (or its inability to do so), the relationship between comprehensive and public political feminism, the role of the family as an institution of the basic structure of society, self-respect as a primary good, disability, and the advancement of women's interests in burdened societies.

Although a couple of the authors make reference to other chapters in this anthology, they are engaged in largely distinct projects that cover a wide range of issues. The essays by Anthony Laden, Amy Baehr, and Elizabeth Brake, on the one hand, generally advance the project of political liberalism. Lisa Schwartzman, Clare Chambers, and Janice Richardson, on the other hand, are critical of Rawls's methodology, the concept of the basic structure of society, and Rawls's remarks on self-respect, respectively. Nancy Hirschmann offers a larger critique of what she calls the "medical model" of disability, which she attributes to Rawls, and Eileen Hunt Botting compares Rawls's international theory from *The Law of Peoples* to Martha Nussbaum's Capabilities Theory. In the following, I will provide a brief summary of each chapter, presented thematically rather than in the order in which they appear in the anthology. Although there won't be enough space to comment on all the chapters, I will instead offer evaluative remarks on several that I found to be particularly interesting for their original advancements of key concepts such as the basic structure of society, self-respect, and public political feminism.

Ruth Abbey's impressive introduction to the anthology provides an orderly and systematic narrative of the widely diverse feminist responses to Rawls's corpus, ranging from his *A Theory of Justice* to *The Law of Peoples*. Her chronological overview presents the early engagements with Rawls's ideas as largely optimistic about their feminist potential, whereas responses to *Political Liberalism* were far more polarized over the viability of the theory for addressing gender injustice. The eight chapters

gathered in this book attest to the wide range of concerns and ongoing debates that continue to interest feminists and Rawls scholars alike.

For some commentators, Rawls's turn toward political liberalism allowed new opportunities for developing a liberal feminism. Anthony Laden's essay, "Radical Liberals, Reasonable Feminists: Reason, Power, and Objectivity in MacKinnon and Rawls," for example, demonstrates the considerable potential of political liberalism for interrogating the socially constructed gender norms that perpetuate the domination and exploitation of women. He argues that Rawlsian political justification is intersubjective; reasonable political deliberation requires that we offer only those reasons that we sincerely believe our fellow citizens can share and that we take seriously another citizen's rejection of our reasons. This includes cases in which a citizen rejects reasons that assume that she has a certain practical identity as a result of her biology. Political liberalism, Laden concludes, is thus prepared to uncover and challenge the gender norms and identities that contribute to the oppression of women.

Amy Baehr's chapter also contributes to the project of political liberalism by offering a comprehensive liberal feminism that would be compatible with public political feminism. In "Liberal Feminism: Comprehensive and Political," Baehr begins by noting that not all comprehensive liberal feminisms will provide reasons for accepting public political feminism, the view that holds that coercive state power must be justifiable in terms of public reason, even when used for feminist ends. In particular, she focuses her discussion on a comprehensive liberal feminism centered on independence and self-sufficiency as ideals of character, with a conception of the good life for women that involves wage work and equality in the division of the benefits and burdens of domestic relationships. She calls this view *popular liberal feminism*. Popular liberal feminists advocate legal measures that will secure for women the conditions under which they may develop independence, self-sufficiency, and equality in their domestic and professional relationships. However, their justification for such uses of state power--that is, that such measures are conducive to what they view as the best way of life for women--won't be acceptable to women whose comprehensive doctrines identify different ideals of character and ways of life as good. Baehr recommends that liberal feminists instead adopt her *autonomy account*, which requires that the reasons offered in political justification be reasonably acceptable to all on the grounds that "a minimal condition for a life's being good is that it is recognized as such by the person who lives it" and that this includes recognizing as good or acceptable "the fundamental conditions under which one lives--the basic structure of society" (164).

I worry, however, that the Autonomy Account will turn out to be both over- and under-inclusive in its account of a good life. A life that is good only according to an unreasonable comprehensive doctrine, for example, is one that political liberalism need not cater to and could readily reject. Meanwhile, it seems strange to say that a life cannot be good unless it is lived within a basic structure that is regarded as good, or at least acceptable, by one's own lights. Some feminists might not find the basic structure of the United States, for example, good and yet may nonetheless recognize their lives as good. Perhaps a similar, thinner version of the Autonomy Account--that a good life, say, is one

in which one is able to exercise the two moral powers--may sidestep such difficulties.

Although Elizabeth Brake begins her chapter, "Rereading Rawls on Self-Respect: Feminism, Family Law, and the Social Bases of Self-Respect," by noting that Rawls's discussion of self-respect is incomplete, she takes this as an occasion to offer a supplemental account of self-respect that she argues would better serve Rawls's theory. On her interpretation, Rawlsian self-respect requires that one recognize oneself as an agent possessing the two moral powers--that is, a capacity for a conception of the good and a capacity for a sense of justice--as well as the entitlements as free and equal citizens that these moral powers confer. This provides a strategy for addressing the feminist criticism that political liberalism tolerates the perpetuation of gender inequality by allowing parents to infuse their children with sexist or homophobic beliefs. On her account, because such beliefs threaten a child's self-respect, or the self-respect of other children with whom the child interacts, a parent's religious liberties do not include the right to treat children in ways that would deprive them of this important primary good.

Brake's account of Rawlsian self-respect provides much potential for those interested in advancing a feminist political liberalism. However, the account might imply too much. It is not entirely clear what counts as unacceptably "infusing" a child with undermining beliefs. Take, for example, girls who are told that wives should defer to the wisdom of their husbands. It is plausible to think that some may temporarily hold such a belief until they reach an age at which they arrive at different opinions on the matter; others might not and continue to believe in their subordinate status throughout their adulthood. The point is that although this is the kind of belief that feminists would identify as contributing to women's oppression, it is far from clear that political liberalism would disallow it on the grounds that it so undermines girls' self-respect that they are unable to develop and exercise their moral powers. If, on the other hand, this and similar instances of speech are disallowable on the grounds that they pose *some* threat to girls' conceptions of themselves as free and equal, then this would imply a radical curtailment of citizens' religious liberties.

Whereas the chapters thus far discussed identify feminist potential in justice as fairness, the chapters by Schwartzmann, Chambers, and Richardson are largely critical of Rawls. Schwartzmann's chapter, "Feminism, Method, and Rawlsian Abstraction," condemns Rawls's theory of justice as ill-equipped to challenge socially generated hierarchies of power. She argues that Susan Okin's feminist reformulation of Rawls's theory depends on two false assumptions and so is unable to provide the needed amendment. She furthermore maintains that Rawls focuses exclusively on economic inequalities, to the exclusion of important issues of race, class, and gender, and that the kind of ideal theorizing that occurs in the Original Position abstracts away from and hence overlooks problems of subordination and oppression.

Chambers proposes that Rawls's apparently inconsistent remarks on the family are symptomatic of a deeper ambiguity in his concept of the basic structure of society as the primary subject of justice. In "'The Family as a Basic Institution': A Feminist Analysis of the Basic Structure as Subject," she argues that Rawls is unable to explain why the

principles of justice apply differently to the family as part of the basic structure than to other paradigmatically nonbasic institutions, such as churches and universities. Although churches and universities need not internally order their affairs according to the two principles of justice, she points out that they are nonetheless constrained by those principles; no association may, for example, deny members the exercise of their basic rights and liberties. Yet if the same can be said of the family, then why think that the family belongs to the basic structure whereas churches and universities don't?

Chambers dismisses all too quickly the important response that the principles of justice apply to the basic structure taken as a whole and not directly to any of its individual institutions. She calls this response the *whole structure view*. In objection to the view, she claims that the first principle of justice cannot be "secured by taking an overview approach that ignores the justice of individual institutions," nor can it be realized if it fails to apply to some nonbasic institutions (88). However, it is entirely unclear how her former claim constitutes an objection to the whole structure view. Rawls offers a four-stage sequence during which the veil of ignorance is gradually lifted to allow parties in the Original Position to apply the principles to increasingly specific laws, policies, and institutions. To say that the principles of justice apply in the first instance to the basic structure of society as a whole is not at all to commit oneself to the claim that Rawls remains silent on the justice of individual institutions. And although I agree that the first principle of justice imposes certain constraints that are not to be violated by any association, this does not entail that the first principle of justice directly applies "to all institutions, whether basic or not" (89). The society-wide constraints that the principles of justice impose seem rather to support the whole structure view rather than undermine it.

Richardson's chapter, "Jean Hampton's Reworking of Rawls: Is 'Feminist Contractarianism' Useful for Feminism?," promotes Hampton's contractarianism as providing a richer and more nuanced account of self-respect than does that of Rawls. She attributes this to a difference in the role that the heuristic device of the contract plays in their theories. Whereas the contract makes its appearance primarily in Rawls's theory as the Original Position, which is intended to model the fairness of the two principles of justice that are to regulate the basic structure of society, Hampton invokes the image of the contract in her test for the fairness of our interpersonal relationships. The test prompts us to ask ourselves how free and equal persons who are rational and self-interested would divide up the benefits and burdens of the various relationships that we engage in, including intimate and family relationships. For Richardson, Hampton's contractarianism thus offers more powerful conceptual resources to uncover the many, often subtle ways in which exploitation and subordination undermine women's self-respect in their everyday lives.

Hirschmann's chapter, "Rawls, Freedom, and Disability: A Feminist Rereading," takes issue with what she calls the *medical model* approach to disability, which regards disability as an individual medical condition that should be treated by health care. She argues that disability, however, is not a natural fact but rather a result of social policies and arrangements that privilege certain bodies while putting others at a disadvantage. A student who is unable to attend a class because its location is wheelchair inaccessible, for

example, is placed at a disadvantage as a result of the building's lack of ramps and elevators and not necessarily as a result of her bodily condition. In contrast to the medical model, Hirschmann advocates a *social construction model* that attends to the ways in which the design of our social institutions and policies can constitute or remove external barriers to the freedom of those who are differently-abled.

Hirschmann's social construction model provides an important and significant understanding of disability that will be of much interest to anyone interested in the issue. Though she criticizes Rawls's theory as "ableist" for its conception of the parties to the Original Position as fully cooperating members of society over a complete life, it would be interesting to see whether Rawls's theory can be shown to be amenable to her account of disability.

In "Rawls on International Justice," Botting compares the merits of Nussbaum's and Rawls's theories of international justice. She argues that in situations of minimal cultural or religious conflict, Nussbaum's capabilities approach provides more powerful grounds for advancing women's interests. On the other hand, Botting finds that Rawls's human rights approach in *The Law of Peoples*--with its toleration of nonliberal, decent peoples--is more likely to be found acceptable to decent or burdened societies whose religious or political cultures stand in tension with liberal, democratic, or feminist values. By offering burdened peoples assistance in economic development and in the advancement of basic human rights, she argues that the society of peoples may encourage burdened societies to gradually and voluntarily embrace a more egalitarian understanding of human rights, thus better advancing women's interests in the long run.

These eight essays, in addition to the richly informative introduction, are consistently thought-provoking and engaging. Some contribute significant advancements in the feminist potential of political liberalism. Others motivate important new inquiries into issues of justice that receive only marginal attention in Rawls's writings. Though the authors vary in the care and precision with which they attend to the details of Rawls's thought, feminists and Rawls scholars alike will find that the anthology provides many promising resources for continued engagement with the issues presented here.