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PERFECTIONISM, FEMINISM AND PUBLIC REASON\*

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Can feminism be a public political philosophy, or part of one? By ‘public political philosophy’ is meant, with John Rawls, an account of the just uses of state power that aspires to “serve as the basis of lasting and reasoned political agreement” under conditions of reasonable pluralism.<sup>1</sup> Under such conditions, Rawls tells us, the free use of human reason leads citizens to hold diverse comprehensive doctrines. As Rawls defines it, a comprehensive doctrine is an account of “what is of value in human life, ideals of personal character, as well as ideals of friendship and associational relationships and much else that is to inform conduct.”<sup>2</sup> Because under conditions of reasonable pluralism citizens cannot be expected to agree on a particular comprehensive doctrine, such a doctrine cannot be a basis of lasting and reasoned political agreement.<sup>3</sup> Rawls tells us that agreement must be based instead on “political values everyone can reasonably be expected to endorse.”<sup>4</sup> To limit oneself to

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<sup>1</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 58.

<sup>2</sup> Rawls (1993, p. 13).

<sup>3</sup> Rawls (1993, p. 62; see also p. 225).

<sup>4</sup> *Ibid.*, p. 241.

such values when arguing for the coercive use of state power is to heed what Rawls calls the “limits of public reason.”<sup>5</sup> There is a large literature questioning whether Rawls himself succeeds in presenting a public political philosophy.<sup>6</sup> But his attempt, indeed political liberalism generally, is not defended here. Its defense is assumed in order to focus attention on some implications for feminism.

There is reason to believe feminism is a comprehensive doctrine, or to be more accurate, a family of comprehensive doctrines. There is no authoritative articulation of feminism. And there is pluralism within feminism. But feminisms offer a rich set of accounts of “what is of value in human life, ideals of personal character, as well as ideals of friendship and associational relationships and much else that is to inform conduct.”<sup>7</sup> Feminist intimates are guided by feminist ideals of friendship such as gender egalitarianism and the rejection of gender exploitation, or by the value of mutual respect for the other’s gender liberty. Feminist parents raise children guided by feminist ideals of character such as androgyny, or gender liberty, or the character ideal found in an ethic of care. Feminist religionists hold that attention to God’s will or God’s nature requires reform of extant forms of worship and religious association. Many feminists hold that proper valuing of femininity requires conduct that sustains and shows respect for the natural world. In addition, while feminism in the academic disciplines commonly takes the form of critical methodologies, such methodologies are often connected to ideals of character and conduct. For example, Judith Butler’s critical account of

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<sup>5</sup> *Ibid.*, p. 153.

<sup>6</sup> See for example Lief Wenar, ‘Political Liberalism: An Internal Critique’, *Ethics* 106(1995):32–62; Samuel Scheffler, ‘The Appeal of Political Liberalism’, *Ethics* 105(1994):4–22; Bruce Ackerman, ‘Political Liberalisms’, *Journal of Philosophy* 91(1994):364–386; and Joseph Raz, ‘Facing Diversity: the Case of Epistemic Abstinence’, *Philosophy and Public Affairs* 19(1990):3–46.

<sup>7</sup> Rawls (1993, p. 13).

the ontology of gender is understood by many to imply an endorsement of gender playfulness and nonconformity.<sup>8</sup>

To be sure, feminisms rarely purport to tell a whole story about what is of value and how life should be lived. This is why we often find hyphenated feminisms, for example Catholic-feminism, liberal-feminism, or eco-feminism. It is best to say that feminisms are what Rawls calls *partially* comprehensive doctrines. A doctrine is partially comprehensive “when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated.”<sup>9</sup> If this is right, if feminism is a family of partially comprehensive doctrines, then neither feminism nor some particular version of feminism can be, or be a part of, a public political philosophy.

Despite the fact that feminisms are partially comprehensive doctrines and as such cannot serve as a basis for lasting and reasoned political agreement under conditions of reasonable pluralism, it is argued here that a public political philosophy will have feminist content. To establish this it must be shown that feminist conclusions can be drawn from shared public values, from values that are “implicit in the public political culture of a democratic society,”<sup>10</sup> values on which there is, again using Rawls’ words, an “overlapping consensus.”<sup>11</sup> The feminist content of a public political philosophy will, just like all of the content of a public political philosophy, be “free-standing.”<sup>12</sup> This means that it will be neither “presented as, nor as derived from” a comprehensive feminist doctrine but as grounded in shared public values.<sup>13</sup>

Part II of this paper provides a sketch of some of the feminist content of a public political philosophy. Part III explains why diverse feminists ought to accept this feminism, indeed why feminists should limit themselves, as it does, to shared public

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<sup>8</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1989); and Judith Butler, *Bodies that Matter: On the Discursive Limits of 'Sex'* (New York: Routledge, 1993).

<sup>9</sup> Rawls (1993, p. 13).

<sup>10</sup> *Ibid.*, p. 13.

<sup>11</sup> *Ibid.*, p. 15.

<sup>12</sup> *Ibid.*, p. 10.

<sup>13</sup> *Ibid.*, p. 10.

values when arguing for the coercive use of state power. But first, part I takes up a formidable challenge to the possibility of a public political feminism posed recently by feminist perfectionism.

### I. THE PERFECTIONIST CHALLENGE

Perfectionism is enjoying renewed popularity in political philosophy.<sup>14</sup> It is natural that scholars would consider the helpfulness of perfectionism to feminist political philosophy.<sup>15</sup> According to perfectionist political theories, an account of political justice must be grounded in a conception of human flourishing. In *Perfectionism and Contemporary Feminist Values* Kimberly Yuracko offers a perfectionist account of feminist politics. She argues that feminist political claims are grounded in particular feminist conceptions of human flourishing, that is, in particular accounts “of what a good life looks like.”<sup>16</sup> Feminist claims, she argues, lose their warrant when severed from their roots in such a conception. But under conditions of reasonable pluralism citizens cannot be expected to agree on a particular feminist conception of human flourishing, indeed such conceptions are at least partially comprehensive doctrines. It follows then that feminist politics is an attempt to use coercive state power to further the ends of a particular feminist

<sup>14</sup> See for example Thomas Hurka, *Perfectionism* (New York: Oxford University Press, 1993); Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1990); George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge University Press, 1997); and Steven Wall, *Liberalism, Perfectionism, and Restraint* (Cambridge: Cambridge University Press, 1998).

<sup>15</sup> For explicit feminist work on perfectionism, see Mary Becker, ‘Patriarchy and Inequality: Towards a Substantive Feminism’, *University of Chicago Legal Forum* (1999):21–86; Timothy Macklem, *Beyond Comparison: Sex and Discrimination* (New York: Cambridge University Press, 2003); and Kimberly Yuracko, ‘Private Nurses and Playboy Bunnies: Explaining Permissible Sex Discrimination’, *California Law Review* 92(2004):147–213; Kimberly Yuracko, *Perfectionism and Contemporary Feminist Values* (Bloomington: Indiana University Press, 2003); and Kimberly Yuracko, ‘Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism’, *UCLA Women’s Law Journal* 6(1995):1–48.

<sup>16</sup> Yuracko (2003, p. 9).

comprehensive doctrine. To be sure, some feminists make arguments based “political values everyone can reasonably be expected to endorse.”<sup>17</sup> But Yuracko argues that such arguments fail; shared public values are insufficient grounds from which to draw feminist conclusions.<sup>18</sup> Yuracko is a feminist herself. But she argues that feminist successes depend on honesty about philosophical foundations.<sup>19</sup>

This would be a disappointment to feminists who argue for feminist uses of state power on the basis of shared public values such as autonomy and equality. To see why some prefer arguments based on public values, compare saying that citizens’ access to violent pornography should be restricted because such pornography undermines women’s status as equal citizens, to saying that access to such pornography should be restricted because the human body should not be objectified. Compare saying that workplaces should accommodate workers with caregiving responsibilities because women’s ability to live lives of their own choosing depends on it, to saying that such accommodations enable women to have the intrinsically valuable experience of work outside of the home. Whether or not one agrees with the latter versions of the arguments, one must see that the former are less controversial. They make use of the values of equal citizenship and personal autonomy which are implicit in our political culture. They are addressed to those who do not hold any particular feminist worldview, and thus are easier to sustain in the context of a plurality of beliefs about the moral status of the human body and about what activities are intrinsically valuable. And arguments based on public values map more neatly onto our political landscape and thus make feminist social change seem possible. These are pragmatic reasons for couching feminist claims in terms of public values. Part III suggests that there are *moral* reasons for doing so as well. But these reasons are moot if Yuracko is right that feminist conclusions cannot be drawn from public values.

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<sup>17</sup> Rawls (1993, p. 241).

<sup>18</sup> Yuracko (2003, p. 4).

<sup>19</sup> *Ibid.*, pp. 6–7.

To understand the perfectionist challenge to feminist arguments based on public values, consider that the contemporary situation of women in societies such as ours is rife with arrangements to which women have consented, but which feminists criticize. Yuracko treats the examples of choosing to become a prostitute, to objectify one's body, and to become a full-time unpaid caregiver. Yuracko believes feminist concern with these choices reflects the following: *consent to a social arrangement justifies it, unless (a) the arrangement is incompatible with a particular feminist conception of human flourishing, (b) the consent is not freely given, or (c) the consent is given under conditions of inequality.*<sup>20</sup> Feminists expressing concern about women who choose to become prostitutes, to objectify or allow the objectification of their bodies, and to become full-time unpaid caregivers, Yuracko tells us, often try to avoid (a). Feminists often try to avoid arguing that these choices violate a particular feminist conception of human flourishing and opt instead for (b) or (c), which make use of public values, and argue that the conditions under which women choose render their consent less than justifying.<sup>21</sup> Yuracko argues that strategies (b) and (c) fail however to provide independent grounds for feminist claims because they tacitly rely on (a). If Yuracko is right, a public political feminism, a feminism based on shared public values, would be impossible.

### A. Freedom

Consider first (b), the claim that many social arrangements feminists criticize result from consent that is less than sufficiently free, indeed is coerced, and for this reason are not justified. As an example of such a feminist position, consider

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<sup>20</sup> Yuracko also dedicates a chapter each to feminist socialization and vulnerability critiques, which are not discussed here.

<sup>21</sup> Many situations feminists criticize *do* result from clearly invalid consent—consent obtained through violence, the threat of violence, or deception. But Yuracko is interested in cases that fall short of this.

sociologist Kathleen Basile's "Rape by Acquiescence."<sup>22</sup> Basile presents a continuum of sexual coercion, with outright violence used to procure sex on the one end, badgering for sex in the middle, and gift giving for sex on the other end. Even gift giving, Basile suggests, is coercive if it results in otherwise unwanted sex. Consider an example of Yuracko's: "Have sex with me or I'll break up with you!"<sup>23</sup> This falls somewhere in the middle of Basile's continuum. That is, Basile would likely call the sex which results from "Have sex with me or I'll break up with you!" coerced. But consider a different example. A wife tells her husband "Clean the house, and do so as often as I, or I'll leave you!" In both cases, one person offers another two options, one of which is likely to be perceived as worse ("I'll leave you!") and thus functions as an incentive to choose the other ("Have sex with me!" or "Clean the house!"). But in neither case does the worse option deprive the other of something to which she or he has a right. So it does not count as coercive. And thus those who choose the less bad option ("Have sex with me!" or "Clean the house!") should not be thought to be coerced. We might want to suggest that people are only really uncoerced when they face exclusively options they like. But that would stretch the concept of freedom beyond recognition. It would render the choice of going to college over a lifetime of low wage work unfree. And it would invalidate the arrangement that ensues when the husband agrees to clean the house regularly, as well as when the woman agrees to have sex.<sup>24</sup> Yuracko's work suggests that the real reason feminists are troubled by the woman's decision to have sex, but not by the man's decision to clean house, is that the former is in tension with a feminist conception of human flourishing while the latter is consistent with one. According to that conception, sex

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<sup>22</sup> Kathleen C. Basile, 'Rape by Acquiescence: The Ways in Which Women 'Give In' to Unwanted Sex with Their Husbands', *Violence Against Women* 5(1999):1036–1058.

<sup>23</sup> Yuracko (2003, p. 53).

<sup>24</sup> On this, see Isaiah Berlin, *Concepts and Categories: Philosophical Essays* (New York: Viking Press, 1979), p. 193; and Richard Arneson, 'Freedom and Desire', *Canadian Journal of Philosophy* 15(1985):444–45.

should not be commodified and responsibility for the home should be shared.

But some feminist philosophers present feminist political philosophies grounded in the value of freedom or autonomy, and endeavor explicitly to avoid the problem to which Yuracko points. Consider Diana Meyers' feminist theory of autonomy and Nancy Hirschmann's feminist theory of freedom.

In her discussion of female genital cutting, Meyers encourages feminists to recognize "the difference between eradicating the practice of female genital cutting and augmenting women's autonomy with respect to female genital cutting,"<sup>25</sup> and argues that feminists should support the latter. She tells us that "autonomy must dwell in the process of deciding, not in the nature of the action decided upon."<sup>26</sup> To use her language, she eschews "value-saturated accounts of autonomy" because they "homogenize authentic selves and autonomous lives."<sup>27</sup> In other words, building into autonomy an account of substantive values which autonomous lives are to reflect does not do justice to the diversity of possible autonomous selves and the values to which they may be committed.<sup>28</sup> Instead, Meyers argues, feminism should focus on enhancing women's capacity for living lives of their own choosing. This involves providing women with the internal capacities (for assessing one's own preferences and imagining life otherwise) and the external conditions necessary for autonomous choice.<sup>29</sup>

Nancy Hirschmann argues that feminism is "a political value system that has at its heart the empowerment of women to direct their lives."<sup>30</sup> She explains that "Freedom ... cannot really involve itself with... "the content of the decisions women

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<sup>25</sup> Diana Meyers, *Being Yourself: Essays on Identity, Action, and Social Life* (Lanham, MD: Rowman and Littlefield, 2004), p. 217.

<sup>26</sup> Meyers (2004, p. 204).

<sup>27</sup> *Ibid.*, p. 213.

<sup>28</sup> Meyers insists that autonomy be conceived as "autonomy within culture" not against it (Meyers (2004, pp. 217–223)).

<sup>29</sup> For a list of the capacities that constitute autonomy on Meyers' view, see Diana Meyers, *Gender in the Mirror: Cultural Imagery and Women's Agency* (New York: Oxford University Press, 2002), p. 20, see also p. 168.

<sup>30</sup> Nancy Hirschmann, *The Subject of Liberty: Toward a Feminist Theory of Freedom* (Princeton University Press, 2003), p. 30.

make, that is with “the answers.”<sup>31</sup> A feminism grounded in freedom will therefore respect women’s decisions “regardless of what they choose.” Feminism should not “second guess” women.<sup>32</sup> Instead, as does Meyers, Hirschmann argues that the women’s movement should support the conditions necessary for women’s living lives of their own choosing. She cites internal and external conditions necessary for women’s freedom,<sup>33</sup> putting special emphasis on women’s ability to exercise control over the “construction” of those contexts that, on Hirschmann’s view, in large part determine what choices are available to women, indeed in large part determine women’s very identities and values.<sup>34</sup>

Yuracko argues that feminist criticism of the conditions under which women choose tacitly relies on an account of what women should choose, that is, on a feminist conception of human flourishing. If she is right, Meyers and Hirschmann will insist that truly autonomous or free women will choose against such practices as veiling, genital cutting, or full-time homemaking. But Meyers and Hirschmann do not suggest that autonomy or freedom for women will reliably lead to outcomes such as these, which are probably preferred by the western academic feminists who make up much of their audience. Such feminists probably hold that pride in one’s body and confidence about exposing it in public, genital sexual pleasure, and participation in work outside of the home are important parts of the good life for women. But Meyers and Hirschmann argue that autonomy, or freedom, could lead women to cover their bodies, consent to genital cutting, or become a full-time unpaid care giver. And they urge feminists to accept an autonomy or freedom-based feminism despite this possibility.

Meyers and Hirschmann do this because each seeks to develop a feminism that is compatible with the facts of pluralism within feminism and diversity among women. Meyers describes her account of autonomy as “a morally defensible and politically viable conception of autonomy *for an era of*

<sup>31</sup> Hirschmann (2003, p. 236).

<sup>32</sup> *Ibid.*, p. 226.

<sup>33</sup> *Ibid.*, pp. 112, 114.

<sup>34</sup> *Ibid.*, pp. 194–195.

*global feminism*.”<sup>35</sup> Hirschmann describes her freedom-based feminism as capable of “enlarging the feminist tent to allow for a greater diversity of voices.”<sup>36</sup> The global feminist community, this diversity of voices, surely includes lives that are dedicated to values with which western feminists have little sympathy. Nonetheless, Meyers and Hirschmann suggest, a global or big tent feminism must accommodate the differences through which diverse women can flourish.

To be sure, Meyers and Hirschmann do offer reasons which many of the particular feminists who most likely make up their audience can recognize as feminist reasons for endorsing women’s autonomy or freedom. For example Meyers argues that autonomy is likely to lead to the rejection of “prevailing gender figurations.”<sup>37</sup> She tells us that “autonomy exposes the need for social change and equips people to pursue it.”<sup>38</sup> Hirschmann argues that freedom is an antidote to the “customs and norms” of patriarchy.<sup>39</sup>

This is to be expected. A global or big tent feminism must be able to be endorsed from diverse feminist points of view. It must be able to be endorsed by the western feminists who make up much of Meyers’ and Hirschmann’s audience, but also by others, those other feminists, and other women, whose lives are dedicated to other values.

So Meyers and Hirschmann do not present their feminisms as “freestanding,” that is, as grounded only in public values. They do offer reasons that appeal to common feminist comprehensive conceptions of the good life. But this is to be expected. The question remains whether feminist political claims can be sustained on the basis of public values alone. We take up this up in part II.

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<sup>35</sup> Meyers (2004, p. 205; my emphasis). Meyers writes also: “I worry that a feminism that has nothing to offer women in the here and now, a feminism that can only urge women to join the battle against heterosexist patriarchy and/or consumer capitalism, is a feminism that is going to have (as a matter of fact, is having) a lot of trouble attracting women and sustaining their loyalty” (p. 83).

<sup>36</sup> Hirschmann (2003, p. 238).

<sup>37</sup> Meyers (2002, p. 27).

<sup>38</sup> Meyers (2004, p. 210).

<sup>39</sup> Hirschmann (2003, p. 32; see also pp. 29–30).

### B. Equality

Consider now (c), the feminist claim that consent given under conditions of social inequality does not justify a social arrangement. According to Yuracko, the claim that only under conditions of equality would women's consent to social arrangements count as justifying tacitly relies on the claim that options judged by feminists to be valuable ought to be made available to women.<sup>40</sup>

Yuracko cites Joan Williams, who writes: "Feminists need to arm women to resist the argument that women's economic marginalization is the product of their own choice. Challenging this argument should be easy, since, in fact, in our deeply gendered system men and women face very different choices indeed. Whereas women, in order to be ideal workers, have to choose not to fulfill their 'family responsibilities,' men do not."<sup>41</sup> The implication is that only once women and men face "the same real options"<sup>42</sup> will women's consent to social arrangements count as justifying. Note that for women and men to face the same real options they must have options that have the same meaning. Yuracko shows that this aspiration is unrealistic in the extreme. She tells us, correctly, that "truly equal choice sets are difficult to conceptualize and impossible to actualize."<sup>43</sup> Aspiring to them would make feminism hopelessly utopian.<sup>44</sup>

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<sup>40</sup> Yuracko (2003, p. 88ff).

<sup>41</sup> *Ibid.*, p. 98. Yuracko is citing Joan Williams, 'Deconstructing Gender', *Michigan Law Review* 87(1989):797–845, p. 831.

<sup>42</sup> Yuracko (2003, p. 98).

<sup>43</sup> *Ibid.*, p. 97.

<sup>44</sup> In defense of Williams it must be said that her focus is not on the fact that women's choice sets are different from men's but that men's choice sets are often and systematically *better* than women's. As I explain below, we can make this claim without assuming that women and men are the same by basing our comparison on a public account of the good. Williams does not put it this way. But the goods on whose distribution Williams focuses are akin to the public goods discussed below. See also Joan Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (New York: Oxford University Press, 2000).

Another perfectionist, Timothy Macklem, in a provocative recent book, *Beyond Comparison: Sex and Discrimination*, puts the point even more starkly. In his view, to give women and men the same options with the same meanings would obliterate sexual difference. This is because option sets can only mean the same to individuals who are not different. Indeed, Macklem tells us, this is why we should think of equality as a strategy, not an end.<sup>45</sup> Comparing women to men can reveal that women are not different from men in the ways they have been thought to be. This can ensure that women have certain options, previously denied to them, that are important for their living good lives.<sup>46</sup> But it is not helpful, Macklem tells us, when women and men are not the same. This is because the strategy will make options available to women that may be valuable to men but not to women, and won't make options available to women that may be crucial to their good lives. According to Macklem, this is inevitable because equality relies on a monistic account of value, and thus can't be sensitive to the way diverse goods make possible diverse good lives.<sup>47</sup> Macklem's feminism is "noncomparative." On his view, "women should be able to lead successful lives, not because men do, but because every person should. [Women] would be no less entitled to lead successful lives, no less entitled to protest at the misconceptions that deny them such lives, if men's lives were as unsuccessful and as limited by misconceptions as theirs."<sup>48</sup>

Similarly, Yuracko tells us that "feminists' real commitment to equality is pragmatic, not pure."<sup>49</sup> "If feminists were truly concerned only with equality, they would be agnostic about what choices actually look like as long as women and men were presented with the same ones... Feminists' selective use of equality arguments combined with their substantive conception of what the desired equal choices should look like shows that feminists are concerned ultimately with ensuring that women have certain valuable opportunities available to them, not with

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<sup>45</sup> Macklem (2003, pp. 19, 204).

<sup>46</sup> *Ibid.*, p. 111.

<sup>47</sup> *Ibid.*, p. 24.

<sup>48</sup> *Ibid.*, p. 18.

<sup>49</sup> Yuracko (2003, p. 100).

ensuring that women and men face all the same options. At root, perfectionism, not egalitarianism, drives their arguments.”<sup>50</sup>

Consider Nancy Hirschmann’s and S.A. Lloyd’s feminist accounts of equality. We ask: Do their accounts of equality amount to the claim that women and men should face the same real options, and thus that women and men should cease to be significantly different? Do they fail to account for the way diverse goods make possible diverse good lives? Are they in effect committed to particular feminist accounts of what valuable options should be made available to women?

On Hirschmann’s view, the contexts in which people find themselves must be understood as products of what she calls “social construction.”<sup>51</sup> The range of options that we face, as well as our very identities and values, are its products. She argues that women should have power equal to men over “the process of social construction.”<sup>52</sup> As Hirschmann sees it, this means that feminism should criticize unequal power, but not women’s choices. Feminism should work to empower women, not judge them.

But differences often create power imbalances, which can affect the ability to construct contexts. If women and men are to have the same ability to construct contexts, they must not be different in this way. Also, power imbalances can result from choices people make. So if women and men are to have equal power to construct contexts, they must not make choices that create power imbalances. Of course, on this view, differences that are not coupled with power are not objectionable. But differences that have no effect are hardly salient. So equality of power is incompatible with salient difference. Hirschmann does not intend this. She pays a good deal of attention to the relationship between women’s identities and values, and relations of power. Nonetheless, to insist on equality of power between women and men is to reject salient difference.

S.A. Lloyd’s account of gender equality is particularly interesting in our context because it is presented as a *public*

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<sup>50</sup> *Ibid.*, pp. 101–102.

<sup>51</sup> Hirschmann (2003, p. 236).

<sup>52</sup> *Ibid.*, p. 236; see also 222.

*political theory* of gender equality, that is, as an account of gender equality suitable to be part of a basis for lasting and reasoned agreement under conditions of reasonable pluralism. The public character of Lloyd's account shields it from Yuracko's and Macklem's perfectionist criticisms. Consider Lloyd's theory of value.

Following Rawls in looking to the public political culture of our own society – its official documents and the history of their interpretation, our public practices and discussion about them – to determine how these goods are to be understood, we should count among the socially recognized values liberty, equality, fairness, reciprocity, stability, security, the satisfaction of basic needs, opportunity, the survival and reproduction of society over time, and the public health. Among the socially recognized disvalues are lack of freedom, diminished opportunity, poverty, untimely death, illness, and disability. While these lists are not exhaustive, they should do for our purpose.<sup>53</sup>

Then Lloyd tells us:

Sexual equality is to be assessed in terms of women's relative share of the benefits and burdens of social cooperation understood in terms of publicly recognized goods and evils. If women bear a disproportionate share of social burdens (and/or enjoy a proportionately inferior share of social benefits) according to publicly recognized criteria of value, then they are subequals, and all of us committed to social justice ought...to seek social reforms to redress that inequality.<sup>54</sup>

Consider the nature of Lloyd's goods. They are valuable according to "the public political culture of our own society—its official documents and the history of their interpretation, our public practices and discussion about them."<sup>55</sup> Together they make up a pluralistic account of value, according to which a variety of kinds of goods are to be made available to citizens, among them liberty, opportunity, health, and the satisfaction of basic needs. This tells against Macklem's assertion that equality entails an account of value that is not sensitive to the way diverse goods make possible diverse good lives.

<sup>53</sup> S. A. Lloyd, 'Toward a Liberal Theory of Sexual Equality', *Journal of Contemporary Legal Issues* 9(1998):203–224, p. 210.

<sup>54</sup> Lloyd (1998, p. 211). See also S.A. Lloyd, 'Situating a Feminist Critique of John Rawls' Political Liberalism', *Loyola of Los Angeles Law Review* 28(1995):1319–1344; and S.A. Lloyd, 'Family Justice and Social Justice', *Pacific Philosophical Quarterly* 75(1994):353–71.

<sup>55</sup> Lloyd (1998, p. 210).

But might these goods still be indexed to some lives and not to others, for example to men's lives, to the lives of the acquisitive,<sup>56</sup> or to the lives of the self-sufficient? This is a serious concern, especially from a feminist point of view.<sup>57</sup> The public goods might be those whose provision enables many men, but not many women, to live good lives. Rawls' account of the good, on which Lloyd's is loosely based, has been criticized by many, and revisions have been suggested. For example, Seanna Shiffrin recommends "revising the metric of primary goods" to avoid "sidelining the disabled."<sup>58</sup> Eva Kittay recommends adding care as a primary good so the provision of care, and the disadvantages it confers on caregivers, are understood as issues of justice.<sup>59</sup> Martha Nussbaum argues for replacing Rawls' primary goods with certain basic human capabilities.<sup>60</sup> David Johnston recommends adding to the list of primary goods "physical and mental powers"<sup>61</sup> and "status and recognition."<sup>62</sup> Of course, Lloyd's public goods are not identical to Rawls' primary goods. And an extended discussion of these criticisms is not offered here.

Indeed, the very idea that a public account of the good should be sufficient to our purposes might seem implausible. Our public culture, some argue, is not exactly a repository of

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<sup>56</sup> Adina Schwartz, 'Moral Neutrality and Primary Goods', *Ethics* 83(1973):294–397.

<sup>57</sup> See Macklem's expression of this concern (Macklem (2003, pp. 111–15; also p. 153)).

<sup>58</sup> Seanna Valentine Shiffrin, 'Race, Labor, and the Fair Equality of Opportunity Principle', *Fordham Law Review* LXXII (2004):1643–1675, p. 1664. Norman Daniels believes that we can extend Rawls' account to the disabled without altering it by noting the "important relationship between normal functioning and opportunity, one of the primary social goods" (Norman Daniels, "Democratic Equality: Rawls' Complex Egalitarianism," in *The Cambridge Companion to Rawls*, ed. Samuel Freedman (New York: Cambridge University Press, 2003), p. 257).

<sup>59</sup> Eva Kittay, *Love's Labor: Essays on Women, Equality, and Dependency* (New York: Routledge, 1999), pp. 102–103.

<sup>60</sup> Martha Nussbaum, *Sex and Social Justice* (New York: Oxford, 1999), p. 45.

<sup>61</sup> David Johnston, *The Idea of a Liberal Theory* (Princeton University Press, 1994), p. 139.

<sup>62</sup> Johnston (1994, p. 152).

progressive values. Joseph Raz, for example, has worried that relying on our public culture for such an account renders a theory “essentially complacent.”<sup>63</sup> Bruce Ackerman puts it this way: “while this world is laden with ancient injustices, the liberal commitment to public reason should lead us to deny that the real is the rational... The task is to criticize political culture, not rationalize it.”<sup>64</sup>

These are formidable concerns. We concede that a feminism concerned to distribute public goods will not be a radical doctrine, it will not go to the root. Liberal feminist Samantha Brennan tells us that “if it is a version of liberalism... it will lack the kind of revolutionary potential associated with feminist political theories.”<sup>65</sup> Lloyd writes: “It’s true that confining the argument to talk of socially recognized values requires operating with one hand tied behind one’s back.”<sup>66</sup> But we must look to see what we can construct before we pass judgment. The sketch of a public political feminism in Part II below shows that a public political philosophy, oriented by a public account of the good, underwrites significant feminist political demands. This is, of course, not everything those feminists holding particular feminist comprehensive doctrines expect. But not everything can be delivered by a public political philosophy.

In addition to developing a satisfactory account of public goods, public political equality requires a comparison of citizens’ shares. Recall Lloyd’s claim that “If women bear a disproportionate share of social burdens (and/or enjoy a proportionately inferior share of social benefits) according to publicly recognized criteria of value, then they are sub-equals.”<sup>67</sup> Since Lloyd is generally following Rawls, let us

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<sup>63</sup> Raz (1990, p. 19).

<sup>64</sup> Ackerman (1994, p. 378).

<sup>65</sup> Samantha Brennan, ‘Liberalism, Feminism, and Rights’, in *Varieties of Feminist Liberalism*, ed. Amy R. Baehr (Lanham, MD: Rowman and Littlefield, 2004), p. 94. But Martha Nussbaum writes: “liberal individualism, consistently followed through, entails a radical feminist program” (Martha Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999), p. 67).

<sup>66</sup> Lloyd (1998, p. 210).

<sup>67</sup> *Ibid.*, p. 211.

compare her account of equality to Rawls'. Rawls tells us: "the fundamental liberties are always equal, and there is fair equality of opportunity: one does not need to balance these liberties and rights against other values. The primary social goods that vary in their distribution are the powers and prerogatives of authority, and income and wealth."<sup>68</sup> This variation is governed by the difference principle according to which inequalities are permissible only if they are to the benefit of the least well off. If Lloyd is a Rawlsian, from what Rawlsian value does her principle of equality derive? Surely a Rawlsian insists that women and men should have the same liberties, and that at least the political liberties should be of equal value.<sup>69</sup> But Lloyd's principle of equality does not seem derivable from this principle of equal liberty, because she insists that gender not affect the distribution of *any* of the goods. What about equality of opportunity? Equality of opportunity is surely important to any feminist account of equality. Presumably some improvement in women's lives would result were "positions and offices" made more fully "open to all under conditions of fair equality of opportunity."<sup>70</sup> But Rawls tells us that differences in income and wealth and the powers and prerogatives of authority are consistent with equality of opportunity. So if Lloyd holds that gender ought not to affect the distribution of any of the goods, then a principle that could let gender affect the distribution of some of them is insufficient. Nor does Lloyd's account seem to rely on the difference principle, which states that inequalities in income and wealth are just only if they are to the benefit of the least well off. For if women are disproportionately represented among the least well off, on a Rawlsian view, assurance that these inequalities benefit these least well off would suffice to permit them. The fact that women are disproportionately represented among the least well off would not raise independent concerns. Thus it appears that Lloyd is proposing *another* equality

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<sup>68</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 93.

<sup>69</sup> Rawls (1993, pp. 356–63).

<sup>70</sup> *Ibid.*, p. 271.

principle; call it a robust principle of anti-discrimination.<sup>71</sup> This principle is akin to one proposed by Christine Littleton:

The function of equality is to make gender differences, perceived or actual, costless relative to each other, so that anyone may follow a male, female or androgynous lifestyle according to their natural inclination or choice without being punished for following a female lifestyle or rewarded for following a male one.<sup>72</sup>

Work needs to be done to get this principle just right. In particular, we want to be sure to present it as a *public political* account of equality as anti-discrimination. That is, there are costs to choosing or living any lifestyle. A public political account of gender equality insists that citizens be compensated for the *publicly relevant* costs of gender. This doesn't mean that these are the only costs of gender.<sup>73</sup> But if one is not careful to distinguish between the many costs of gender (according to the many feminist comprehensive doctrines) and the publicly relevant costs of gender, measured in public goods, one runs into the trouble Yuracko and Macklem warn against: having to

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<sup>71</sup> This suggestion is inspired by Shiffrin (2004). But while Shiffrin argues that we must add a principle of anti-discrimination to Rawls' principles, and that it should have high lexical priority, her principle of anti-discrimination applies merely to access to employment and education. As interpreted here, Lloyd's principle of anti-discrimination is significantly more demanding.

<sup>72</sup> Christine Littleton, 'Reconstructing Sexual Equality', *California Law Review* 75(1987): 1279–1337, p. 1297.

<sup>73</sup> Some believe liberal feminism denies the many other costs of gender. But it does not deny these. It says rather that public power may not be used to remedy them. Of course, this might be lamented from the point of view of some particular comprehensive feminist doctrine. It is regrettable that liberals use the term 'political' to refer to human interaction to which state power may be appropriately applied, while feminists use the term more widely. Feminists tend to say that human interaction involves politics if it involves power. This has led some feminists to suggest that liberals deny the political nature of the family or sexuality. But many liberals believe the family and sexuality are *not* out of bounds for state intervention. Many liberals also believe also that, beyond those remediable with state power, power imbalances in the family and sexuality often create morally obtuse relations that require moral critique.

commit to eradicating all costs of gender,<sup>74</sup> which would likely entail eradicating gender itself. This public construal of Littleton's principle of equality is implicit in Lloyd's approach: the basic structure of society should not distribute benefits and burdens in such a way as to systematically give women fewer benefits and more burdens of social cooperation than men.

Why should we think that this robust principle of anti-discrimination can be part of a public political philosophy? Why is it that, as Lloyd puts it, "all of us committed to social justice ought...to seek social reforms to redress"<sup>75</sup> the inequality identified by this principle? Consider that, on a Rawlsian view, the principles that can serve as part of a public political philosophy are those chosen behind a veil of ignorance. Behind such a veil, parties do not know their "place in society ... class position or social status..." They do know, however, a number of things, including "the general facts about human society," "the basis of social organization," and "whatever general facts affect the choice of the principles of justice."<sup>76</sup> Each knows for example that she represents someone who holds a comprehensive doctrine, but she does not know which comprehensive doctrine the person she represents holds. Because of this uncertainty concerning the goals to which those represented are committed, parties seek for their beneficiaries more rather than less of the benefits of social cooperation and less rather than more of its burdens. It is assumed by the parties that these benefits are all-purpose goods with which beneficiaries may pursue their conceptions of the good life, and that the burdens would hinder the pursuit of any conception of the good life. (Even if this is not the case, one can always voluntarily rid oneself of some benefits, if having them conflicts with one's

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<sup>74</sup> This is likely a conceptual impossibility because for some feminism a given trait may be a cost of gender to be eradicated, while for another feminism that same trait might not be a cost at all. Take for instance the trait of a caring disposition. Radical feminism has tended to see that trait as a cost to be eradicated while proponents of feminist care ethics have seen it instead as a virtue. See Robin West, 'Jurisprudence and Gender', *The University of Chicago Law Review* 55, no. 1 (Winter 1988).

<sup>75</sup> Lloyd (1998, p. 211).

<sup>76</sup> Rawls (1971, p. 136).

conception of the good life. And one can take on burdens voluntarily if doing so is required by one's comprehensive doctrine.)

Because parties are informed about "the general facts about human society" and "the basis of social organization,"<sup>77</sup> they know that there is sex difference. They know also that sex difference carries costs and benefits, but that different comprehensive doctrines assess the costs and benefits of sex difference in different ways. Indeed what is a cost according to one comprehensive doctrine may be a benefit according to another. Thus there is no obvious way the parties can protect those they represent from being disproportionately burdened with the many costs of sex difference as seen by the many comprehensive doctrines. What is left to them is the ability to protect those they represent from the publicly relevant costs of gender, that is, the costs of gender as measured in public goods. To so protect those they represent, parties will rule out a basic structure of society that systematically burdens one sex and benefits another, where benefits and burdens are measured in terms of shares of public goods.<sup>78</sup>

## II. FEMINISM AS A PUBLIC POLITICAL PHILOSOPHY

Some of the commitments of feminism as a public political philosophy are sketched here. Focus is on three issues: the commodification of sex, the objectification of women, and women's disadvantage due to their disproportionate work in the home. Recall that not all values of comprehensive feminist doctrines will be taken up in a public political feminism. Part III explains why feminists should accept this philosophy, nonetheless. The account given here is partial. A full account of the feminist content of a public political philosophy is not possible here because of space constraints, but also because

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<sup>77</sup> *Ibid.*, p. 136.

<sup>78</sup> This defense of a robust principle of anti-discrimination does not imply that the publicly relevant costs of sex are the only costs with which parties behind the veil of ignorance would be concerned. They would surely be concerned about the publicly relevant costs of race, disability, and sexual orientation as well.

what can be established with public reason cannot be settled once and for all. It is a matter of what industrious thinkers can come up with.

### *A. Sexual Commodification*

Recall Lloyd's nonexhaustive list of public goods from the previous section. The distribution of many of these goods is affected by the current practice of prostitution. Child prostitutes are deprived of the satisfaction of basic needs, security, health, and the freedom appropriate to children. Adult prostitutes are not infrequently deprived of these goods as well. It is not uncommon for prostitutes to be deprived of fair wages, held captive, beaten, raped, and even killed. In addition, because prostitution is stigmatized and legally prohibited, prostitutes are denied the freedom to bargain collectively for improved working conditions. Much of this deprivation requires remedying according to any reasonable theory of justice. Decent enforcement of laws against theft, false imprisonment, battery, rape, and murder would go some way towards remedying the horrifying conditions under which many prostitutes live. It is hard not to notice, however, that the criminalization of adult prostitution is itself part cause of much of this deprivation of public goods.

But decriminalization would not be advisable if our public account of the good condemns the commodification of sex itself. But it does not. Clearly most citizens condemn the commodification of sex. Most comprehensive doctrines citizens hold reserve sexuality for noncommercial uses. (Yuracko believes feminism does as well.) But this is not enough to show that there are public reasons for condemning the commodification of sex. To be sure, Rawls tells us that public reasons are those that we "sincerely think ... everyone can reasonably be expected to endorse."<sup>79</sup> But we must ask whether it would be *unreasonable* to deny that sex ought not to be commodified. Could parties behind the veil of ignorance grant that sex should

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<sup>79</sup> Rawls (1993, p. 241).

not be commodified?<sup>80</sup> This seems unlikely. Parties can expect those they represent to disagree about the proper uses of sexuality once the veil is lifted. This is because convictions about these matters are profoundly connected to convictions about the value of the human body, as well as about the proper valuing of sexual difference.

Because public values cannot serve as grounds for condemning the commodification of sex, public political feminism does not recognize sexual commodification itself as an evil. It recognizes only the harms and disadvantages prostitution causes, measured in public goods. This is not to suggest that a just state may never use the law to reduce a practice (through regulation or prohibition) that isn't in itself a violation of public values, but which causes associated evils that are. But the hurdle is high. We must show that the associated evils are very great and not remediable in other ways.

A policy of remedying prostitution's affect on the distribution of public goods, while it runs short of condemning the commodification of sex itself, will contribute to the well-being of women involved in the sex trade, and may contribute to women's well-being more generally as well, because it is a public endorsement of the view that women have a right to control the uses their own sexuality. This ought to make the approach attractive (if not attractive enough) to feminists whose condemnation of the commodification of sex relies at least in part on the effects prostitution has on the distribution of public goods. In addition, this approach is viable within contexts of pluralism both within feminism and in society generally.

### *B. Objectification of Women*

How might a public political feminism deal with the objectification of women, for example a woman's choice to become a pornographic model, or the practice of consuming women

<sup>80</sup> Rawls explains: "It is part of a political ideal of democratic citizenship that ... free and equal citizens as reasonable ... cannot require anything contrary to what the parties as the representatives in the original position could grant. So for example, they could not grant that everyone must affirm a particular comprehensive doctrine" (Rawls (1993, p. 62; see also p. 225)).

visually as objects? The public account of the good does not provide grounds for condemning the objectification of women's bodies or of human bodies generally. This is because parties behind the veil of ignorance can expect those they represent to disagree about proper attitudes towards the human body once the veil is lifted. There are, however, attempts to argue for the prohibition of pornography, especially violent pornography, not on the grounds that it is morally illicit, but on the basis of the claim that it significantly effects the distribution of public goods. For example, Rae Langton writes: "we have reason to be concerned about pornography not because it is morally suspect, but because we care about equality and the rights of women."<sup>81</sup>

The pervasive objectification of women in our society is connected to the unequal distribution of at least two public goods: equal opportunity and physical security. There is reason to believe, from three decades of research and litigation that the pervasive objectification of women is causally related to women's diminished opportunity in both work and education.<sup>82</sup>

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<sup>81</sup> Rae Langton, 'Whose Right? Ronald Dworkin, Women, and Pornographers', *Philosophy and Public Affairs* 19(1990):311–359, p. 311. For similar approaches, see Susan Brison, 'The Autonomy Defense of Freedom of Speech', *Ethics* 108(1998): 312–339; Danny Scoccia, 'Can Liberals Support a Ban on Violent Pornography?' *Ethics* 106(1996):776–799; and Christina Spaulding, 'Anti-Pornography Laws as a Claim for Equal Respect: Feminism, Liberalism, and Community', *Berkeley Women's Law Journal* 4(1988–1989):128–165.

<sup>82</sup> Yuracko writes: "Studies suggest that the sexualization or hyperfeminization of women in the workplace alters the way they are treated by others, so that their intellectual and professional attributes are simply less likely to be recognized and encouraged (Yuracko (2003, p. 206) discussing Brad J. Bushman and Angelica M. Bonnaci, 'Violence and Sex Impair Memory for Television Ads', *Journal of Applied Psychology* 87(2002):557–564). Other studies indicate that the sexualization of women's bodies negatively affects their own ability to focus "on intellectual or physical tasks" (Yuracko (2003, p. 206); discussing Barbara L. Fredrickson and Tomi-Ann Roberts, 'Objectification Theory: Toward Understanding Women's Lived Experiences and Mental Health Risks', *Psychology of Women Quarterly* 21(1997):173–206).

And there is reason to believe that the pervasive objectification of women is connected to violence against them.<sup>83</sup> As Martha Nussbaum explains in her nuanced account of objectification, to treat another as an object often involves treating “the object as something whose experience and feelings need not be taken into account,” as “lacking in boundary integrity, as something that it is permissible to break up, smash, break into.”<sup>84</sup>

The state must protect women from violence and diminished opportunity. May it prohibit pornography, or violent pornography, in pursuit of this end? As Rawls explains, the *persuasive* power of the state may certainly be used to “strengthen those forms of thought and feeling that sustain fair social cooperation between ... citizens.”<sup>85</sup> If pornography strengthens “forms of thought and feeling” about women that undermine fair cooperation, the state may try to strengthen alternative forms of thought and feeling about women. This might be accomplished through public education; children should be taught in public schools about women’s equal citizenship, and about women’s right against sexual coercion and discriminatory treatment.<sup>86</sup> To be sure, the state may use its *coercive* power to reduce a practice which, although public values do not condemn it directly, is causally related to significant injustice. But the hurdle is high. The injustice must be significant and the causal relationship clearly demonstrated. Also, it must be shown that the injustice cannot be remedied in other ways. Whether these criteria are met, that is, whether the argument for the legal restriction of pornography or violent pornography goes through, cannot be determined here. It can be said with confidence, however, that it is not unreasonable to argue for the prohibition of pornography, or violent pornography.

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<sup>83</sup> See Dana Fraytak, ‘The Influence of Violent Pornography on Rape and Violence Against Women: A Social Science Approach’, *Buffalo Women’s Law Journal* 9(2000–2001): 263–293.

<sup>84</sup> Nussbaum (1999, p. 218).

<sup>85</sup> Rawls writes: When the state exercises persuasive power in this way “it does not thereby become a perfectionist state” (Rawls (1993, p. 195)).

<sup>86</sup> On this, see Linda McClain, *The Place of Families* (Cambridge: Harvard University Press, 2006), p. 81.

### C. *Dependency Work*

Consider finally a woman's choice to become an unpaid full-time homemaker. According to Yuracko, feminism holds that human flourishing is incompatible with "dependence—both financial and emotional."<sup>87</sup> She argues that it is on the basis of this value that feminists object to the vulnerability women suffer when they are fulltime unpaid caregivers. To be sure, the current social organization of caregiving renders women dependent on men. But public political feminism focuses not on whether human flourishing is compatible with dependence (emotional or financial). It focuses instead on the way the social organization of care for dependents (children, the infirm aged, and the dependent disabled) contributes to the systematic disadvantaging of women with respect to public goods. It is important to note that children's and other dependents' access to *all* of the public goods depends on their access to quality care. We focus here on the fact that those who take up the socially vital work of providing care incur serious disadvantages in, at least, opportunities and wealth. Indeed, this is a gendered pattern of disadvantage. So it requires remedying on Lloyd's account of equality. The literature on this disadvantage and possible remedies is extensive.<sup>88</sup> Many of these remedies address also the disadvantages dependents suffer because their caregivers are disadvantaged.

A public political feminism holds that the disadvantages, measured in public goods, that women suffer as a result of the

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<sup>87</sup> Yuracko (2003, p. 107).

<sup>88</sup> For example, see Mimi Abromovitz, *Regulating the Lives of Women* (Boston: South End Press, 1988); Anne L. Alstott, *No Exit: What Parents Owe Their Children and What Society Owes Parents* (New York: Oxford University Press, 2004); Hilde Bjoer, 'Women and the Rawlsian Social Contract'. *Social Justice Research* 15(2002): 393–407; Nancy Folbre, *The Invisible Heart: Economics and Family Values* (New York: The New Press, 2002); Linda Gordon, *Pitied But Not Entitled* (Cambridge: Harvard University Press, 1994); Eva Kittay, *Love's Labor: Essays on Women, Equality, and Dependency* (New York: Routledge, 1999); Susan Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989); and Joan Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (New York: Oxford University Press, 2000).

social arrangement of caregiving, must be remedied. It does not take a position on whether financial or emotional dependence are compatible with a good life. Nor does it take a position on the value of work outside versus work inside the home. Because its focus is on the distribution of public goods and it avoids these moral questions, it is viable in the context of pluralism within feminism and diversity among women, but also within the larger context of pluralism in society.

This section has sketched some but not all of the commitments of a public political feminism. This writer is confident that a public political philosophy can offer an adequate enough approach to other areas of feminist concern. To be sure, this feminism is weaker than many feminist comprehensive doctrines, because in it the link between feminist political claims and their comprehensive grounding has been severed. But while there is this loss, there is also a benefit. Such a feminism is formidably feminist, while still being viable within contexts of pluralism both within feminism and in society generally.

### III. CAN FEMINISTS ENDORSE A PUBLIC POLITICAL FEMINISM?

If a public political philosophy includes some feminist content, but not all of the feminist content feminists holding diverse comprehensive doctrines expect, why should any particular feminist endorse it? That is, why should any particular feminist endorse the limits of public reason? To ask this is to ask whether feminisms can be party to what Rawls calls an overlapping consensus of reasonable doctrines. Rawls writes that “the most reasonable basis of social unity available to us” is an overlapping consensus that is given when the political conception of justice is endorsed by the reasonable doctrines held by citizens in society “each from its own point of view.”<sup>89</sup> But we do not have a clear sense of where the political conception of justice and the various comprehensive doctrines held by citizens converge and diverge.<sup>90</sup> This last section explores whether feminists can endorse a feminism developed within the limits of public reason.

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<sup>89</sup> Rawls (1993, p. 134).

<sup>90</sup> Ackerman (1994, p. 365 (close paraphrase)).

Consider three kinds of feminist. First is the feminist who holds that her feminist comprehensive doctrine alone is the measure of the appropriate uses of state power. Such a feminist can't endorse the limits of public reason, because public reason would require that she give up the only measure of justice she recognizes. Second is the feminist with a pragmatic relationship to the limits of public reason. She does one of two things. She might endorse fully the limits of public reason because doing so is instrumental to some, though not all, of her most important ends. Her endorsement is sustained only as long as achievement of the remaining ends, unsupported by public reason, is unrealistic. Once achievement of those remaining ends becomes realistic, her endorsement of the limits of public reason would cease. Or, she might use arguments that draw on public reason sporadically, because they happen to be helpful to some specific feminist end. Think here of the feminist who endorses a freedom of speech argument to defend pornography, but only because she worries that state regulation of pornography will stop lesbian and feminist porn from being made—such porn being crucial, in her view, to women's flourishing. Think also of the feminist who endorses limits on state interference in the family, but only because she thinks the patriarchal state would do more harm than good.

Third is the feminist who endorses the limits of public reason on principle. S.A. Lloyd tells us:

it's true that confining the argument to talk of socially recognized values requires operating with one hand tied behind one's back... Conclusions that would be quite easy to reach from stronger feminist principles, or other comprehensive egalitarian principles, are much harder to reach using the sparse ... toolbox [of public reason]. But it also means that if we can reach the same conclusions, we will have established them in a way that makes it much more difficult for opponents of strong feminist principles to reject them. Of course one might not care about legitimating one's conclusions to those who endorse comprehensive doctrines incompatible with strong feminist principles. One might say, "such people are not worth convincing." I think that attitude is not only imprudent given what women stand to lose if feminists cannot put our recommendations into effect, *but also suspect on moral grounds.*<sup>91</sup>

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<sup>91</sup> Lloyd (1998, p. 210, my emphasis).

Being an advocate of a public political philosophy, Lloyd can't mean that from a public political point of view there is one true morality which recommends the limits of public reason. She must mean that there are *inherently feminist moral reasons* ("each from its own point of view")<sup>92</sup> for basing feminist arguments for the use of state power on shared public values, values others—with whom feminists have serious moral disagreements—can be expected to endorse. But Lloyd does not tell us what these moral reasons are. Because there are many feminisms, there could be many reasons. Consider one.

As the discussion of Meyers and Hirschmann above shows, advocates for women, and the theorists who reflect on that advocacy, have struggled with the recognition that pluralism is not just an external problem for feminism. The problem is not just that nonfeminists disagree with feminists. The problem is that there is pluralism within feminism and diversity among women. Some feminist philosophers have chosen to give up normative political philosophy in the face of this pluralism and diversity. Others, like Meyers and Hirschmann, endeavor to develop normative feminist theories that can accommodate it. Such accommodation involves not insisting that there is one particular way for women to flourish; it involves providing women with the support and freedom to flourish in their diverse ways. If this feminism holds that a particular comprehensive doctrine should not serve as a basis for feminist social criticism and activism, it is likely that it will also hold that a particular feminist, or some other, comprehensive doctrine should not serve as a basis for the coercive use of state power. If this is accurate, the big tent or global feminism developed by Meyers and Hirschmann provides a feminist moral (and not just pragmatic) reason for endorsing the limits of public reason.

Not all feminisms have this reason to endorse the limits of public reason. Perhaps some can endorse those limits for another reason. But some feminisms will not have a reason to endorse them. Think of a feminism that holds that the state may and should act of the moral values of sexual noncommodification and the nonobjectification of women. Such a feminism might

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<sup>92</sup> Rawls (1993, p. 134).

endorse the limits of public reason pragmatically. But overlapping consensus requires moral endorsement. Of course feminisms are not static. They change and develop as do all comprehensive doctrines. Perhaps when it is known that the public political philosophy has feminist content, feminists holding comprehensive doctrines that currently do not provide a reason for endorsing the limits of public reason will rework those doctrines so that they do provide such a reason.

It is important at this juncture to emphasize that while public reason limits what reasons may be given as grounds for the coercive use of state power, it does not limit the ability of feminists to educate, preach, or agitate telling the *whole unrestrained truth* (as feminists see it) in the many forums of informal public discussion. Nor does it limit feminists' right to act individually or in concert to enable women to live lives consistent with a particular feminist account of human flourishing. Speaking and acting in public on the whole unrestrained truth as one sees it is important. It enables citizens to know one another and the diverse values that are held. And it gives citizens the opportunity to deepen or revise their convictions based upon knowledge of others' views, and based on an understanding of what kind of reasons others are likely to endorse.<sup>93</sup>

#### IV. CONCLUSION

Part I of this paper argued that feminists may criticize the conditions of women's lives on the basis of public values, and thus feminism is not only a family of partially comprehensive doctrines but may be presented as part of a public political philosophy. Part II sketched some of the commitments of that feminism, explaining that while it does not condemn prostitution or the objectification of women directly, it does strongly condemn and require the remedying of the effects those practices have on the distribution of public goods. It showed also that a public political feminism is strongly concerned with the social organization of care work, given the far-reaching effects

<sup>93</sup> Charles Larmore, 'Public Reason', in *The Cambridge Companion to Rawls*, ed. Samuel Freedman (New York: Cambridge University Press, 2003), p. 383.

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such organization has on the distribution of public goods. Part III asked whether there are inherently feminist reasons for feminists to endorse the limits of public reason. It was concluded that some feminisms have such a reason, namely their own feminist commitment to accommodating pluralism and diversity among women. But not all feminisms have this reason. That not all feminisms can endorse the feminism constructed here should not deflate us. For it has been shown that a public political philosophy has significant feminist content. This means that many feminist political claims are reasonable,<sup>94</sup> while remaining inspired by the great tradition of feminist social criticism.

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<sup>94</sup> For another attempt to show that many feminist claims are reasonable, see Anthony Laden, 'Radical Liberals, Reasonable Feminists: Reason, Power and Objectivity in MacKinnon and Rawls', *Journal of Political Philosophy* 11(2003): 133–152.