

BOOK REVIEW

Equal Citizenship and Public Reason: A Feminist Political Liberalism

Lori Watson and Christie Hartley. Oxford, Oxford University Press: 2018 (ISBN: 9780190683030)

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In this rich, engaging, and ambitious book, Lori Watson and Christie Hartley argue that political liberalism is *feminist* liberalism. The received wisdom suggests otherwise because political liberalism undertakes to arrange the terms of social cooperation in a way that is acceptable to citizens who endorse widely divergent (but reasonable) views about what is good in life. This means finding terms of social cooperation that can be justified to all reasonable citizens—including citizens who endorse traditional views about men’s and women’s distinct roles. Distinctly feminist reasons for gender-egalitarian social policies are not admissible because they aren’t reasons that can be shared among all reasonable citizens. Thus, feminist political liberals seem to be operating with at least one hand tied behind their backs: As feminists, they want policies and social arrangements that support women’s substantive equality in all arenas of life; but as *political liberals*, they are committed to arguing for such arrangements on the basis of shareable values like a pared-down notion of women’s *political* equality.

Watson and Hartley argue that, despite appearances to the contrary, political liberalism is feminist to its core because its core commitments restrict all reasonable conceptions of justice to those that secure *substantive* equality for women and other marginalized groups. I agree with this conclusion, and the authors’ arguments are compelling and illuminating. At crucial points, though, their arguments are not *sound*, and at other points, we should not yet be *convinced* that they are. This is much to the authors’ credit. It is thanks to the boldness and breadth of their arguments that readers of this book will be left with much to think about and such an appealing framework within which to think. I’ll give a brief overview of the book’s main arguments before raising some questions and concerns.

In part I (chapters 1–5), Watson and Hartley locate the construal of political liberalism that they regard as feminist; in part II (chapters 6–9), they defend it as such.

In chapter 1, they argue that “the motivating question of political liberalism arises only in the context of ideal theory” (16). They then defend ideal theorizing against criticism based on its alleged inadequacy for addressing oppression, including the oppression of women and members of minoritized groups. In chapter 2, they defend a principle on which the only reasons that can serve *as* reasons for the purpose of public political justification are “reasons that reasonable persons as free and equal citizens . . . sincerely believe other reasonable citizens will share as reasons from the

point of view of free and equal citizenship” (40). They clarify that they endorse a version of that criterion—the Rawlsian criterion of reciprocity—on which its moral grounds include a commitment to mutual respect among free and equal citizens; and they argue that this shared-reasons-based political liberalism is superior to rival accounts of public justification. In chapter 3, they defend a *narrow scope* view of public reason’s jurisdiction, on which the criterion of reciprocity applies only in cases that concern matters of basic justice or constitutional essentials. They then defend a view of civic duty on which citizens have a moral duty never to appeal to their comprehensive doctrines within the scope of public reason’s jurisdiction.

Chapters 4 and 5 examine Watson and Hartley’s favored version of political liberalism in light of the interests and concerns of citizens of faith. Chapter 4 considers the objection that by requiring all citizens to alienate their comprehensive doctrines in public deliberation, political liberalism jeopardizes the integrity of citizens of faith. Watson and Hartley argue that this objection fails because it relies on a notion of integrity that overextends: It includes unreasonable citizens among those on whose behalf it speaks, and this inclusion undermines its plausibility. Political liberals should reject any account of integrity that “potentially raises integrity concerns for the unreasonable and intolerant” (96). Chapter 5 addresses the worry that political liberalism can’t recognize religion as “special” and therefore can’t tolerate religious exemptions from generally applicable law (107). Watson and Hartley argue that political liberalism *can* allow religious accommodations and exemptions in some cases, though *not* when the exemption concerns a refusal to respect other citizens’ entitlements as equal citizens. Moreover, they argue, political liberals cannot single out religion *as such* for special treatment; in principle, relevantly similar nonreligious convictions are also entitled to serve as grounds for accommodation.

In part II, Watson and Hartley undertake to demonstrate that their construal of political liberalism is *feminist*. Chapter 6 argues that their political liberalism “has the resources necessary to recognize and address varied forms of sex inequality relevant to free and equal citizenship” (136). This is because the criterion of reciprocity “requires (1) the eradication of social conditions of domination and subordination relevant to democratic deliberation among equal citizens and (2) the provision of social conditions of recognition respect” (160). Thus, the criterion of reciprocity accepts as reasonable only those conceptions of justice that ensure the genuine equality of women along dimensions of social life central to equal citizenship. Chapter 7 argues that, with respect to the issue of prostitution, these commitments support *criminalizing* the *buying* of sex and *decriminalizing* the *selling* of sex. Chapter 8 answers challenges raised by Clare Chambers (Chambers 2008) and by me to the effect that the author’s feminist political liberalism cannot adequately address certain objectionable social norms because those norms are sustained by individuals’ choices. Finally, chapter 9 argues that, with respect to the issue of marriage, public reasons *in some contexts* underpin a politically liberal case for legal recognition for certain forms of marriage, but that “the implications of political liberalism for marriage law cannot be determined in advance of information about a particular politically liberal society” (247).

The book is ambitious and wide-ranging, full of interesting arguments and exhibiting a commitment to considering the broad range of women’s experiences. It is critical reading for anyone interested in the (apparent) tensions between liberalism and feminism and would be great fun to teach in a seminar on the topic. I want to briefly summarize a criticism of the authors’ argument that I’ve developed elsewhere before raising a few further questions: some about the conception of liberalism the authors defend and some about that conception’s implications for issues of particular concern to feminists.

In my response to the article version of chapter 6 (Hartley and Watson 2010), I argued that Hartley and Watson's approach to criticizing the gendered division of labor—and to licensing political interventions to address it—relies on a notion of the gendered division of labor as *hierarchical*. Such an approach is problematic, I argued, because it leaves us unable to address aspects of gender norms about work and caregiving that are *not* hierarchical (Schouten 2015). It can equip us to ease the *subordination* of caregivers by improving their social and material status, for example, but it can't equip us to find fault with the *mere steering* of people by gender into certain kinds of work. What we should want from a politically liberal approach to the gendered division of labor is a complaint against the hierarchical stacking of wage-earning over caregiving *and* a complaint against the steering of individuals into those roles. In chapter 8, Watson and Hartley respond to these objections. They acknowledge that some of the steering I worried about is indeed nonhierarchical (210), but they insist that their approach can address it nonetheless on the grounds that it is *marginalizing* in a way that undermines citizenship.

This response doesn't succeed. Hartley and Watson argue for a complaint of marginalization on the grounds that those who perform caregiving "should not be disadvantaged relative to other citizens with respect to their ability to participate in various spheres of social life central to citizenship" including in labor markets and the political sphere (157). "If caretakers are disadvantaged with respect to their ability to participate in any sphere of life central to citizenship due to their performance of . . . [caregiving], then *caregivers are not equal citizens with others*" (202, italics added). As I've argued since the publication of Watson and Hartley's book (Schouten 2019), this response is unacceptable because it overstates the importance of *noncaregiving* projects in underwriting one's standing as an equal citizen and *underappreciates* the worth of *caregiving*. The costs we face in our various pursuits are *always* affected by our past choices. If I work hard to develop a skill set that serves me well as a plumber, I will be less well-equipped to work as a performing artist than someone who works hard to develop *that* skill set. Watson and Hartley argue that those who devote time and attention to caregiving should be shielded from some of the ordinary effects of specialization, and *I agree*: Caregivers should be supported in their labor-market participation so that their choice to devote time and attention to caregiving doesn't leave them so disadvantaged in their other pursuits. But Watson and Hartley's argument for *why* we should shield caregivers from some of the ordinary effects of specialization is one we should reject.

Watson and Hartley argue that labor-market participation "allows individuals to develop and employ their talents and skills and form distinctive, transactional relationships, both of which contribute to the bases of self-respect" (203). But if labor-market participation is so special as a contributor to social respect that its importance justifies shielding caregivers from the ordinary effects of specialization, then *that* is a social problem we should remedy: We *shouldn't let* labor markets play that role in society. Watson and Hartley's argument treats labor-market participation as *naturally* or *unproblematically* special—and *caregiving* as naturally and unproblematically *unspecial*—and on that basis concludes that caregivers shouldn't have to choose caregiving at a significant cost to their labor-market participation. We should indeed subsidize the combination of caregiving and labor-market participation, but surely not on these grounds. Caregiving all on its own *should* be enough to underwrite full free and equal citizenship.

Now, if caregiving really "effectively precluded" participation in labor markets, that might make for a powerful marginalization case (208). But as Watson and Hartley

acknowledge (for example, on 210), caregivers *aren't* effectively precluded from labor markets; many people do both. Again, I agree that we should subsidize that combination of pursuits. But to base the case on the claim that caregivers can't stand as equal citizens unless they are shielded from the usual consequences of specialization so that they can still participate in labor markets or in politics underappreciates caregiving as *a social contribution in its own right*. Working in labor markets is not *inherently* unique as a source of social status and esteem. We should ease the tradeoffs caregivers face when they supplement caregiving with other social projects. But in a reasonably just society, we wouldn't need to do so in order *to secure their status as equal citizens*.

This brief characterization leaves out a great deal of the richness of Watson and Hartley's argument, but rather than delving further into this disagreement, about which I've written elsewhere, I want to turn now to some new questions the book raised for me. One of these concerns a claim invoked at several critical junctures in the book, including in the argument of chapter 8 just rehearsed and in chapter 9's argument about political liberalism and marriage: the claim that caring for children and other dependents is "socially obligatory work for which all members of society are collectively responsible" (227). The case for this claim is made in chapter 6: "Because it is a fundamental interest of every person that she receives care as a child and because this work is necessary for the continuation of society over time, this work should be regarded as socially obligatory work for which we are all collectively responsible" (157). I see how both premises invoke public reasons, but I don't see how the conclusion follows from the premises. Moreover, I can't see how *general* collective responsibility for caregiving follows from the criterion of reciprocity or from free and equal citizenship. Meanwhile, I can think of reasonable conceptions of justice that concur with both of Watson and Hartley's premises but nonetheless hold that full collective responsibility arises in only *some* cases of dependency. Consider a view that holds us *individually* responsible to see to the dependency needs we voluntarily create or take on insofar as we can meet those needs at not too great a cost to ourselves, and *collectively* responsible for meeting caregiving needs only when no living person is individually responsible. This view is compatible with thinking that caregivers *should be socially supported* even in discharging caregiving that they have voluntarily taken on; it just doesn't invoke collective responsibility to establish as much. Watson and Hartley's *general* collective responsibility claim needs further defense because it plays an integral role in multiple arguments over the course of the book, because it doesn't clearly follow from the premises they offer, and because alternative reasonable views are available. I can certainly see how general collective responsibility is implied by *some* political conceptions of justice, but I can't see how it's a demand of political liberalism itself.

Turn now to Part I of the book and a final line of questioning from the many that this rich book provokes. Watson and Hartley argue, against Jonathan Quong's broad-scope view on which public reasoning is required with respect to *all* political matters, that public reason applies only to matters of basic justice and constitutional essentials. Watson and Hartley's case for the narrow view is based on their conviction that proper procedure can confer legitimacy on some political act: "[O]n some types of issues, a proper procedure can confer public justification" (67). This is surely true. But are Watson and Hartley right to think that this observation answers "Quong's concern that failing to appeal to public reasons in all contexts entails that some laws won't enjoy public justification" (67)? Here is a *better* way to think about the justifying power of proper procedure: When people exercise their voice in accordance with proper procedure, heeding *whatever public reasons apply* and otherwise consulting their own

conscience, they *are* acting in accordance with public reasons. The public reasons include: first, that this is a decision on which our pre-procedural shared reasons underspecify the right substantive outcome; and second, that this procedure for adjudicating our individual judgments is supportable by our shared reasons. Watson and Hartley argue that because procedure can confer legitimacy on some political matters, those political matters aren't subject to the constraint of public reason. But I'm suggesting that we should instead construe these cases as cases on which procedure *is sanctioned by public reason*, and deliberation that occurs within them is deliberation *in accordance with public reason*. In short: Individual citizens' say may be influenced by their private reasons, but *their say* is a shared reason when it is offered as part of a legitimate process and when it *first* considers all applicable substantive shared reasons.

One final note on this topic: Watson and Hartley say that appeals to fairness enjoy public reason status only when those appeals concern fundamental interests and needs of citizens (69–71). But doesn't this claim exclude the possibility that the Rawlsian difference principle could ever act as a public reason? Perhaps Watson and Hartley's claim would be better understood like this: appeals to fairness enjoy public reason status so long as they *either* concern fundamental interests and needs of citizens *or* are part of a conception of justice that enjoys an overlapping consensus. But then it's not clear the premise can play the role Watson and Hartley need for it to play in their argument. Perhaps the authors do intend to exclude from the possible space of public reason *any* considerations of fairness (like the difference principle) that don't concern central interests of citizenship. But this strikes me as a mistake: Political liberalism should not be theorized in such a way as to *foreclose the possibility* that a political conception of justice could be more distributively egalitarian than what the relationally egalitarian principle of reciprocity guarantees.

These brief reflections only skim the surface of the deep critical engagement this book deserves.

References

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