

BOOK REVIEW

## Liberalism, Neutrality, and the Gendered Division of Labor. Gina Schouten. Oxford: Oxford University Press, 2019 (ISBN 978-019881307)

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The gendered division of labor (GDL) is the phenomenon whereby most unpaid household and caring work is done by women, regardless of whether they also do paid work outside of the home. It is sustained by ideologies, practices, and institutional arrangements. Examples include workplace norms demanding worker dedication, which leave workers little time for domestic work, and ideals of motherhood that encourage women to devote themselves unflinchingly to their children. A gender-egalitarian division of labor obtains when domestic labor is divided more or less equally between men and women.

Gina Schouten's *Liberalism, Neutrality, and the Gendered Division of Labor* presents a careful, sophisticated, if somewhat elaborate, argument that the coercive realization of increased opportunities for a gender-egalitarian division of labor can be justified using the limited, but, we assume, independently justified, tools of political liberalism. Schouten begins by presenting data showing that the GDL is indeed entrenched and that individual strategies for avoiding it are costly and difficult. Chapter 2 first explains the obstacle political liberalism presents to combating the GDL, namely the neutrality constraint. This constraint prohibits policies justified by appeal to a particular worldview, such as Catholicism or classical liberalism. Second, it considers and rejects some options for working around this constraint. They include the claim that opposition to a gender-egalitarian division of labor is unreasonable, that the GDL is nonvoluntary, and that it violates basic liberties. Chapters 3 and 5 rebut two prominent arguments for implementing a gender-egalitarian division of labor that observe the neutrality constraint. One claims that the GDL is a type of distributive injustice and the other claims that the GDL undermines women's equal citizenship. Schouten's alternative "stability argument," which I reconstruct below, unfolds in chapters 4, 6, and 7.

In what follows, I first expand upon the problem Schouten addresses, namely the tension between political liberalism and measures encouraging a gender-egalitarian division of labor. Second, I briefly outline Schouten's positive case. Third, I raise two worries about it. The first states that Schouten's regular use of the terms *intervention* and *intrusion* to describe gender-egalitarian proposals may be problematic both theoretically and polemically. The second questions Schouten's pivotal premise, which says that personal autonomy<sup>1</sup> has a special status in political liberalism because it is necessary to preserve citizens' capacity to revise their conceptions of the good.

The project of political liberalism is to explain how it is possible for stable liberal democracies to exist given the "fact of reasonable pluralism"—the fact that citizens

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tend to have opposing worldviews. Such regimes can exist, according to political liberalism, so long as coercive measures are justified by shared reasons. These reasons, then, cannot be derived from any particular worldview. They must be derived from *political values*—the values associated with liberal citizenship itself, which the theory presumes all citizens endorse. Those values are freedom and equality. To be free is, primarily, to possess the power for a conception of the good, and to be equal is to have the same standing as other citizens. State coercion is *legitimate*, on this view, only if laws are *neutral* with respect to citizens' worldviews, which is to say, only if they are justified by shared reasons. Establishing greater opportunities for a gender-egalitarian division of labor is a feminist goal and feminism is (or is part of) a particular worldview. Hence laws and policies justified by appeal to feminist ideals are not neutral and hence are not legitimate by the lights of political liberalism. It seems, then, that state action encouraging a gender-egalitarian division of labor is prohibited in a just, politically liberal society.

Absent many details, Schouten's argument that political liberalism not only may, but must, support such state action runs as follows. A social condition of persons being able to revise their conceptions of the good, which they have a citizenship interest in being able to do, is exposure to enactments of personal autonomy—exposure to people choosing their values by critically reflecting on them. So, persons have a citizenship interest in the existence of a high threshold of enactments of personal autonomy. Therefore, the state may legitimately promote personal autonomy, *even though* that value is not itself a political value, but rather a value associated with a specific (liberal) worldview. Current social arrangements are founded on the assumption that men should prioritize breadwinning, and women should prioritize homemaking. This breadwinner/homemaker-specialization assumption is inimical to personal autonomy because it implies that people's work should be determined by their gender rather than their choices. The institutionalization of this assumption represents a formidable systemic obstacle to citizens achieving a gender-egalitarian division of labor, should they desire to. In a society containing a high threshold of enactments of personal autonomy, many citizens will come to value personal autonomy, and so many citizens will reasonably see the formidable systemic obstacle to a gender-egalitarian division of labor as unfair, even if they themselves prefer the status quo. They will reasonably see it as unfair, not because it contravenes a personal value, but because it is an affront to a value that they are encouraged, as believers in that value, to enact in order to promote a citizenship interest. Societies in which many citizens regard social arrangements as unfair are *unstable*, according to political liberalism. Instability obtains, on that view, not merely when there is unrest, but when many citizens repudiate institutional arrangements because they perceive them as unfair, that is, as counter to their interest as citizens in exercising their moral powers. Hence using coercive state power to encourage a gender-egalitarian division of labor is not merely permitted by political liberalism but is required for stability, under certain social conditions.

My first worry about Schouten's view, as I stated above, concerns her use of the terms *interventions* and *intrusions* to describe legitimate laws aimed at achieving gender-egalitarian outcomes. For example, she says, "I argue that the political conception of citizenship is rich enough to justify intrusive interventions to promote gender egalitarianism" (223). Referring to policies that one endorses as "intrusive interventions" seems like a bad marketing strategy, akin to advocating the regulation of capitalist markets but referring to it as "interference." But Schouten's terminology may not be merely a marketing issue. It may have deeper theoretical and polemical implications.

Note that one intervenes when one intentionally inserts oneself into a difficult situation to ameliorate it, as, for example, when one acts to stop an argument. One intrudes when one enters a place or situation where one is not wanted. Intrusions are by definition unwelcome. The theoretical problem with Schouten's terminology is that it does not comport with political liberalism's conception of the metaphysical status of principles of justice. This can be seen by comparing political liberalism to libertarianism. Political liberalism proposes terms of social cooperation on the assumption that there are no preexisting moral principles for governing cooperation that must be antecedently accommodated by a political authority in order for that authority to be legitimate. Cooperation is itself established and constituted, on this view, by the just terms regulating it. Those terms are represented as *constructed* from a particular ideal of the person and of society.

Compare this approach to Nozickian libertarianism. On that view, persons are conceived of as equipped with natural rights of self-ownership. They are presumed to exercise these rights in the absence of state-enforced terms of cooperation. These rights, then, along with the cooperative activity of production and exchange generated by their exercise, are conceived of as ontologically prior to any institutional arrangements necessary to protect them.

To describe legitimate policies as "interventions" or "intrusions" is to convey this libertarian picture, rather than a politically liberal one. Only if social cooperation is already underway, as it were, does it make sense to characterize state action as "intervening" or "intruding." Interventions and intrusions can take place only if there is cooperation to be intervened in or intruded upon. Furthermore, it makes sense to characterize state action as intruding only if there is a presumption against the legitimacy of coercive terms of social cooperation—only if, that is, coercive measures regulating cooperation are seen as unwelcome but necessary restrictions on preexisting individual freedoms.

To be sure, on a politically liberal picture, terms of cooperation should allow people to live according to their reasonable worldviews. The state overreaches when it mandates terms of cooperation that can be justified only by appeal to a particular worldview. As we saw above, the only values that the state may implement through coercion are those associated with the idea of equal citizens who are free in a specific, nonlibertarian sense: they have the power for conception of the good. This freedom does not ground a presumption against the legitimacy of state coercion; instead, it delineates between legitimate and illegitimate uses of coercion. Coercion is legitimate when used to enforce just terms of cooperation, which allow citizens to exercise their capacities for justice and for a conception of the good, and it is illegitimate when used to impose on citizens a uniform outlook.

Schouten might respond by pointing out that her policies *are* designed for an already existing society. She is explicit in her introduction that she is marshaling the commitments of political liberalism not to show how a stable liberal regime is possible, as is standard, but rather to show how we might legitimately proceed from an unjust to a more just regime. It follows, she might say, that her proposals are accurately described as interventions. Moreover, the fact that her policies can be justified by shared reasons does not entail that all citizens will *see* them as justified or be happy about making the required sacrifices. So, her proposals might be accurately described as intrusions.

I counter this response with two points, the first substantive, the second, polemical. First, the substantive point: Schouten uses the worrying terminology even when describing standard political liberalism. For instance, she says, "[P]olitical liberalism requires that we eschew substantive liberal values in justifying political interventions or the

design of social institutions” (64). Second, the polemical point: why describe provisions one defends as both legitimate and just in a way that foregrounds the anticipated resistance to them from those who benefit from the unjust status quo when more neutral terms like *regulation* or *policy* or *law* are available?

Now consider my second worry about Schouten’s argument. Recall that political liberalism conceives of persons as possessing the capacity for a conception of the good, which is understood as the ability to form, reflect upon, and revise one’s values. This is the main respect in which citizens are conceived of as free. Persons are also understood to have an interest in protecting this capacity, which requires the state to create conditions under which they can develop and exercise it. According to Schouten, one such condition, necessary for people to be able to *revise* their values, is the promotion of a further capacity—the capacity for “autonomous reflection and action” (184). In order for persons to learn how to revise their ends, Schouten says, they must encounter citizens who value personal autonomy as part of their conception of the good and who thus enact it in their daily lives. Therefore, the state is justified in promoting the (nonpolitical) value of personal autonomy.

The problem with this reasoning, as I see it, is that the moral power to form, reflect on, and revise a conception of good just *is* the capacity for personal autonomy. Therefore, promoting personal autonomy cannot be a social condition for the development of a (distinct) capacity for a conception of the good. So, Schouten’s key premise—that enactments of personal autonomy are a social condition for developing the capacity to revise one’s conception of the good—reduces to the claim that enactments of the capacity to revise one’s conception of the good are a social condition for developing the capacity to revise one’s conception of good. It follows that citizens need not be exposed to a *comprehensive* value in order to develop the power to revise their ends; they need merely to be exposed to persons enacting an aspect of one of their two moral powers.

Granted, not all citizens in a politically liberal society are apt to exercise their power to revise their ends; nevertheless, it is not merely people who personally value autonomy who are apt exercise that power, as Schouten seems to assume. If that were the case, then the fact of reasonable pluralism would not be caused simply by the guarantee of the basic liberties, as political liberals aver. In other words, if pluralism arises whenever citizens have basic liberties, then its arising does not depend also on a large number of citizens endorsing autonomy as a personal value.

It follows that political liberalism, from the beginning, not only allows but requires the state to protect citizens’ capacity for personal autonomy—or, in other words, their freedom—in which persons have a citizenship interest, and the state does this by eschewing policies founded upon a particular worldview. That personal autonomy is a political value is good news for Schouten’s project if it means she can condense her argument and maintain that citizens *as such* are reasonable in judging the formidable systemic obstacle to a gender-egalitarian division of labor as unfair, founded as it is on an assumption inimical to their citizenship interest in preserving their freedom. She might argue, in other words, that political liberalism requires eliminating the institutional residue of the breadwinner/homemaker-specialization assumption because that assumption runs counter to the politically liberal ideal of the person as free to revise her ends.

That personal autonomy is a political value is bad news for Schouten’s project if it brings her back to square one—if it implies, that is, that personal autonomy is protected even if doctrines inimical to it are fossilized in the basic structure. Political liberalism

might entail, in other words, that legislating to remove social obstacles to a gender-egalitarian division of labor is not necessary to safeguard the power to revise one's conception of the good. That power is protected, the political liberal might claim, so long as antifeminist policies explicitly aimed at propping up the GDL are prohibited; and, if those policies are prohibited, then so too are feminist proposals aimed at knocking it down.

Schouten's methodically argued book is more timely than ever, given the detrimental effects of the Covid-19 pandemic on women's workforce participation. It is a must-read for anyone working in the areas of analytical feminist philosophy, Rawls, political liberalism or gender justice.

### Note

1 Schouten refers to personal autonomy as "comprehensive autonomy" to convey that fact that, as she sees it, personal autonomy is a value associated with "comprehensive liberalism." Comprehensive liberalism is a specific worldview, expressed in, for example, the philosophy of John Stuart Mill, and is contrasted with political liberalism, which is an account of how people with different worldviews can live together under liberal principles of justice. My reason for eschewing the term *comprehensive autonomy* will become clear below.

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