

Political Liberalism and Its Feminist Potential

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LIST OF ABBREVIATIONS

TJ	A Theory of Justice
PL	Political Liberalism
LP	The Law of Peoples
JF	Justice as Fairness: A Restatement
IPRR	The Idea of Public Reason Revisited
RH	Reply to Habermas
CP	John Rawls: Collected Papers, edited by Samuel Freeman

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INTRODUCTION

Contemporary society is rife with conflict over moral and religious ideals. These conflicts often play out in the political realm, with different groups of individuals attempting to use the political power of the government to secure what they take to be good for people. The problem arises from the deep disagreement between citizens about what constitutes the good life and how the government should support the flourishing of its citizens.

In such a context, is there any hope for securing a normative basis for justice? If citizens disagree with each other about morality, how could they agree on any normative conception of justice?

The problems that Rawls addresses in *Political Liberalism* are particularly important given their prevalence within today's public, political culture. Many controversial issues in politics today test the limits of whether the moral or religious beliefs of a group can appropriately become public law through the democratic process. For example, gay marriage has been banned in a number of states on the basis of controversial religious arguments; however, these bans have been enacted through democratic processes. But is it permissible for the state to enforce a law whose justification is based on controversial religious or moral premises? Many think such restrictions on the basis of faith or morality are impermissible because at stake in gay marriage are the fundamental rights of GLBTQI individuals—rights that must be protected from infringements based on other people's religious beliefs. This kind of debate is precisely what John Rawls is concerned with in *Political Liberalism*.

Rawls articulates two fundamental questions that *Political Liberalism* (*PL*) attempts to address. First, “what is the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal” (*PL*, 47)? Second, “what are the grounds of toleration understood in a general way, given the fact of reasonable pluralism as the inevitable result of the powers of human reason at work within enduring free institutions” (*PL*, 47)? Rawls addresses these questions together.

In *Political Liberalism*, Rawls seeks to demonstrate that a just and stable society of free and equal citizens is possible, despite the fact that citizens will remain “profoundly divided” by their reasonable comprehensive doctrines (*PL*, 47). Political liberalism need only accommodate reasonable pluralism, and thus defining the precise limits of who qualifies as reasonable sets the most expansive permissible scope of diversity within political liberalism. Rawls's solution is to propose principles of justice for public, political life that could secure fair terms of cooperation for all while also protecting each person's ability to pursue her reasonable religious or moral beliefs in the non-public domain. Rawls argues that “political liberalism applies the principle of toleration to philosophy itself” (*PL*, 10) which requires respecting each citizen's freedom to settle matters related to their comprehensive doctrines according to the views they freely affirm (*PL*, 154).

In recognition of the fact of reasonable pluralism, Rawls argues for a conception of justice that is purely political, rather than based on any one controversial moral

doctrine. Political conceptions of justice are *political* (and thus distinguished from comprehensive doctrines) insofar as: (i) their scope is limited to the basic structure of society, (ii) accepting the political conception does not presuppose commitment to a particular comprehensive doctrine (it can be freestanding), and (iii) the content is formulated by fundamental ideas drawn from the public political culture of a democratic society (*PL*, 11, 174-175).

Given these constraints on political liberalism, Rawls hopes to secure a normative basis for justice, but one that all reasonable citizens could endorse. Rawls demonstrates that the political conception of justice could be the focus of an overlapping consensus, which leaves citizens free to affirm a variety of reasonable comprehensive doctrines while cooperating with others on fair terms. Rawls argues that a modified political conception of justice as fairness is “the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal” (*PL*, 47), and can secure stability for the right reasons in spite of the fact of reasonable pluralism about the good. Stability is secured by the overlapping consensus on a political conception of justice, which provides the common basis that can be recognized by all citizens in justifying the coercive power of the government. Rawls also argues that securing the legitimacy of coercive power requires relying on public reasons drawn from the political conception of justice that is the subject of the overlapping consensus. In this way, a social order can be just, coercive power can be legitimate, and stability will be secured for the right reasons.

Rawls’s solution to the problem of securing fair terms of cooperation in spite of deep disagreement about morality has provoked serious criticism from feminists who question the reinstatement of a sharp divide between the public-political realm and the non-public, private realm—a divide feminists have long critiqued as harmful to women because many injustices towards women occur within the realm traditionally protected as private. In addition, feminists worry that Rawls protects as reasonable a number of comprehensive doctrines that denigrate the status of women in the home, religious establishment, or education. These criticisms are no minor issue; if they succeed, then political liberalism’s theoretical adequacy is seriously threatened.

My dissertation reclaims a revised version of political liberalism for feminist objectives. Using children who are raised in accordance with sexist comprehensive doctrines as a test, I investigate the permissible limitations of reasonable pluralism. In the first half of my dissertation, I investigate challenges posed to Rawlsian stability and civic education. I argue that Rawls’s aim of making reasonableness broadly inclusive for political purposes is in tension with his goal of using reasonableness as the standard that delineates the scope of liberal legitimacy. I suggest resolving the tension by separating liberal legitimacy from reasonableness. I then broaden the analysis by exploring the implications of the bifurcation of reasonableness for both feminism and political liberalism. I argue that the resulting theory is a defensible version of political liberalism that serves some limited, but crucially important feminist aims without becoming a comprehensive feminist theory. Political liberalism can be a valuable tool for those engaged in real world struggles against oppression.

I begin with a critique of Rawlsian stability (Chapter 1). According to Rawls, there are actually two questions of stability: first, whether those who grow up under just institutions acquire a normally effective sense of justice; second, whether this sense of justice can be maintained. The second question has different variants in *A Theory of Justice* and *Political Liberalism*. As such, it has been the focus of much of the current debate about Rawlsian stability. I argue, contra Rawls, that the first stage of Rawlsian stability is also threatened by the fact of reasonable pluralism. Children growing up in a well-ordered society must acquire a reasonable sense of justice in order to secure the first stage of Rawlsian stability. Examining whether children who are raised in accordance with sexist comprehensive doctrines undermines Rawlsian stability points to the insufficiency of Rawls's solution in *Political Liberalism*. I argue that the legitimacy of the political conception of justice does not suffice to ensure stability, which motivated Rawls's turn to political liberalism.

One possible solution to the problem of children being raised in accordance with sexist comprehensive doctrines is to rely on civic education to teach children the minimum requirements for becoming reasonable citizens. In chapter 2, I investigate whether a *politically* liberal state can provide all children the opportunity to become reasonable citizens or if the cultivation of reasonableness requires *comprehensive* liberalism. I argue that educating children to become reasonable in the way Rawls outlines imposes a demanding requirement that conflicts with Rawls's aim of including a wide constituency in the scope of political liberalism. Reasonableness involves (1) willingness to engage in fair terms of cooperation that respects oneself and one's fellow citizens as free and equal and (2) willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime. I argue that the civic education of children should be guided by the goal of inculcating reasonableness in the first sense, which preserves the wide constituency of political liberalism. In addition, a politically liberal civic education should teach children the burdens of judgment; however, I argue that accepting public reason in directing the legitimate exercise of political power is not necessary at this stage and cannot be reconciled with preserving the broadly inclusive scope of political liberalism. The second criterion of reasonableness should be bifurcated because the legitimacy criterion is not an appropriate component of reasonableness.

In chapter 3, I defend the bifurcation of reasonableness. I argue that reasonableness, as a virtue of persons, is best understood as a form of recognition respect for oneself and others as free and equal moral persons. Requiring citizens to embrace public reason for the legitimate use of political power should not be built into the criterion of reasonableness. I will show that bifurcating reasonableness also helps keep distinct two questions that are addressed in political liberalism. First, the question of what qualifications set the permissible range of pluralism tolerated in political liberalism. Second, the question of what, if anything, could make a state legitimate. For this second question, the liberal principle of legitimacy provides a compelling answer. But it is by no means the only reasonable answer. The liberal principle of legitimacy holds the exercise of political power is legitimate only if it can be justified in accordance with reasons that are acceptable to all reasonable comprehensive doctrines. This is a substantive conclusion with which many who satisfy the respect criterion of reasonableness could disagree. Call

this *reasonable pluralism about justification*. Debating matters of legitimacy is a different issue and should not be bundled with setting the proper scope of reasonable pluralism.

In order to make political liberalism broadly inclusive, Rawls believes that the scope of justice must be limited to the political realm. The bifurcation of liberal legitimacy from reasonableness that I propose is intended to maintain political liberalism's broadly inclusive scope. However, feminists have argued that this broadly inclusive scope can be too permissive of sexism. In chapter 4 I argue that despite maintaining its inclusive scope, political liberalism can serve as a powerful feminist ally. I argue for an expanded understanding of the structural and institutional protections needed to secure recognition respect for oneself and one's fellow citizens as free and equal moral persons, thereby protecting Rawls's first criterion of reasonableness. If certain socially problematic conditions threaten the free and equal status of women, then political liberalism ought to recognize this as a justice-based claim on society as a whole. With these changes, I seek to salvage political liberalism both for feminist aims and as a viable political theory.

By making room for a wide variety of ethical doctrines to become part of political liberalism's constituency, I preserve the broadly inclusive scope of political liberalism that inspired Rawls's theory. Nevertheless, given the revisions I have proposed, the inclusive scope will not undermine feminist aims. Furthermore, because civic education will be designed to cultivate the respect for all people as free and equal moral persons, stability can be secured. Political liberalism can thus serve as a powerful ally for feminism.

CHAPTER 1

RAWLSIAN STABILITY: AN INTERNAL TENSION

A liberal political theory must meet several desiderata. Liberals seek the establishment of a just social order that can respect the freedom and equality of citizens. Liberal political theory must also show that the freedom and equality of citizens can be reconciled with the coercive authority of the government. The resulting social order must also be stable. These three issues—justice, legitimacy, and stability—are at the heart of my discussion in this dissertation.

Rawls pinpoints the stability question as the driving force behind many of the changes to justice as fairness from *A Theory of Justice (TJ)* to *Political Liberalism (PL)*.¹ However, outside of several influential early critiques,² much of the initial debate surrounding *PL* ignored Rawlsian stability and instead was concerned with the nature of the political conception of justice, public reason, and the liberal principle of legitimacy. Recently, however, attention to stability has moved to center stage.³ At stake in many of the current stability debates is the controversy about whether stability is an empirical and/or practical concern, or whether stability is an important part of Rawls's justification of justice as fairness. If Rawls's stability arguments are best understood as part of the justificatory structure of justice as fairness, there is a further question about what kind of justification Rawls's stability argument provides.

What this way of framing the debate misses is the internal tension within Rawls's treatment of stability. This is something that Susan Moller Okin pointed to in 1994,⁴ but the force of her critique has not been appreciated because political liberals have widely misunderstood her critique. Common responses to Okin's critique of *PL* treat her objection as if it is a problem for the legitimacy of Rawls's system. I argue, however, that the real force of her objection comes from questioning the stability of his political conception of justice. This challenge comes into focus if we look at Okin's example of children raised in sexist comprehensive doctrines.

In this chapter, I expand on Okin's initial challenge and argue there is an internal tension between Rawls's answers to the two questions of stability in *PL*. Examining the case of children growing up under sexist comprehensive doctrines, I will argue that the legitimacy of the political conception of justice does not suffice to ensure stability. This undermines the very aim that motivated Rawls's turn to political liberalism.

¹ *PL*, xv-xvi.

² McClennen 1989, Freeman 1994, Hill 1994, Barry 1995, Krasnoff 1998.

³ Freeman 2003, 2007, Weithman 2010, Gaus 2014, Hill 2014, Quong 2011, Garthoff 201, forthcoming, Thraser and Vallier forthcoming, Rossi forthcoming, Kim 2014, Martin 2014.

⁴ Okin 1994.

This argument proceeds in four sections. I first outline Rawls’s conception of stability for the right reasons in both *TJ* and *PL* (§1). Then I survey contemporary debates concerning how best to understand Rawls’s stability arguments in *PL* (§2). I will show that the contemporary debates overlook an internal tension within Rawls’s own conception of stability—a tension Okin highlighted in her critique of *PL*. I briefly outline Okin’s critique of Rawls and two common ways of defending Rawls against her critique (§3). I argue that these responses miss the force of Okin’s challenge (§4). I extend Okin’s insight in light of the common responses and argue that Rawls’s failure to attend to the ways reasonable pluralism threatens a child’s acquisition of a sense of justice ultimately undermines the stability of justice as fairness. This, in turn, undermines the very aim of *Political Liberalism* and demonstrates that the legitimacy of a political conception is insufficient to secure its stability. I conclude by outlining three ways to proceed in light of the unresolved problem with Rawls’s treatment of stability (§5).

1. The Stability of Justice as Fairness

To understand the reasons behind Rawls’s political turn, one must examine Rawls’s discussion of stability. As Rawls explains in the introduction to *PL*, the changes to justice as fairness arise from his attempt to “resolve a serious problem internal to justice as fairness, namely from the fact that the account of stability in part III of *Theory* is not consistent with the view as a whole” (*PL*, xv-xvi). The key problem is that in *TJ*, the account of stability relies on all citizens endorsing the comprehensive doctrine of justice as fairness, which includes Kantian elements (*PL*, xl).⁵ However, given the fact of reasonable pluralism, it is unrealistic to expect all citizens to endorse a single comprehensive doctrine (*PL*, xvi-xvii). As such, Rawls must devise a new solution to the problem of stability. This is the fundamental question political liberalism is meant to resolve: to show “how it is possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines” (*PL*, xviii, xxv, xxxvii, 4, 47).

Rawls seeks *stability for the right reasons* and not a mere *modus vivendi* (*PL*, xxxvii).⁶ In a *modus vivendi*, stability is merely contingent since parties agree to a common order only because such a compromise is in each party’s best interest given the current balance of power (*PL*, 147). Crucial for achieving stability for the right reasons is that all reasonable citizens *endorse* the political conception from within their comprehensive doctrine and take all other reasonable citizens to have done the same (*RH*, 387).⁷ Notably, because there is a

⁵ Note that this is based on Rawls’s own characterization of the problem with *TJ*’s treatment of stability. Brian Barry argues that *TJ*’s version of justice as fairness does not actually qualify as a comprehensive doctrine and, thus, Rawls attributes an error to his earlier view that he did not commit (Barry 1995, 876-880). However, Barry continues to maintain that stability is the crucial reason for the changes to the system (*ibid*, 880).

⁶ In footnote 5 on this page, Rawls explains that while “the phrase ‘stability for the right reasons’ does not occur in the text of *PL*, ... ‘stability’ should usually be given that meaning in both *Theory* and *PL*, as the context determines” (*PL*, xxxvii).

⁷ Recall that according to Rawls, “since political power is the coercive power of free and equal citizens as a corporate body, this power should be exercised, when constitutional essentials and basic questions of justice

plurality of reasonable comprehensive doctrines, there will be a plurality of grounds for the political conception. In an overlapping consensus people affirm the political conception “from within their own comprehensive view and draw on the religious, philosophical, and moral grounds it provides” (*PL*, 147). Each person affirms the same political conception for different comprehensive reasons.⁸ Nevertheless, since “each view supports the political conception for its own sake,” the consensus will be stable “regardless of shifts in the distribution of political power” (*PL*, 148). Rawls explains that once “fundamental ideas of the political conception are endorsed by the reasonable comprehensive doctrines, and these doctrines represent what citizens regard as their deepest convictions—religious, philosophical, and moral”—stability for the right reasons follows (*RH*, 392). In the remainder of this paper, I will call this robust conception of stability for the right reasons *Rawlsian stability*.⁹

Rawls explains that stability actually involves two questions. First, “whether people who grow up under just institutions (as the political conception defines them) acquire a normally sufficient sense of justice so that they generally comply with those institutions” (*PL*, 141). Let’s call this first question the *Moral Development Question*. The second question has different variants in *TJ* and *PL*, but in both books the second question of stability concerns maintaining one’s allegiance to the principles of justice. In *TJ*, this takes the form of asking whether maintaining one’s sense of justice can be congruent with one’s good (*TJ*, 397, 450). Let’s call *TJ*’s version of the second question of stability the *Congruence Question*. In *PL*, the second question of stability shifts from asking about the rationality of maintaining one’s sense of justice to asking about whether various reasonable comprehensive doctrines could converge on a political conception of justice for the right reasons. Rawls asks whether “the political conception can be the focus of an overlapping consensus” of reasonable comprehensive doctrines (*PL*, 141). Let’s call *PL*’s version of the second question of stability the *Overlapping Question*.

I’ll take these questions in reverse order, since the changes between *TJ* and *PL* hinge on Rawls’s revised answers to the second question of stability. As such, it has been the focus of much of the interpretive debate concerning Rawls’s shift to *PL*.¹⁰

1.1 The Second Stability Question: From Congruence to Overlapping Consensus

are at stake, only in ways that all citizens can reasonably be expected to *endorse* in light of their common human reason” (*PL*, 139-140).

⁸ Note that simply because each doctrine affirms the political conception for comprehensive reasons does not make the political conception a consequence of the doctrine’s nonpolitical values (*PL*, 155). The political conception can be defended as freestanding and only later does one check to see whether stability can be secured by showing how it can be embedded in different reasonable comprehensive doctrines. Rawls explains how an overlapping consensus arises in *PL*, 158-172.

⁹ Jon Garthoff also uses the term Rawlsian stability and argues that “Rawlsian stability is as philosophically significant and distinctively Rawlsian as justice as fairness itself” (see, Garthoff, “Rawlsian Stability” draft paper).

¹⁰ I will discuss this debate in §2.

The second question of stability undergoes significant changes between *TJ* and *PL*. In *TJ*, the second stage of Rawls’s solution to the problem of stability involves demonstrating that the sense of justice—acquired in the first stage—is congruent with individuals’ conception of their good (*TJ*, 397, 450).¹¹ By demonstrating that in a well-ordered society “an effective sense of justice belongs to a person’s good,” Rawls argues that tendencies towards instability are “kept in check” because “a person’s rational plan of life supports and affirms his sense of justice” (*TJ*, 450).

Rawls’s solution to the Congruence Question relies on a specific Kantian interpretation of justice as fairness with which reasonable persons could disagree. According to the Kantian interpretation, “acting justly is something we want to do as free and equal rational beings. The desire to act justly and the desire to express our nature as free moral persons” are “practically speaking the same desire. *When someone has true beliefs and a correct understanding of the theory of justice*, these two desires move him in the same way” (*TJ*, 501). Rawls also argues that acting from principles of justice is a way for persons to act autonomously (*TJ*, 452) and share fully in a public life that enables all members of society to enjoy the great good of social cooperation in a way that enhances the realization of the Aristotelian Principle (*TJ*, 458-464, 500-501). In addition, since one’s sense of justice was built on ties of affection towards others within the system of cooperation, “in a well-ordered society where effective bonds are extensive both to persons and to social forms ... there are strong grounds for preserving one’s sense of justice” (*TJ*, 500).

However, in *PL*, the second question changes. Rawls can no longer ask whether a person’s sense of justice is congruent with her good. If we take seriously the fact of reasonable pluralism about the good, there is no single solution that can demonstrate how a person’s conception of their good fits with and supports her sense of justice.¹² Furthermore, it would be inappropriate to insist on the truth of justice as fairness, Rawls’s conception of autonomy, or the Aristotelian Principle. None of these grounds are appropriately political in a way that everyone could accept given the fact of reasonable pluralism. This is why, in *PL*, Rawls argues that justice as fairness is not consistent with the view as a whole (*PL*, xv-xvi). If one is to respect the basic liberties built into the first principle of justice, then the basis of stability should not rely on a single comprehensive doctrine. To do so fails to respect the freedom of thought of one’s fellow citizens who reasonably disagree with Rawls’s *Theory of Justice*.

In *PL*, the second question of stability is framed with explicit reference to the fact of reasonable pluralism, and Rawls’s answer hinges on showing that reasonable comprehensive doctrines can converge on the political conception of justice. Rawls asks whether “the political conception can be the focus of an overlapping consensus” of reasonable comprehensive doctrines (*PL*, 141). The Overlapping Question can only be addressed once principles of justice have already been provisionally established as a

¹¹ See *TJ* Chapter 9 for Rawls’s treatment of the congruence problem.

¹² Demonstrating the congruence of one’s conception of the good and one’s sense of justice is made even more difficult if we take into account reasonable pluralism about the right—the fact that Rawls argues a family of liberal doctrines could conceivably form the basis for a political conception of justice (*PL*, xlvi-xlvii). Gaus argues that pursuing the problem posed by reasonable pluralism about political justice, what he terms “deep political liberalism,” is the true legacy of Rawls’s political turn (Gaus 2014, 236, 247-249).

freestanding political conception for the basic structure of society (*PL*, 141-142). Only then, can we ask whether this political conception is “sufficiently stable.” If it is not, it must be revised (*PL*, 141).

The differences between *PL*'s Overlapping Question and *TJ*'s Congruence Question hinge on recognizing the fact of reasonable pluralism. As we have seen, the Congruence Question is answered in *TJ* by showing how “an effective sense of justice belongs to a person’s good” in a well-ordered society (*TJ*, 450).¹³ In *PL*, however, “it is left entirely open to citizens and associations in civil society to formulate their own ways of going beyond [the freestanding political conception], so as to make that political conception congruent with their comprehensive doctrines” (*RH*, 377-378). There is no single solution to this question of congruence. Instead, stability is secured by showing that an overlapping consensus of reasonable comprehensive doctrines is possible.

1.2. The First Question: Moral Development

Despite Rawls’s concern with revising his answer to the second stability question to accommodate the fact of reasonable pluralism, the impact of reasonable pluralism on Rawls’s solution to the first stability question goes unaddressed in *PL*. Rawls simply refers the reader to his discussion of moral development in *TJ*.¹⁴

To answer the Moral Development Question, Rawls needs to demonstrate that, “given certain assumptions specifying a reasonable human psychology and the normal conditions of human life, those who grow up under just basic institutions acquire a sense of justice and a reasoned allegiance to those institutions sufficient to render them stable” (*PL*, 142). For this, Rawls thinks one’s sense of justice needs to be “strong enough to resist the normal tendencies to injustice” (*PL*, 142). This is largely the same way Rawls framed the initial question of stability in *TJ*.¹⁵ And, rather than revisiting this question in *PL*, he hopes that the account of moral psychology given in *TJ* suffices to answer the first question of stability in *PL*.¹⁶ Rawls therefore assumes that the fact of reasonable pluralism poses no challenge to the acquisition of a sense of justice in a well-ordered society.

I will suggest that this assumption is flawed. But first, let us briefly review Rawls’s solution to the Moral Development Question.

The first step of Rawls’s argument for stability in *TJ* involves demonstrating that the sense of justice generated by the just institutions of a well-ordered society lead individuals to “have a strong and normally effective desire to act as the principles of

¹³ See generally *TJ*, Chapter IX.

¹⁴ Rawls explains in a brief footnote that he has answered the Moral Development Question in chapter VIII of *TJ* (see *PL*, 143n.9). He continues to hold the view that the discussion of moral development need not be revisited in light of reasonable pluralism (see John Rawls and Erin Kelly. (2001). *Justice as Fairness: A Restatement*. Cambridge, MA: Harvard University Press, 196n.17. Hereafter *JF*).

¹⁵ In *TJ*, the acquisition of a sense of justice by the members of a well-ordered society is the first stage of Rawls’s treatment of the problem of stability (*TJ*, 397-398).

¹⁶ Rawls explains, “how this happens I have discussed in *Theory*, esp. chap. VIII. I hope that account suffices, for our purposes here, to convey the main idea” (*PL*, 143n.9).

justice require” (*TJ*, 398). For this, Rawls shows how justice as fairness “generates its own support” (*TJ*, 399) by explaining how individuals growing up in a well-ordered society structured by justice as fairness “acquire an understanding of and an attachment to the principles of justice” in the course of normal moral development (*TJ*, 404).

Rawls identifies three stages through which the child acquires a sense of justice corresponding to three psychological laws. The first, “morality of authority,” includes the development of a sense of self worth through the love, affection, example, and guidance of one’s parents (*TJ*, 405-409). This first stage of moral development depends on family institutions being just and the parents demonstrating their love for the child by caring for the child’s good (*TJ*, 429). At this stage, the child develops a “capacity for fellow feeling” (*TJ*, 429) through attachment to her caregivers.¹⁷

In the second stage, “morality of association,” the child learns moral standards appropriate to her role within the various associations to which she belongs. Since each ideal is defined by the role of the individual and the purpose of the association, as she grows, the child learns moral standards appropriate to the different roles she plays within her family, school, neighborhood, as a member of a team, or religious organization. This eventually extends into adult life where one learns the ideals appropriate to “one’s place as a member of society,” including ideals of friendship and citizenship (*TJ*, 409-410). As a result of this process, the individual eventually learns to see the entire system of cooperation defining the association, as well as the roles and perspectives of other individuals occupying different roles within the overall cooperative scheme (*TJ*, 410).

The second stage of moral development relies on the public recognition of just social arrangements, which generates trust in other members of the various associations to which she belongs (*TJ*, 429-430). Since the association is publicly recognized to be just, individuals within the association see that each member benefits from everyone doing her part within the system (*TJ*, 412). This stage of moral development corresponds to the second psychological law, according to which a person “develops ties of friendly feeling and trust towards others in the association” once that person has recognized the “social arrangement is just and publicly known by all to be just” (*TJ*, 429). As a result of this trust and fellow feeling, the individual is motivated to live up to the ideals of her role within the association (*TJ*, 411-412, 429). Applied to the basic structure of society, “members of society view one another as equals, as friends and associates, joined together in a system of cooperation know to be for the advantage of all and governed by a common conception of justice” (*TJ*, 413).

The third, and final, stage of moral development, “morality of principles,” completes the moral development of the individual because at this stage, the principles of justice are embraced for their own sake. At the two earlier stages of moral development, one’s allegiance to just arrangements is secured by feelings of love, trust, and mutual confidence in one’s fellow members of the association or family. These feelings result from the recognition that the just arrangements benefit each individual within the system of cooperation. The final stage, corresponding to the third psychological law, builds on these attachments so the person acquires a sense of justice, developing a desire to act from

¹⁷ This corresponds to the first psychological law, which states that when the child recognizes her parents love for her and care for her good, she develops a love for the parents (*TJ*, 429).

a conception of justice itself rather than for the sake of friendship or fellow-feeling with others (*TJ*, 414-416, 429-430). Rawls explains, “we develop a desire to apply and to act upon the principles of justice once we realize how social arrangements answering to them have promoted our good and that of those with whom we are affiliated” (*TJ*, 415). But the sense of justice extends beyond particular attachments to the individuals and associations that affirm one’s own good. Instead, it is a broader commitment that seeks the good of the larger community (*TJ*, 415).

Through the three stages of moral development¹⁸ the child acquires attachments to institutions that are publicly recognized to be just by first becoming attached to particular persons and rules,¹⁹ then broadening one’s affection to develop ties to others within the mutually beneficial cooperative scheme,²⁰ and finally to respecting the underlying rules that govern the just arrangement of the cooperative scheme as a whole.²¹ The three psychological laws represented in the three stages of moral development are built on the “deep psychological fact” that people have a tendency to reciprocity (*TJ*, 433). Rawls considers this natural tendency to be a necessary condition for fruitful social cooperation (*TJ*, 433). Rawls’s answer to the Moral Development Question is, thus, to demonstrate that each individual acquires a sense of justice that will motivate her to have both allegiance to and respect for the principles of justice. Stability is secured at this stage because the sense of justice motivates people to do their fair share in maintaining just institutions. In addition, the sense of justice motivates individuals to set up just institutions when they are lacking and to reform existing institutions when justice requires it (*TJ*, 415). Therefore, acquiring a sense of justice is an essential component of Rawls’s solution to the stability problem.

However, throughout Rawls’s discussion of moral development in *TJ*, he highlights the tight connection between the development of a sense of justice and *TJ*’s comprehensive version of justice as fairness. This tight connection is inappropriate in the context of reasonable pluralism about the good. Rawls focuses on the “special case” of “moral development as it might occur in a well-ordered society realizing the principle of justice as fairness” (*TJ*, 404). Furthermore, since “the account of moral development is tied throughout to the conception of justice which is to be learned, [it] therefore presupposes the plausibility if not the correctness of this theory” (*TJ*, 404). But presupposing the correctness of any single comprehensive doctrine is no longer permitted if one is to qualify as reasonable in *PL* because to do so fails to respect the freedom of conscience of one’s fellow citizens who hold competing reasonable comprehensive doctrines. In *TJ*, Rawls makes no secret of the fact that his account of moral learning is founded explicitly on a particular ethical theory and “those who espouse a different one

¹⁸ Rawls draws on empirical work in moral psychology (by Lawrence Kohlberg, Jean Piaget, and William McDougall) in order to build his account of moral development (*TJ*, 404n.8). However, his story of moral development does not hinge on the correctness of any one of these empirical theories. As he explains, his account of moral development is tied to the conception of justice proposed in justice as fairness. It is a normative theory of moral development and need not stand or fall with the success of Kohlberg’s model. However, as I will argue below, Rawls’s normative theory of moral development in *TJ* cannot survive unchanged in *PL*.

¹⁹ This is the first stage of moral development, which Rawls calls “morality of authority” (*TJ*, 405-409).

²⁰ This is the second stage of moral development, which Rawls calls “morality of association” (*TJ*, 409-413).

²¹ This is the third stage of moral development, which Rawls calls “morality of principles” (*TJ*, 414-419).

will favor another account of these matters” (*TJ*, 434). The comprehensive understanding of justice as fairness plays an essential role in the solution to the Moral Development Question and thus, I contend, it is puzzling why Rawls glosses over this question so quickly in *PL*. Rawls, however, did not think that the acquisition of a sense of justice was threatened by the fact of reasonable pluralism and instead focused his efforts on rectifying his answer to the second question of stability.

2. Contemporary Debates about Rawlsian Stability

Despite the recent surge in attention to stability in the Rawlsian system, contemporary debates follow Rawls in attending only to the changes to the second question of stability. Neither of the two major book-length treatments of Rawlsian stability (Freeman 2007 and Weithman 2010) address the potential for conflict between Rawls’s solution to each question of stability, nor do they consider the threat that reasonable pluralism poses to Rawls’s solution to the Moral Development Question.

Samuel Freeman pinpoints Rawls’s congruence argument as the central problem with *TJ*’s treatment of stability (Freeman 2007, 318-319, 322). Freeman argues that the congruence argument and overlapping consensus argument serve the same purpose in solving the stability problem.²² Both “aim to show that it is rational, an essential aspect of their good, for reasonable and rational persons in a well-ordered society to endorse and abide by society’s regulative principles of justice” (Freeman 2007, 368). The congruence argument attempts to establish the intrinsic good of justice by showing that “to have justice as a highest-order end is the most adequate expression of our nature as free and equal rational beings, and is to be *morally autonomous*” (Freeman 2007, 276, citing *TJ*, 452).²³ The problem, according to Freeman, is that Rawls’s argument “fails on its own terms for large numbers of people” because “it imputes to all a conception of the good ... which many would not rationally endorse even under conditions of full information and deliberative rationality” (Freeman 2007, 322). Though the failure is due to the fact of reasonable pluralism, Freeman follows Rawls in only investigating changes to the second stage of the argument. The overlapping consensus provides citizens with “*sufficient reason* to comply with liberal principles of justice for the *comprehensive reasons* that are specific to their comprehensive doctrines” (Freeman 2007, 367, original emphasis). This would then show that “justice will then be *rational* for each ... and society will evince *stability for the right reasons*” because each reasonable citizen will “endorse society’s liberal conception for *moral reasons* of justice (Freeman 2007, 368, original emphasis). Establishing stability is important, according to Freeman, because it demonstrates the practical possibility²⁴ of a well-ordered liberal democratic society that can be stable for moral, and not merely prudential, reasons (Freeman 2007, 341, 368).

The second stage of stability concerns the sufficiency of the reasons to maintain one’s sense of justice, which presumes that individuals have a reasonable sense of justice

²² Garthoff (2012 and draft manuscript) largely follows Freeman’s exposition of Rawlsian stability, although his focus is demonstrating the depth of Rawls’s commitment to stability.

²³ Freeman’s reconstruction of the Kantian congruence argument can be found on 274-276.

²⁴ Freeman 2007, 324, 326, 330-331, 349-351, 365

from the outset. Surely this, too, is threatened by the fact of reasonable pluralism. Freeman brings up the possibility that one's sense of justice could be "distorted when joined with unreasonable moral rules and principles" but does not pursue this possibility because he seems to characterize these as extreme cases of negligence and violence (Freeman 2007, 256-257). Unfortunately, "unjust family institutions characterized by gross inequality" and "oppressive religious education"²⁵ may not be as infrequent as to warrant such quick dismissal of the problems these early schools of moral development pose to a child's acquisition of a sense of justice. Freeman dismisses these threats because he considers one's sense of justice to be "a normal part of psychological development" consisting of "natural sympathetic concern for human interests" and, "once fully developed, as self-sufficient and independent of other motivations" (Freeman 2007, 260). Herein, I question the development of a child's sense of justice rather than its stability once developed.

Paul Weithman has recently argued that most common interpretations of Rawls fail to appreciate the centrality of his concern with stability throughout his work and as such, misunderstand important aspects of Rawls's argument for justice as fairness in both *TJ* and *PL*.²⁶ Weithman's primary focus is the second question of stability. Following Rawls's own exposition, the key problem with *TJ*'s stability argument lies in the failure of his congruence argument.²⁷ But, Weithman argues, the congruence argument plays a more central role throughout *TJ* and much of his book is a reconstruction of the congruence argument drawing on material throughout *TJ*.²⁸

According to Weithman, Rawls's central concern was with the *inherent* stability of justice as fairness, which requires demonstrating that a well-ordered society governed by the principles of justice "would not be destabilized by a generalized prisoner's dilemma" but could be "stabilized over time by the free activity" of those living under just institutions (Weithman 2010, 5-6, 47-58). Weithman takes it as given that all members of a well-ordered society have a sense of justice (Weithman 2010, 54, 65). The challenge, and ultimately Rawls's failure in *TJ*, is demonstrating that it is rational to *preserve* one's sense of justice as one's highest order interest, even in the face of temptations towards injustice (Weithman 2010). He argues that the aim of congruence is establishing the "unity of the self" in a way that can demonstrate the essential goodness of people and show the overall unity of practical reason (Weithman 2010, 13-14, 209-220, 298-299). The shift to *PL* marks a change in the way people achieve the unity of the self. Rawls can no longer assume the particular desires that play a central role in the congruence argument or a single way to achieve unity. Rawls also weakens his ambition from establishing the unity of practical reason to merely showing that citizens have good reason to affirm their sense of justice (Weithman 2010, 298-303).

²⁵ These are two of Freeman's examples (Freeman 2007, 256-257).

²⁶ For example, Weithman argues that the importance of the argument from the original position is best understood as a central part of Rawls's concern with stability—it is the method by which the right and the good can be unified (Weithman 2010, 203-206, 223, 231).

²⁷ Weithman also thinks Rawls changes certain aspects of his discussion of the acquisition of a sense of justice—Rawls's answer to the Moral Development Question. But these changes only play a minor role in Weithman's argument. He discusses the changes on pp. 283-296.

²⁸ Weithman 2010. Chapters IV-VII reconstruct *TJ*'s congruence argument. Chapter VIII shows which aspects of the argument failed.

Despite Weithman's focus on the congruence argument as the central challenge in establishing the inherent stability of justice as fairness, he also canvasses important changes to Rawls's understanding of a sense of justice. Weithman does not think the way in which one *acquires* a sense of justice changes, but the substantive ideals embedded in a sense of justice are importantly different in *PL*.²⁹ The sense of justice in *TJ* is defined as "a normally effective desire to apply and to act upon the principles of justice" (*TJ*, 442), whereas in *PL* it is defined as "a capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation" (*PL*, 19). Weithman argues that the shift in definition from the principles of justice to the public conception of justice marks an expansion of the sense of justice to include political ideals of conduct, friendship, and society (Weithman 2010, 284-287).³⁰ Understood as political ideals of citizenship, these ideals need not depend on nonpolitical values.

However, Weithman does not think these changes force changes to the acquisition of a sense of justice. He explains that the changes "can be read as supplementing, elaborating and clarifying—rather than as fundamentally altering—*TJ*'s statements about the psychological laws governing moral development and its assumptions about the educative effects of publicity" (Weithman 2010, 293). In this, Weithman follows Rawls's own insistence that the account of moral development outlined in *TJ* would not be substantially changed (*JF*, 196n.17).

Weithman highlights the normative and justificatory role of Rawls's stability arguments. They are tightly bound up with his defense of justice as fairness in *both* the early and later versions. Stability is not merely a practical issue that shows why justice as fairness matters for us, although this is important (Weithman 2010, 363). It is a key part of Rawls's justification of justice as fairness, and understanding his concern for stability sheds a different light on Rawls's political project.³¹ If Weithman is right that stability plays a key role in the justification of justice as fairness, then attention to both questions of stability is important. Even if Rawls did not see the need to change his account of moral development in light of the fact of reasonable pluralism, I will argue in the remainder of

²⁹ For detailed discussion of the changes, see IX.2-IX.4 in Weithman 2010, 283-296. In a similar vein, Gaus has recently suggested that controversial elements of Rawls's thin theory of the good are employed in his discussion of the development of a sense of justice (Gaus 2014, 240-241). Gaus suggests that "the sense of justice undergoes an important transformation in *PL*" (*ibid*, 244), largely because elements of *TJ*'s thin theory of the good migrate into the political values of *PL* (*ibid*, 244-246). He explains, "many of the matters of that previously were part of the nonpolitical good are available to [the parties in the original position] as elements of the freestanding political conception" (246). Yet, in pointing to these changes, Gaus aims to show that "the overlapping consensus has a more modest role to play in establishing stability than did the arguments of Part Three of *TJ*" (*ibid*, 246). My aim, by contrast, is to show that reasonable pluralism challenges the very acquisition of a sense of justice.

³⁰ Brennan and Nogge critique Rawls's appeal to a morally robust set of shared values in the political conception as a bootstrapping way to cheat the answer to stability. They argue, Rawls "aims to solve the stability problem by reference to the shared understandings of a society that has already achieved some sort of stability" (Brennan and Nogge 2000, 63-64).

³¹ Weithman argues that Rawls's project can be understood as a naturalistic theodicy. By demonstrating that it is possible for people to have a firm good will as a part of our moral nature, it shows how we "can judge the world as a whole to be very good." (Weithman 2010, 368-369).

this chapter that this inattention to the first question of stability poses problems for the Rawlsian system.³²

Despite this recent increase in attention to Rawlsian stability, all of the current debates surround Rawls's second question of stability. This follows Rawls's own concerns with *TJ* and, thus, is an important interpretive matter for understanding the Rawlsian system. Largely ignored in the current discussion of stability is the acquisition of a sense of justice. When it is mentioned, authors generally explain Rawls's solution without challenge.³³ Given the importance of stability for Rawls's political project, the lack of attention to the acquisition of a sense of justice in the context of reasonable pluralism is surprising. As a matter of interpretive clarity, this lack of attention is understandable since Rawls never revisits the first question in *PL*.

However, as a matter of evaluating the viability of the political liberal project, this lack of attention is problematic. After all, the answer to the moral development question plays a key role in the answer to the second question of stability in both *PL* and *TJ*. Since the second question of stability in *TJ* is the congruence of one's sense of justice and one's good, the second question presupposes the fact that members of a well-ordered society already have the desire to act from their sense of justice (*TJ*, 498). In *PL*, Rawls explains that in answering the second question of stability, he must "show how, with the same reasonable moral psychology used in answering the first question, justice as fairness" can be the focus of an overlapping consensus of reasonable comprehensive doctrines (*PL*, 143). In what follows, I suggest that Rawls wrongly assumes *TJ*'s solution to the moral development question can survive unchanged in the context of reasonable pluralism.

3. Just Families and a Child's Acquisition of a Sense of Justice: Okin's Critique

In the remainder of this paper, I draw attention to another problem with Rawls's treatment of stability in light of the fact of reasonable pluralism. I will argue that the initial acquisition of a sense of justice is threatened by the fact of reasonable pluralism. Contra Rawls, one cannot unproblematically import the discussion of moral psychology from chapter 8 of *TJ* to resolve the first question of stability in *PL*. Susan Moller Okin drew attention to this problem 20 years ago, however it has largely been ignored since many political liberals assume that her critique of *PL* has been handedly defeated.

³² Brennan and Noggle (2000) argue that Rawls's neglect of childhood in *PL* undermines his argument for the stability of justice as fairness. However, they focus on the second question of stability. They suggest ways in which Rawls's account of child development is also important to answering the second question of stability. In particular, they argue that appealing to universal features of childhood moral development, such as learning to cooperate, would allow Rawls to avoid the objectionable appeal to the shared public culture of a pluralistic democratic society as the source of the foundational moral ideals in political liberalism (Brennan and Noggle 2000, 65-66).

³³ Hill discusses the acquisition of a sense of justice, but does not consider the way in which it is challenged by the fact of reasonable pluralism. Instead, he draws on this discussion to show the importance of collaborative work between empirical psychology and philosophy (Hill 2014, 203-205). Gaus 2014 objects to the migration of comprehensive ideals, such as the Aristotelian principle, into the political conception of justice.

3.1. Okin's Critique of Rawls's Political Turn

In *Justice, Gender, and the Family*, Okin argues that the public/domestic dichotomy is inimical to securing humanist justice because this dichotomy obscures inequalities between men and women (Okin 1989, 111). Until the gendered structure of the family is challenged, “there can be no hope of equality for women in either the domestic or the public sphere” (Okin 1989, 125). The place of the family is ambiguous in *TJ*. Okin applauds Rawls's inclusion of the family in the basic structure of society and attention to the ways in which the family impacts the psychological and moral development of children (Okin 1989, 92-93). But, she argues, there are lingering problems in Rawls's theory due to his “neglect of justice within the family”(Okin 1989, 97). Despite these problems, Okin opts for revision rather than rejection. Okin argues that a feminist extension of *TJ* could provide the requisite tools for securing a truly humanist justice.

However, according to Okin, the changes to justice as fairness in *PL* make the problem of achieving gender justice more intractable than in *TJ* (Okin 1994, 25).³⁴ In *PL*, Rawls reinstates the problematic political/nonpolitical dichotomy Okin thought Rawls's earlier theory could help undermine. Yet, the place of the family within this dichotomy is ambiguous. While Rawls continues to assert that the family was an important part of the basic structure of society, he also distinguishes the political from the “personal and familial” claiming that the later are “affectional” in ways political institutions are not (*PL*, 137). Rawls also distinguishes between political virtues and those virtues that “characterize ways of life belonging to comprehensive religious and philosophical doctrines, ... various associational ideas, ... [and] those appropriate to roles in family life and to the relations between individuals” (*PL*, 195).³⁵ Families “defy the political/nonpolitical dichotomy” because they are at once a school of moral development for future citizens and also are characterized by private relationships and beliefs that may extend far beyond the political (Okin 1994, 27). The family can be seen as a private realm in which citizens ought to be free to carry out their conception of the good and to structure their private lives as they so choose. Yet, as a basic structure of society, injustice within the family should be unacceptable, particularly on the grounds of how this injustice might affect future citizens.

Rawls's aim in distinguishing a narrower political realm of justice from all other nonpolitical realms is to preserve a wide scope for reasonable pluralism about the good. It is the limited, political, conception of justice that can be the focus of the overlapping consensus. Stability for the right reasons occurs when the “political conception of justice is endorsed by an overlapping consensus comprised of all the reasonable comprehensive doctrines in society and these are in an enduring majority with respect to those rejecting that conception” (*PL*, 391).³⁶ In addition, Rawls argues for an inclusive understanding of

³⁴ Exdell also, famously, ran a similar critique of Rawls's *PL*. See, Exdell 1994, 441-464.

³⁵ These statements from Rawls on the family are cited by Okin 1994, 26.

³⁶ I believe the best way to understand the comparative claim between those accepting and rejecting the political conception is as a comparison between the relative balance of reasonable and unreasonable doctrines in a society. Since Rawls argues that the overlapping consensus should include all reasonable

reasonableness and hopes that “except for certain kinds of fundamentalism, all the main historical religions ... may be seen as reasonable comprehensive doctrines” (*PL*, 170).

The division between the political and nonpolitical spheres combined with the protection of a broad range of moral and religious diversity in the nonpolitical sphere creates challenges for securing gender justice. Okin argues, “there is a serious conflict between freedom of religion and equality for women” (Okin 1994, 31). The limitations Rawls places on the political sphere in pursuit of broader toleration of a wide range of comprehensive doctrines undermines the potential for feminist critique of gender hierarchy within the family (Okin 1994, 27-28).

If we focus on the question of children, we see that dividing the political from the nonpolitical is untenable. Consider the following case:

Jack and Jill: Jack and Jill’s parents are devout traditional religionists. As such, they vow to raise Jack and Jill in accordance with the dictates of religionism. Their household follows religionism’s strictures. Jack and Jill are educated at religionist schools and participate in after-school activities through the religionist church. They are taught within all of these settings one of the central tenets of religionism: there is a natural, God-given hierarchy of the sexes. Women are naturally inferior to men and therefore should be subordinate to them. Men and women each have their proper spheres, women’s being narrow, circumscribed, and without authority, and men’s the opposite.³⁷

The challenge is whether Jack and Jill could acquire a reasonable sense of justice sufficient to satisfy the Moral Development component of Rawlsian stability.

Okin thinks they would not.

Rawls defines a sense of justice as “the capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation” (*PL*, 19). The public conception of justice is one that should dictate fair terms of social cooperation, a crucial feature of which is that persons should be conceived of as free and equal citizens (*PL*, 18-35). Viewing persons as free and equal citizens is a necessary component of being reasonable for Rawls. Rawls explains, “reasonable persons ... have realized their two moral powers to a degree sufficient to be free and equal citizens in a constitutional regime, and who have an enduring desire to honor fair terms of cooperation and to be fully cooperating members of society” (*PL*, 55).

Herein lies the challenge: to acquire a reasonable sense of justice, Jack and Jill must be able to view all persons as free and equal. However, Jack and Jill’s socialization and education instill in them the tenet that there is a natural hierarchy of the sexes. Women are naturally inferior to men. Okin asks, “how is such a socialization consistent with both children’s becoming, in any sense, ‘free and equal citizens’—who, as Rawls says, must ‘regard themselves as self-authenticating sources of valid claims’?” (Okin 1994, 29, citing Rawls, *PL*, 32). She thinks “it is difficult to see how one could both hold and practice (in one’s personal, familial, and associational life) the belief that women ... are

comprehensive doctrines in a society, I think those who reject the political conception should be interpreted as unreasonable.

³⁷ This case is adapted from Okin 1994, 29.

naturally inferior, without it seriously affecting one's capacity to relate (politically) to such people as citizens 'free and equal' with oneself" (Okin 1994, 29n.16).³⁸

Okin argued, in short, that unless the family is just, citizens will not acquire the requisite capacities to participate as free and equal citizens. Gender hierarchy teaches children of both sexes that men and women have different rights and responsibilities in virtue of their sex, which thereby jeopardizes the treatment of women as free and equal in both political and nonpolitical spheres.

3.2. Responses to Okin

A number of philosophers have attempted to defend Rawls's *PL* from Okin's critiques. In this section, I will present two of the most common responses to Okin's critique of Rawls. In the subsequent section, I will argue that neither response is adequate to resolving Okin's concern. I will suggest a way of reframing Okin's critique in light of these responses to demonstrate that Okin highlighted a significant worry for political liberals that has still not been adequately addressed.

One way to defend Rawls's political/nonpolitical distinction is by arguing that it is possible to maintain gender hierarchy within the family and religious institutions without it undermining the political freedom and equality of women and children. Okin's concern is, according to this line of defense, overblown. She fails to recognize the necessity of bracketing one's comprehensive doctrine when it comes to political questions. But in order to respect reasonable pluralism, political liberalism places limitations on all reasonable comprehensive doctrines, including Okin's feminist extension of justice as fairness. In this way Okin's comprehensive liberal feminism is similarly situated to all other reasonable comprehensive doctrines.³⁹

In an early response to Okin's critique, S.A. Lloyd argues that as long as comprehensive doctrines do not seek to legally enforce gender hierarchy, they qualify as reasonable (Lloyd 1995, 1323-1324). As Lloyd highlights, comprehensive doctrines should not be held to "each other's doctrinal standards of family justice, but to the standards of a public political conception of justice" (Lloyd 1995, 1326). Okin is simply mistaken to think that justice requires families to be "internally ordered by Rawls's public political conception of justice" simply because they are part of the basic structure of society (*ibid*). The principles regulate the basic structure, conceived of as a unified system of society's political, economic, and social institutions. The principles of justice do constrain families by prohibiting the violation of the political and civil liberties of its members, but do not require families to be internally ordered according to Rawls's principles of justice (Lloyd 1995, 1327).

³⁸ I omitted "or blacks" in this quote because the focus here is on gender hierarchy and not racial hierarchy.

³⁹ Nussbaum argues that Okin's rejection of *PL* is a matter of Okin embracing comprehensive liberal feminism as the only tool adequate for securing justice for women. See, Nussbaum 2003, 488-520. Munoz-Dardé (1998) also argued that Okin's liberalized family is incompatible with political liberalism. Yurako (2003) believes that the inadequacy of political liberalism to address gender hierarchy within the family suggests that feminist should embrace perfectionism.

Martha Nussbaum argues that Okin fails to “distinguish between doctrines holding that women should have unequal rights of citizenship and doctrines holding that they are metaphysically unequal or dissimilar in some other respect” (Nussbaum 2003, 509). Nussbaum suggests that even if there is a tension between the comprehensive doctrines Okin critiques and the political conception of women as free and equal—it is by no means impossible for citizens to hold both doctrines without it undermining the political freedom and equality of women. Nussbaum argues that comprehensive doctrines that embrace inequality in religious functions and inegalitarian views about the proper spheres of men and women are still “reasonable” as long as such doctrines “grant the full equal citizenship of women” and “impose no barriers to women’s exercise of those civic functions” (Nussbaum 2003, 510). She points to the example of Southern Baptists who do not deny women’s equality under the law even though they embrace a hierarchical view of women’s place in the home (Nussbaum 2003, 510). In addition, Nussbaum notes that it is perfectly permissible for feminists to criticize sexist comprehensive doctrines in civil society and one’s personal relations. Political liberalism does not undermine all tools for feminist critique even if it limits the extent to which the political conception of justice can be used to support feminist aims.

In short, both Lloyd and Nussbaum defend Rawls by arguing that embracing his political/nonpolitical distinction does not undermine the ability of women to be treated as equals in the *political* sphere.

Another common defense of Rawls’s theory points to his defense of *reasonable* pluralism, rather than pluralism as such. Defenders of Rawls—including Rawls himself—argue that political liberalism must protect the freedom and equality of all citizens. If sexist comprehensive doctrines undermine this capacity, they would not be tolerated as reasonable.⁴⁰

In the “Idea of Public Reason Revisited,” Rawls argues:

the principles defining the equal basic liberties and opportunities of citizens always hold in and through all so-called domains. The equal rights of women and the basic rights of children as future citizens are inalienable and protect them wherever they are. Gender distinctions limiting those rights and liberties are excluded. ... If the so-called private sphere is alleged to be a space exempt from justice, then there is no such thing (*IPRR*, 599).

If sexist comprehensive doctrines threaten the *political equality* of women, they need not be tolerated as reasonable and thus pose no threat to the legitimacy of political liberalism. Despite political liberalism’s goal of justifying political power in the context of deep

⁴⁰ See, e.g., John Rawls, “The Idea of Public Reason Revisited,” in *John Rawls: Collected Papers*, Samuel Freeman, ed. (Cambridge, MA: Harvard University Press, 1999), 573-615; John Rawls and Erin Kelly, *Justice as Fairness: A Restatement*, (Cambridge, MA: Harvard University Press, 2001); Lloyd 1995; Baehr 1996; De Wijze 2000, 257-281; Nussbaum 2003; Hartley and Watson 2009, 493-536. Some doubt the empirical truth of this claim and conflicting data have been offered both supporting and undermining Okin’s contentions. Stephen De Wijze suggests that the feminist claim that sexist family forms prevent women from realizing the political conception of the self is empirically dubious. See, De Wijze 2000, 276-277. David Miller (2009) suggests that there is some empirical support for feminist concerns and Okin also cites some evidence that gendered division of labor leads children to replicate the unequal patterns even if women recognize the injustice of the system.

disagreement about our comprehensive moral doctrines, political liberals need not tolerate those views that threaten the very conditions of freedom and equality in a society.

Okin's challenge, according to defenders of Rawls, thus has no bite. Both ways of defending Rawls focus on justifying the legitimacy of the political/nonpolitical distinction. Those raised according to sexist comprehensive doctrines are either reasonable or unreasonable. If they are reasonable, this entails that they respect the political freedom and equality of women. If they are unreasonable, they pose no threat to the legitimacy of political liberalism. In the next section I will show that by focusing on the question of legitimacy rather than stability both responses fail to address the real force of the challenge posed by children raised under sexist comprehensive doctrines.

4. The Inadequacy of Rawls's Stability Solution

In this section, I build on Okin's critique and argue that Rawls's answer to the Overlapping Question—the focus of *PL*'s stability arguments—is not sufficient to secure Rawlsian stability. Stability also requires an answer to the Moral Development Question by showing that citizens growing up under just institutions freely endorse and learn to live by the political conception of justice. However, Rawls is mistaken to assume his solution to the Moral Development Question can be imported into *PL* unchanged. The fact of reasonable pluralism challenges both the acquisition of a sense of justice and the fit between one's conception of justice and one's conception of the good.

Okin poses her critique as an internal critique of Rawlsian stability that results from the ambiguous place of the family in *PL*. She explains, “the problems I shall address are quite serious ones for the stability of a well-ordered society.... The first has to do with congruence; the second is the apparent loss to the theory of families as potential ‘schools of justice’” (Okin 1994, 28). Regardless of whether Rawls's distinction between political and nonpolitical values is legitimate, the incongruence between nonpolitical comprehensive values and the political values of justice as fairness undermines the stability of Rawlsian justice.⁴¹ Insofar as stability was Rawls's stated aim for introducing the political/nonpolitical distinction, Okin's critique should be understood as an internal critique of Rawls's argument. But she also backs up this claim with empirical support suggesting that as a practical matter, unequal gendered roles in the family hurt a women's ability to be free and equal citizens (Okin 1994, 35-37).⁴²

⁴¹ Okin explicitly identifies this as a problem of congruence. As we have seen in §I, the congruence question was central to Rawls's treatment of stability in *TJ* and he significantly reframes the second question of stability in *PL*. However, regardless of the terminology used, it is still clear that Okin intends her criticism to challenge Rawls's solution to second question of stability concerning the fit between the good with the right.

⁴² A recent empirical study has found that men in traditional marriages (heterosexual men married to wives who are not employed outside of the home) are less likely to treat women as equals in the workplace. This study lends additional empirical support to Okin's worry about the pervasive effects of one's nonpolitical family life on one's ability to function as equals in the public, political sphere. See Desai, Chugh, and Brief (draft paper), my thanks to Elizabeth Brake for directing my attention to this paper.

Okin also critiques Rawls's solution to the Moral Development Question. She highlights the uncertain foundations of Rawls's account of the acquisition of a sense of justice given the absence of families from *PL* as well as the ambiguity on the question of whether political liberalism could secure justice within the family (Okin 1994, 32-35, 37). If political liberalism is prohibited from securing justice within the family, then "even if other 'nonpolitical' social institutions were required to be just" omitting justice within the family will "leave a large hole in the account of moral psychology ... because of the important influences of early childhood" (Okin 1994, 38). A child's total education impacts her ability to develop into the appropriate kind of citizen for a Rawlsian society. Rawls's emphasis on tolerating a wide range of comprehensive doctrines as reasonable, including those that permit gender hierarchy within the family,⁴³ undermines the ability of some children to grow up to view themselves and others as free and equal citizens.

Okin's challenge demonstrates that including as reasonable comprehensive doctrines that permit gender hierarchy within the family generates an internal tension within Rawls's solution to the stability question. Rawls's resolution to the Overlapping Question undermines his answer to the Moral Development Question.⁴⁴ She argues that either (a) political liberalism requires regulation of the family to ensure the proper moral development of children or (b) political liberalism ignores the problem of gender inequality. Understood as a challenge to the stability of *PL*, Okin's critique is quite forceful. Embracing (a) could undermine the political/nonpolitical distinction drawn by Rawls in support of his answer to the Overlapping Question. Embracing (b) preserves this distinction but "leaves it unclear how the necessary sense of justice and other political virtues are to develop" (Okin 1994, 38) — thereby undermining Rawls's answer to the Moral Development Question. Okin's critique suggests it may not be possible to answer both questions in a way that preserves the political/nonpolitical distinction at the heart of *PL*. Okin's main conclusions challenge the stability question and not the legitimacy of Rawls's political/nonpolitical divide. She can accept the legitimacy of the political/nonpolitical divide without giving up the force of her critique aimed at stability.

The two responses to Okin outlined in the previous section, however, merely reaffirm the legitimacy of the political/nonpolitical distinction. Lloyd, Nussbaum, Rawls, and many other respondents to Okin seek to show the divide is justifiable and required by Rawls's liberal principle of legitimacy.

Lloyd and Nussbaum defend Rawls by arguing that embracing his political/nonpolitical distinction does not undermine the ability of women to be treated as equals in the political sphere. If they are right, there is no special problem of legitimacy for Rawls's system. Both highlight the necessity of the constraints political liberalism places on all reasonable comprehensive doctrines for the purpose of establishing the legitimacy of the political conception of justice. Rawls cannot directly side with feminists in requiring the equitable division of labor within the home because to do so requires the

⁴³ Both Okin (1994, 2004) and Exdell (1994) argue that most of the major world religions include gender hierarchy in the family. Okin argues that "Rawls strongly implies that in the nonpolitical aspects of their lives" accepting hierarchical relations in one's personal morality, association, or religious or philosophy is permissible (Okin 1994, 28-29, citing Rawls, *PL*, 15).

⁴⁴ The labels for the various questions of stability are my own and neither Rawls's nor Okin's, see these questions defined in §1.

state to coercively enforce a comprehensive liberal feminist doctrine (Lloyd 1995, 1326, Nussbaum 2003, 511). This is impermissible in exactly the same way it would be impermissible for the state to coercively enforce a religious doctrine—these are terms with which reasonable persons can reasonably disagree. The political conception of justice sets necessary and proper limits on both the scope and grounds of legitimate state action.

We can grant that Lloyd and Nussbaum succeed in showing that Okin’s critique does not challenge the legitimacy of a Rawlsian state and still hold that a problem of stability looms. Recall the example of Jack and Jill raised in a household that embraces gender hierarchy. Okin asks how being taught gender inequality in the nonpolitical settings of one’s family, religion, and school could ever be compatible with a child developing the capacity to relate with both men and women as free and equal in the political realm (Okin 1994, 29). She is challenging the split between people’s political and nonpolitical beliefs. However, this split is not best understood as a challenge to the legitimacy of the political/nonpolitical distinction in *PL*. Rather, gender inequality in the family illustrates a problem for the compatibility between a person’s political and nonpolitical values.⁴⁵

The case of Jack and Jill may pose no threat to the legitimacy of Rawlsian justice—but it does threaten the stability of the system. If we follow Lloyd and Nussbaum in thinking sexist comprehensive doctrines are politically reasonable, then Rawls’s answer to the moral development question is threatened. The role of the parents’ comprehensive doctrine on the moral development of children goes unaddressed in *TJ* because Rawls focuses on the ideal society governed by a robust and comprehensive conception of justice as fairness.⁴⁶ In *PL*, however, society is not organized by a single comprehensive conception of justice. As such the child’s acquisition of a sense of justice requires the coordination of the parent’s comprehensive doctrine with the political conception of justice. Since the overlapping consensus of reasonable comprehensive doctrines requires refraining from unjustifiably coercing reasonable citizens, if the sexist comprehensive doctrines are reasonable—the solution to the Overlapping Question may undermine the resources Rawls needs to answer the Moral Development Question. Political liberals need to articulate how children raised in traditional religionist households and educated at religionist schools can learn that all citizens, both men and women, are free and equal—a stance that seems at odds with a central tenet of religionism: God-given gender hierarchy.

One possible solution is to require civic education for all children to inculcate a reasonable sense of justice.⁴⁷ The state can require that its citizens learn to respect the

⁴⁵ In chapter four I return to the problem for political liberalism posed by split views of women’s metaphysical inequality but political equality (see Chapter 4, section 4.2).

⁴⁶ Although, as he later points out, the idea of the overlapping consensus is not new and was implied in Part III of *TJ*. He also shows that justice as fairness as articulated in *TJ* was not fully comprehensive because it left other moral issues unaddressed; however in comparison with the politicized version, the version articulated in *TJ* expected deeper and more far reaching agreement. See, Rawls 1989.

⁴⁷ I will return to this possibility in the following chapter. Okin thinks compulsory civic education could mitigate some stability concerns, but remains unconvinced that civic education would be sufficient to address the vast split between sexist comprehensive doctrines and the political values of free and equal citizenship. Okin 1994, 31-32. Lloyd agrees with Okin that compulsory civic education is an important way of ensuring the reasonableness of individuals who hold sexist comprehensive doctrines by teaching all children their rights as citizens. See, Lloyd 1995, 1332.

equal political rights of all citizens but any further action that extends beyond the recognition of equal political rights cannot be justifiable for political liberals because it violates the constraints imposed by the liberal principle of legitimacy. Furthermore, if traditional religionists are reasonable, the justification for this education must be acceptable to the traditional religionists themselves.

Okin, however, remains unconvinced that simply making children aware of their basic political rights through civic education would be sufficient “to enable children whose primary environment taught them basic inequalities to question these inequalities deeply and successfully” (Okin 1995, 32). Simply learning that others must be formally equal in the political realm may not provide the necessary conditions for children to grow up to see themselves and others as equal citizens deserving of respect. The problem is that one’s metaphysical views of persons may diminish one’s ability to treat others as equals within the political realm.

In her 2004 reflection on the unfinished debate between herself and Rawls on the topic of gender justice, Okin takes an even stronger stance. Rather than question the robust stability of political liberalism, Okin suggests that any political/nonpolitical divide is untenable for feminism. She suggests that “there is no way of separating out and isolating women’s political equality from all the other aspects in which women are unequal in a sexist society” (Okin 2004, 1561-1562). Thus, children raised in sexist households will not acquire the ability to view themselves and others as politically free and equal citizens. If so, the first question of stability remains unresolved. Children raised in sexist households will not acquire a sense of justice sufficient to see themselves and others as free and equal citizens.⁴⁸

But we need not accept Okin’s stronger stance (that sexism necessarily undermines political reasonableness) to generate a problem for Rawlsian stability. As both Lloyd and Nussbaum suggest, a tension between citizens’ acceptance of the political conception of justice and their comprehensive doctrine does not necessarily undermine their ability to qualify as reasonable. As long as these citizens refrain from legally enforcing gender hierarchy, they can be included in political liberalism’s legitimation pool.⁴⁹ These citizens’ views of women’s equality are split—they do not reject women’s equality in public but do in their private lives. They are split persons,⁵⁰ sexist in private (endorsing gender hierarchy) but egalitarians in the political realm. However, this tension between one’s political and metaphysical view of women threatens the robust endorsement of the political conception needed for Rawlsian stability.

The robust stability Rawls seeks requires a closer connection between one’s comprehensive doctrine and the political conception of justice. Rawls explains that stability requires winning support for the political conception from within each citizen’s framework and addressed to reasons each citizen can embrace (*PL*, 143). Rawlsian stability requires citizens to *endorse* the political conception from within their own comprehensive doctrines. As Rawls explains, “the problem of political liberalism is to

⁴⁸ This stronger claim has been widely challenged as an empirical claim. See, e.g., Lloyd 1995, DeWijze 2000, Nussbaum 2003.

⁴⁹ I borrow this term from Friedman 2000.

⁵⁰ Yates 2007 discusses split identities of religious persons in public discourse, but does not discuss split identities as an issue for feminism.

work out a political conception of political justice ... that a plurality of reasonable doctrines, both religious and nonreligious, liberal and nonliberal, may freely endorse, and so freely live by and come to understand its virtues” (*PL*, xxxviii). Rawlsian stability requires far more than demonstrating the possibility of holding nonpolitical views that are in tension with political views—Rawls is looking for endorsement of the political conception from within each citizen’s reason. However, the split-person view of those with sexist comprehensive doctrines will not suffice to achieve the kind of stability Rawls seeks. Endorsing women’s equality in the political realm is unlikely if such equality is in tension with one’s comprehensive doctrine.

Stability for the right reasons requires the political conception of justice to be justified at three levels. After showing that a conception of justice is *pro tanto* justified as a freestanding political conception (*RH*, 386, 389), it is up to each individual citizen to see how this political conception can be fully justified for her. Full justification involves individual citizens accepting the political conception and “embedding it in some way into the citizen’s comprehensive doctrine as either true or reasonable” (*RH*, 386). In light of reasonable pluralism, Rawls leaves open the way the political conception is embedded in and shown to be congruent with different comprehensive doctrines. This task is left to citizens individually (*RH*, 377-378, 386-387). It is this second stage of justification that may pose problems for those who hold conflicting stances on the question of women’s equality. How could the value of free and equal status for both men and women be embedded in and justified by a comprehensive doctrine that rejects the equality of men and women?

Even if some individuals embracing gender hierarchical comprehensive doctrines can find a way to justify the political conception of equality, that is still not sufficient for stability for the right reasons. One further step is required. Stability for the right reasons is secured by public justification by political society. At this stage, “all reasonable members of political society” have carried out full justification by embedding the political conception into each person’s comprehensive doctrine (*RH*, 387). The political conception becomes the subject of a reasonable overlapping consensus of comprehensive doctrines when it is “endorsed” by all reasonable comprehensive doctrines in society (*RH*, 389-392). Public justification is possible because once citizens see the existence of the reasonable overlapping consensus, they know that all other reasonable citizen likewise have “reasonable comprehensive doctrines that endorse [the] political conception” of justice (*RH*, 387).

Rawlsian stability is quite a bit more robust than simply establishing a lack of direct conflict between political and nonpolitical views. Not only must citizens each embed the justification for the political conception of justice in her comprehensive doctrine, public justification also requires that the endorsement of all citizens is a matter of public knowledge. If metaphysical views endorsing gender hierarchy are to be considered reasonable, they should be able to provide the grounding reasons for the political freedom and equality of men and women. Furthermore, these reasons need to be more robust than a mere *modus vivendi* agreement.

However, it seems as if the most that can be achieved is a mere *modus vivendi* for those politically reasonable, but split persons. In a *modus vivendi*, citizens agree on certain principles of justice, but do so largely out of self- or group-interest. In this case,

“social unity is only apparent, as its stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests” (*PL*, 147).⁵¹ The compromise is willingly tolerated only because each citizen realizes that this is the best that can be achieved given the current balance of power between herself and other citizens with whom she disagrees. She does not embrace the political conception as morally acceptable from within her own point of view. As such, the stability is not fully realized until citizens can harmonize their split views of women’s equality. It is the full moral endorsement of the political conception that guarantees Rawlsian stability—but this endorsement is not possible if the political conception of persons is in tension with the metaphysical view of persons.

Perhaps the challenges in demonstrating that sexist comprehensive doctrines can endorse the political conception of justice suggest that these comprehensive doctrines are unreasonable after all. This swings us to the other response to Okin’s critique. These doctrines would simply be unreasonable.

The second response to Okin that designates sexist comprehensive doctrines as unreasonable is defensible as a solution to the *legitimacy* of political liberalism. However, by limiting the scope of the political conception to apply to fewer individuals in society, the *stability* problem looms again.⁵²

There are two necessary conditions for stability: first, reasonable citizens should endorse the political conception of justice; second, “unreasonable comprehensive doctrines ... do not gain enough currency to undermine society’s essential justice” (*PL*, 38-39). Determining precisely when unreasonable comprehensive doctrines are pervasive enough to undermine stability may be difficult to determine in advance. Nevertheless, sexist comprehensive doctrines do seem pervasive in many of “the main historical religions” Rawls, “perhaps too optimistically,” hopes to include as reasonable (*PL*, 170). If their sexism undermines their reasonableness, this will pose a major threat to stability. If these individuals were to hold beliefs that are inconsistent with the political equality of women, Rawls’s theory would seem to condone dismissing as unreasonable a significant portion of the adult population in, for example, the United States.⁵³

⁵¹ See also *PL*, 134-140, 217, 241, 391.

⁵² Despite thinking that the overlapping consensus appropriately excludes disagreement from unreasonable people, Freeman (2007) also thinks that if there are too many unreasonables—stability will be threatened. He argues, the refusal to compromise with unreasonable people “should not affect stability for the right reasons, unless there are so many unreasonable people in a well-ordered society unwilling to comply with reasonably just laws that they undermine a just society’s stability” (Freeman 2007, 371).

⁵³ Even in his optimistic stance toward religion, Rawls excludes “certain kinds of fundamentalist” as unreasonable (*PL*, 170; *LP*, 126). Would this threaten stability? I think it might. According to a recent survey conducted by the Pew Foundation, 26.3% of adults in the United States are affiliated with evangelical Protestant churches (The Pew Forum on Religion in Public Life).

These statistics are difficult to parse, given the potential range of views among members of any given religious group. I do not mean to imply that all evangelical Protestants would qualify as fundamentalists according to Rawls. There will be members of many religions and secular sects who hold beliefs that may be inconsistent with political liberalism. Affiliation alone may not tell us that much, but given Rawls’s view of fundamentalism it seems that anyone engaging in evangelism of their beliefs in a coercive manner that does not respect the rights of others to decide based on their own conscience would fail to qualify as reasonable according to Rawls. In the *Law of Peoples*, Rawls excludes fundamentalists from the scope of political liberalism, finding them unreasonable insofar as they are not able to accept the fact of reasonable

The problem is significantly more worrisome when we look at the children of these unreasonable citizens. Jack and Jill are in many ways insulated within their religious community by parents who seek to impart their worldview onto their children. Their home life, school, church, afterschool activities, and presumably their social circle are heavily influenced by the Traditional Religionist Church. This means that the opportunities to challenge or reconsider the religionist views they are taught will be limited. Even if we are comfortable excluding adult citizens from the legitimation pool because they hold unreasonable views, are we equally willing to permit children to be raised in ways that undermines their potential to be reasonable adult citizens?

The persistent exclusion of large segments of the population from having a stake in legitimizing the government's exercise of political power seems to buy legitimacy at too high a cost. Rawls claims that we must contain unreasonable comprehensive doctrines "like war and disease—so that they do not overturn political justice" (*PL*, 64n.19). But there is only so much internal war a state can wage and still be considered stable.

5. Three Ways Forward

Resolving the stability question was the guiding aim of *PL* and motivated the shift from *TJ* to *PL* (*PL*, xvii). Rawls argued that unless "justice as fairness is sufficiently stable ... it is not a satisfactory political conception of justice and it must be in some way revised" (*PL*, 141). But stability requires a satisfactory answer to both the Moral Development Question and the Overlapping Question. As we have seen, the case of children who are raised according to sexist comprehensive doctrines puts pressure on Rawlsian stability. The question of moral development is threatened by the fact of reasonable pluralism—a fact that has been overlooked by Rawls and much of the contemporary debates concerning Rawlsian stability. Even if we accept Rawls's response to the liberal principle of legitimacy and the overlapping consensus of reasonable comprehensive doctrines, we will not achieve robust Rawlsian stability. This means that the legitimacy of political liberalism is merely a necessary and not sufficient condition for Rawlsian stability.

How should feminists respond? I think there are three possibilities.

1) The feminist could reject political liberalism's legitimacy requirement and embrace comprehensive liberalism. I believe this is the path Okin takes when she suggests

pluralism (*John Rawls, The Law of Peoples (Cambridge, MA: Harvard University Press, 1999)*, 126. Hereafter *LP*). It is one of the components of reasonableness to recognize that the burdens of judgment lead to a pluralism that is reasonable and should thus be respected. The fundamentalist would be deemed unreasonable as soon as she denies that comprehensive doctrines that differed from her own ought to be respected; "yet this ... is precisely what fundamentalism denies and political liberalism asserts" (*LP*, 127). This suggests that in the domestic context fundamentalism would never be included in Rawls's overlapping consensus and thus would be left out of the legitimation pool from the outset. Thus, my use of the statistic may be slightly misleading, however, I only refer to it to highlight the potential extent of the problem of unreasonable individuals in the United States. Pat Robertson and Jerry Falwell's followers do suggest a potentially wider range of evangelicals that may qualify as fundamentalists in Rawls's sense.

that “there is no way of separating out and isolating women’s political equality from all the other aspects in which women are unequal in a sexist society” (Okin 2004, 1561-1562). If sexist comprehensive doctrines cannot prepare children to become reasonable citizens without a robust form of education advocating gender equality, then it may be that comprehensive liberalism is the only way of ensuring that children develop a reasonable sense of justice.⁵⁴ Okin suggests that the political/nonpolitical divide at the heart of political liberalism undermines the tools for feminist reform and thereby endorses a comprehensive liberal feminist position. Stability should not be secured for the wrong reasons.

2) Alternately, the feminist could retain political liberalism’s legitimacy requirement and reject the robust conception of Rawlsian stability. In this case, the feminist would simply accept all of the claims in the fourth section of the chapter and suggest these demonstrate that Rawls’s conception of stability is too stringent. However, to take this way out is to give up one powerful tool for feminism—the ability to leverage the impact of sexist practices on children to demonstrate the need for radical social change as a matter of political justice.

3) Finally, the feminist could seek a middle ground to show how political liberals can answer both the legitimacy question and the stability question without violating the political nature of their liberalism. However, as Okin’s critique of Rawls makes vivid, this seems to be a tall order. It is, nevertheless, one that those seeking to defend Rawls’s political liberalism must answer.

Despite the many attempts to defend Rawls from Okin’s critique, one important aspect has not yet been resolved. Sexist comprehensive doctrines threaten the stability of political liberalism. Demonstrating the possibility of an overlapping consensus of reasonable comprehensive doctrines on the political conception of justice is only half of the problem. First, children must acquire a reasonable sense of justice. But the fact of reasonable pluralism poses unnoticed challenges to securing the first stage of Rawlsian stability. Rawls’s changes to justice as fairness in pursuit of stability for the right reasons shows that legitimacy is a *necessary condition for the stability* of a well-ordered society. To be stable, that is, a society must be able to show that the coercive power of the state is legitimate. Nevertheless, the overlapping consensus of reasonable comprehensive doctrines is *insufficient* to guarantee Rawlsian stability. *Stability requires a satisfactory answer to both questions.* However reasonable pluralism threatens Rawls’s solution to the Moral Development Question. As such, Rawls has not yet shown how it is “possible for there to exist over time a just and stable society of free and equal citizens who still remain profoundly divided by reasonable religious, philosophical, and moral doctrines” (*PL*, 48). He has not yet provided a sufficient condition for the stability of political liberalism.

⁵⁴ Ruth Abbey (2007) has suggested that Rawls’s response to Okin’s critique requires a swing back towards a partially comprehensive liberalism.

CHAPTER 2

CIVIC EDUCATION: POLITICAL OR COMPREHENSIVE?

In determining the proper scope of political liberalism and how it differs from comprehensive liberalism, one of the central test cases has been the civic education of children as future citizens. Rawls raises the question of children's education when considering the contrast between political and comprehensive liberalism, especially since the requirement of reasonableness restricts the permissible range of comprehensive doctrines that are under its scope (*PL*, 195-200). However, in order for political liberalism to remain distinctively *political*, rather than collapsing into a version of comprehensive liberalism, Rawls must demonstrate that the political conception of justice does not arbitrarily or unjustly discriminate against the comprehensive doctrines that have difficulty surviving in a society organized by these political principles (*PL*, 197-199). Rawls discusses civic education as the central test case to show that political liberalism is distinctive and does not unjustly discriminate against comprehensive doctrines.

The challenge Rawls poses to his own view is whether or not political liberalism treats justly those comprehensive doctrines that fair the worst under political liberalism. Rawls explains that "the principles of any reasonable political conception must impose restrictions on permissible comprehensive views, and the basic institutions those principles require inevitably encourage some ways of life and discourage others, or even exclude them altogether" (*PL*, 195). The central question is whether political liberalism is arbitrarily biased against the comprehensive doctrines that are discouraged or excluded from the political conception of justice, thereby treating persons who adhere to such views unjustly (*PL*, 197). As a test case, Rawls examines the education of children whose parents belong to religious sects that oppose the culture of the modern world (*PL*, 199-200). Rawls thinks that unreasonable comprehensive doctrines will have difficulty surviving in a politically liberal society. The challenge concerning the civic education of children of unreasonable citizens is whether "requiring children to understand the political conception ... is in effect, though not in intention, to educate them to a comprehensive liberal conception" (*PL*, 199).

In this chapter, I consider the problem that children pose to understanding the scope and limits of Rawls's *Political Liberalism* by focusing on the civic education of children as future citizens. Can a politically liberal state provide all children the opportunity to become reasonable citizens? Or does the cultivation of reasonableness require comprehensive liberalism?

In considering these questions, I show that educating children to become reasonable in the way Rawls outlines imposes a demanding requirement that conflicts with Rawls's aim of including a wide constituency in the scope of political liberalism. Rawls's aim of making reasonableness broadly inclusive for political purposes is in tension with his goal of using reasonableness as the standard that delineates the scope of liberal

legitimacy. I argue that political liberalism can and should try to cultivate the reasonableness of its future citizens through the civic education of children. However, a defensible version of political liberal civic education requires introducing a bifurcation within Rawls's conception of reasonableness. Political liberal civic education should aim towards the inclusive scope of reasonableness by cultivating reasonableness in only two of what appear to be three senses that Rawls emphasizes. Teaching children that legitimacy requires embracing public reason demands more than may be justifiably required by a state that seeks to be broadly inclusive.

The argument proceeds in three parts. First, I survey the debate over political versus comprehensive liberal approaches to civic education (§1). Since one important goal of civic education is cultivating the reasonableness of future citizens, I outline (§2) the different criteria of reasonableness. I then (§3) consider which aims of political liberalism are embodied in each criterion for reasonableness and whether these are appropriate targets of civic education. I argue that political liberal civic education should aim to cultivate reasonableness as a moral notion that is tied to respecting one's fellow citizens. This requires teaching children respect for the freedom and equality of one's fellow citizens as equal moral persons and respect for the fact of reasonable pluralism, but need not include teaching children that legitimacy requires public reason. Teaching these two criteria sets the minimum threshold for qualifying as reasonable and, I argue, ensuring that children meet this threshold is the most important goal of a political liberal civic education.

1. Political versus Comprehensive Approaches to Civic Education

In order to defend the distinctiveness of a political liberal civic education (PLCE) from a comprehensive liberal civic education (CLCE), Rawls argues that political liberalism's approach to education "has a different aim and requires far less" than comprehensive liberalism (*PL*, 199). Unlike the comprehensive liberalisms of Kant, Mill, and Raz that would condone educational requirements promoting comprehensive conceptions of autonomy or individuality "as ideals to govern much if not all of life," the politically liberal state would only require the kind of education needed so that children as future citizens can understand the political conception of justice and cultivate important political virtues (*PL*, 199). To do so, civic education aims at cultivating the reasonableness of children as future citizens. It is specifically the virtue of reasonableness that is important for social cooperation among equals in society (*PL*, 48). Reasonable agents have a sense of justice and an ability to recognize the independent validity of the claims of others. An education aimed towards having citizens embrace the political conception of justice must first ensure that citizens are reasonable.⁵⁵

⁵⁵ Rawls argues that the publicity condition of the political conception of justice will itself play an educative role. The narrow role of the political conception of justice will ensure the "minimum condition of effective social cooperation," for which the reasonableness of citizens is important. The wider role of the political conception includes the publicity condition, which is part of a citizen's education. Publicity ensures that citizens are aware of the principles of justice embodied in political and social institutions and are also aware of how "citizens' rights, liberties, and opportunities" are derived from "a conception of citizens as free and

The challenge Rawls raises to his conception of a political liberal civic education is whether “requiring children to understand the political conception in these ways is in effect, though not in intention, to educate them to a comprehensive liberal conception” (*PL*, 199). This objection has become the focal point of the controversy over the differences between a political and comprehensive liberal approach to civic education. The differences between PLCE and CLCE should be manifest not only in different intentions, but should be sufficiently distinguished in the effects of civic education.

Rawls thinks PLCE can meet this challenge showing that political liberalism is distinct from comprehensive liberalism. He points to the “great differences in both scope and generality between political and comprehensive liberalism” and “hope[s] the exposition of political liberalism in these lectures⁵⁶ provides a sufficient reply to the objection” (*PL*, 200). However, a number of philosophers and political theorists remain unconvinced that *Political Liberalism* contained a sufficient reply.

Common responses fall into three broad categories. First, some argue that when we examine civic education, the distinction between political and comprehensive liberalism *collapses*—Rawls fails to sufficiently distinguish the political liberal approach to civic education from comprehensive liberalism (Gutmann 1995; Callan 1996, 1997). Gutmann and Callan both argue that the educational implications of political liberalism converge with the educational implications of comprehensive liberalism insofar as civic education is intended to cultivate the reasonableness of future citizens.⁵⁷ Because the effects of PLCE are no different from CLCE, Rawls’s political liberalism “is really a disguised instance of comprehensive liberalism” (Callan 1997, 13, 40).⁵⁸ According to this line of response, not only did Rawls fail to distinguish PLCE from CLCE in his larger exposition of *Political Liberalism*—the very aim of cultivating reasonableness is precisely why the distinction between PLCE and CLCE collapses. Despite other differences between the systems’ methodological aims, there is no difference between comprehensive liberalism and political liberalism when it comes to the education of children.

Second, some defend the distinctiveness of a political liberal approach to education, arguing that PLCE is both *distinctive* and *defensible*. Political liberals who defend the distinctiveness of PLCE follow Rawls in emphasizing the difference in scope by defending the freestanding nature of political justification or the basic structure restriction that teaches only those virtues required for political participation. The aim of these theorists is to expand on Rawls’s own, insufficient, remarks and offer a direct reply to the charge that the distinction between PLCE and CLCE collapses. Macedo and Costa focus on political liberalism’s freestanding requirement by defending the justificatory neutrality

equal” (*PL*, 71). In this chapter, I focus on the cultivation of reasonableness because this is a crucial first step for PLCE and, thus, will be important in a child’s civic education.

⁵⁶ “These lectures” refers to *Political Liberalism*.

⁵⁷ Gutmann (1995) argues that in requiring civic education to encourage mutual respect between citizens, Rawlsian political liberalism converges with comprehensive liberalism in the effect it has on children. Callan argues that the fault lies in teaching children the burdens of judgment, which serves as a “a powerful constraint on the background culture of liberal politics” (1997, 36) such that the distinction between political and comprehensive liberalism collapses.

⁵⁸ Mulhall (1998) also thinks the cultivation of reasonableness involves a comprehensive liberal conception of the person.

of PLCE.⁵⁹ This line of response defends the distinction in justification between political and comprehensive liberal approaches to education, even while admitting the practical effects of these differences may not be significant. Davis and Neufeld argue that the freestanding component, on its own, is not a persuasive defense of political liberalism’s distinctive approach to civic education. Instead, they argue against the “convergence thesis” of Gutmann and Callan by emphasizing “both the basic structure restriction and the freestanding condition” (Davis and Neufeld 2007, 50, original italics removed). There are significant practical differences between teaching children to respect the burdens of judgment and teaching children to embrace comprehensive liberal autonomy because political liberalism restricts its discussions to the basic structure of society and the public political realm (Davis and Neufeld 2007, 62-67).⁶⁰

Third, some argue that a politically liberal civic education is indeed *distinctive*—*but not defensible* because the reasonableness requirement is too permissive of different comprehensive conceptions of the good. Some feminists have objected that by tolerating a wide variety of comprehensive doctrines as reasonable, political liberalism erodes tools for securing equality between the sexes (Okin 1994, 2004; Exdell 1994; Baehr 1996; Yurako 1995, 2003).⁶¹ A central concern of these feminists is the basic structure restriction. As long as citizens are reasonable when engaged in public political debate, their nonpublic views are of no concern to political liberals. As Okin, Exdell, Baehr, and Yurako argue, many traditional religious practices in the private sphere undermine women’s equality, and thus including such religions as reasonable shows that political liberalism is indefensible without significant revision (Okin 1994, 2004; Exdell 1994; Baehr 1996).⁶² Following a similar argument, that reasonableness is too permissive of different comprehensive doctrines to be defensible, Fowler has argued that because reasonableness

⁵⁹ Macedo emphasizes the freestanding component by showing that despite teaching civic virtues, politically liberal civic education remains neutral between reasonable comprehensive doctrines because they can be “publically justified independently of religious and comprehensive claims” (Macedo 1995, 477; See also Macedo 2000). Furthermore, this is the only form of neutrality we should expect. Claims to more “substantive” neutrality or fairness are “more apparent than real” (Macedo 1995, 484). However, the reasonableness component places important restrictions on the kinds of diversity permitted and hence Macedo defends “political liberalism with spine” (Macedo 1995, 470). Costa follows Macedo in defending the justificatory neutrality of politically liberal civic education. She can agree with Callan that the cultivation of political virtues “will necessarily have a deep effect on citizens’ character” insofar as it requires the cultivation of reasonableness and in this sense a politically liberal civic education is not minimal. However, it is still distinctly political because a politically liberal civic education is publicly justifiable (Costa 2004, 7-9). See also Costa’s extended discussion of the educational implications of Rawls’s theory of justice in Costa 2011.

⁶⁰ Costa also emphasizes the importance of teaching children the burdens of judgment in order to cultivate reasonableness (2009 and 2011, 67-68, 103-104).

⁶¹ Watson and Hartley (2010) have defended Rawls from this charge, arguing that the reciprocity condition of reasonableness is restrictive enough to prohibit views that subordinate women to men. Okin has also argued that a robust form of civic education could counteract the problematic effects of comprehensive doctrines learned outside of the political realm (1994, 32); but note that the more robust the civic education is, the harder it will be to distinguish from comprehensive liberalism.

⁶² Yuracko argues that due to the lax understanding of reasonableness, political liberalism should be rejected in favor of a feminist perfectionism (Yuracko 1995, 2003). Lloyd (1994), De Wijze (2000), and Nussbaum (2003) defend political liberalism from the feminist critique on the basis of this split between what should be accepted for political justice and what can be permitted in nonpolitical realms. However, the response has not been satisfying to many feminists who continue to doubt the acceptability of the split between one’s public and nonpublic practices (see, e.g., Okin’s 2004 response to Lloyd and Nussbaum).

is a lax criterion, political liberalism cannot protect children from certain damaging forms of upbringing (Fowler 2010, 368). These are important objections to the adequacy of political liberalism; however, adequately responding to these objections will go beyond the scope of this chapter. In this chapter, I try to show that PLCE is distinctive and more defensible than CLCE as a form of civic education, but do so by arguing for a bifurcation within Rawls's conception of reasonableness. I defend the conception of political liberal civic education that I propose from feminist objections in chapter 4.

All three lines of response agree that a politically liberal civic education requires the cultivation of reasonableness. However, the differences lie in the implications of this requirement and whether, in light of this, political liberalism can be sufficiently distinguished from comprehensive liberalism. In the remainder of the chapter, I suggest a new way to draw the distinction. This departs from Rawls in significant ways, since I think much of the confusion lies in the divergent implications of embracing the different components of reasonableness. I will show that political liberalism has a distinctive approach to civic education; however, I argue that a defensible version of PLCE requires introducing a bifurcation within Rawls's conception of reasonableness.

2. The Criteria for Reasonableness

A political liberal civic education should be designed to cultivate the reasonableness of children as future citizens. However, Rawls uses the qualification of reasonableness for at least two different aims: (1) setting a broadly inclusive scope of the type of pluralism that should be respected in the political conception of justice and (2) determining whether citizens' arguments about political justice have appropriately used public reason in order to meet the standards of political liberal legitimacy. I will argue that Rawls's aim of making reasonableness broadly inclusive for political purposes requires a conception of reasonableness that serves as a minimum moral threshold of respect for one's fellow citizens.⁶³ This is quite distinct from Rawls's use of reasonableness as the standard that delineates the scope of liberal legitimacy. Educating children to become reasonable in all of the ways Rawls outlines requires more than would be justifiable for a broadly inclusive PLCE.

Recall that according to Rawls, reasonableness as a virtue of persons has several components.⁶⁴ First is a moral requirement of respecting our fellow citizens as free and equal moral persons.⁶⁵ Let's call this the *respect criterion* of reasonableness. To be

⁶³ I defend the minimal moral threshold conception of reasonableness in chapter 3.

⁶⁴ In Lecture II, Rawls specifies two basic aspects of reasonableness considered as virtues of persons rather than directly defining the concept (*PL*, 48). Herein, I discuss these as three components because I will argue that what Rawls identifies as the second basic aspect has two distinct components that should be bifurcated. Leif Wenar has detailed 5 different aspects of reasonableness for both persons and comprehensive doctrines and argues that only some of these can be met without violating the restrictions Rawls elsewhere places on a political conception of justice (Wenar 1995). For the purposes of this chapter, I am interested in the basic requirements for being a reasonable person, as this is of interest to the question of civic education designed to cultivate the reasonableness of children as future citizens.

⁶⁵ There will likely be a plurality of ways to interpret free and equal moral respect; however, examining these various approaches goes beyond the scope of this chapter.

reasonable, one must recognize oneself and one's fellow citizens as free and equal citizens who deserve fair terms of cooperation in society.⁶⁶ The second basic aspect of reasonableness that Rawls identifies can be understood as a moral requirement of respect for our fellow citizens as free and equal reasoners. What is respected here is not our fellow citizens' moral personhood, but their equal capacity to reason freely about one's conception of the good. This aspect has two parts, which I will number separately for ease of exposition.⁶⁷ One must:

- (2) recognize the burdens of judgment, which leads to recognizing the fact of reasonable pluralism and
- (3) accept the consequences of this recognition by using public reason when "directing the legitimate exercise of political power" on matters of constitutional essentials and basic justice (*PL*, 54)

The burdens of judgment teach us that conscientious citizens may weigh evidence differently and come to differing, but equally reasonable, conclusions even after a full and free discussion has taken place (*PL*, 58).⁶⁸ Thus, recognizing the burdens of judgment leads to the recognition of the fact of reasonable pluralism. Let's call (2) the *burdens of judgment criterion* of reasonableness. Rawls also argues that reasonable persons must accept the "consequences" of this recognition by using public reason when debating matters of basic justice or constitutional essentials. Let's call (3) the *legitimacy criterion* of reasonableness. Accepting that one must use public reason in matters of basic justice in order for political power to be legitimate is a way of demonstrating respect for persons, conceived of as free and equal reasoners, in light of the fact of reasonable pluralism. However, this criterion links the liberal principle of legitimacy to the basic qualification of reasonableness. The liberal principle of legitimacy holds that, "our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational" (*PL*, 217). I discuss the tight connection between reasonableness and liberal legitimacy in section 3.3 below.

When a political liberal civic education aims to cultivate the reasonableness of children as future citizens, we need to ask which aspects of reasonableness are the appropriate targets of civic education. Which criteria of reasonableness are compatible with the inclusive scope of political liberalism? Which make PLCE too restrictive to remain distinct from CLCE?

⁶⁶ See Rawls's discussion of the first basic aspect of reasonableness in *PL*, 49-54. Rawls explains, "persons are reasonable in one basic aspect when, among equals, they are ready to proposed principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so" (*PL*, 49). Reasonable persons "desire for its own sake a social world in which they, *as free and equal*, can cooperate with others" on fair terms (*PL*, 50, emphasis added).

⁶⁷ Rawls states, "the second basic aspect" of reasonableness "is the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime" (*PL*, 54).

⁶⁸ *PL*, 54-58 describes the burdens of judgment in detail.

3. Cultivating Reasonableness in Political Liberal Civic Education

3.1. Inclusive Reasonableness and Civic Education: Cultivating the Respect Criterion

One aim of the qualification of reasonableness is to include as many people as appropriate within the scope of political liberalism. This is tied to the general motivation that moved Rawls away from the comprehensive liberalism of *A Theory of Justice* towards the more inclusive and pluralistic approach to liberal justice in *Political Liberalism*. Rawls's key insight in *Political Liberalism* was to recognize that "a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime" (*PL*, xvi). This inevitable pluralism about morality creates difficulties in establishing a normative basis for a theory of justice. The solution Rawls proposed in *Political Liberalism* is to move away from comprehensive conceptions of justice, which are rooted in the truth of some moral theory, and towards a narrower political conception of justice, which is based on the overlapping consensus of reasonable comprehensive doctrines.

Rawls introduces reasonableness as a qualification intended to define the scope of plurality that political liberalism must address (*PL*, 36). Rawls distinguishes between *reasonable pluralism* and *pluralism as such*, arguing that political liberalism need only accommodate reasonable pluralism (*PL*, 36-37). Reasonableness should be seen as providing "minimal conditions appropriate for the aims of political liberalism" (*PL*, 60n.13). Rawls intends the qualification of reasonableness, in this vein, to be broadly inclusive of a diversity of comprehensive doctrines including "both religious and nonreligious, liberal and nonliberal" (*PL*, xxxviii). Rawls conjectures that most current moral doctrines and religions, except for certain varieties of fundamentalism, could qualify as reasonable (*PL*, 170).

The respect criterion of reasonableness seems to be best suited for Rawls's inclusive understanding of reasonableness. In distinguishing reasonable pluralism from pluralism as such, Rawls emphasizes that reasonable comprehensive doctrines still respect all people as moral equals. As Rawls explains, "all reasonable doctrines affirm ... equal basic rights and liberties for all citizens, including liberty of conscience and the freedom of religion" and doctrines that fail to do so are unreasonable (*IPRR*, 482-83). In addition, people are unreasonable if they are unwilling to propose or honor fair terms of cooperation (*PL*, 50).

Teaching children to be reasonable in the inclusive sense tied to the respect criterion is an important goal of a political liberal civic education. Respect for the equal basic rights and liberties of all citizens is a necessary component of being reasonable. Without this basic respect, a conception of justice is morally dubious because it would permit the subordination of certain classes of people to others. Doctrines that subordinate certain races, classes, or genders to others would not qualify as reasonable insofar as they deny that everyone is entitled to basic respect simply in virtue of being moral agents. We

need not tolerate Nazis or Ku Klux Klan members who deny the equality of their fellow citizens.⁶⁹

Political principles should attempt to be fair and treat everyone as free and equal moral persons. A civic education designed to cultivate the respect criterion will emphasize the moral respect for all citizens as free, equal, and deserving of fair terms of cooperation. Since reasonableness sets the boundaries for who should be included within the scope of political liberalism, it should be broadly inclusive of many different comprehensive doctrines. A civic education that emphasizes the respect criterion is well suited for this goal because, despite their differences, many comprehensive moral doctrines include an account of respect for people as free and equal. Those that do not value respect are rightfully excluded from political liberalism as unreasonable citizens. Of course, unreasonable citizens will not suddenly lose their rights and be expelled from society.⁷⁰ However, unreasonable objections do not threaten the adequacy of the political conception of justice. Since political liberalism sets its scope as respecting *reasonable* pluralism, the political conception of justice should be able to be endorsed by all reasonable citizens. Political liberalism need not bend justice to accommodate the unreasonable because justice should not be held hostage to views that undermine equal moral respect for persons.

If we focus on respect-reasonableness, we will see why PLCE could remain distinct from CLCE. If all that is required for PLCE is teaching children to respect their fellow citizens as free and equal with oneself, one need not even be a liberal to accept this educational goal—this is the most widely inclusive scope of reasonableness that should be tolerated.⁷¹ A comprehensive liberal education requires far more than teaching that one's fellow citizens should take one's moral status seriously.⁷²

In addition, if the state only requires that civic education meet the respect criterion of reasonableness, there may be more latitude for differential parental choice in education. Ebels-Duggan has recently argued that political liberals should allow reasonable citizens latitude in choosing the worldview in which their own children are educated, as long as this education does not insulate children from other views.⁷³ I think

⁶⁹ I also think this criteria shows why certain comprehensive doctrines that subordinate women also fail to be reasonable in the broadest conception of reasonableness. However arguing for this claim is beyond the scope of this chapter.

⁷⁰ For more on the rights of unreasonable citizens, see Quong 2004.

⁷¹ Note that this would be to deny Gutmann's claim that teaching mutual respect is in effect to teach comprehensive liberalism. But Gutmann's conception of mutual respect is a fairly demanding comprehensive conception of mutual respect. I agree with Davis & Neufeld (2007) that a politically liberal conception of self-respect will be more minimal.

⁷² This respect criterion of reasonableness is consistent with defenses of political liberalism's distinctiveness that emphasize the freestanding nature of public political justification and with defenses that emphasize the basic structure restriction. Respecting people as free and equal is one of the more stable considered convictions that form the touchstone of Rawls's reflective equilibrium procedure. Further, the basic structure restriction combined with the respect criterion yield a quite broad scope for incorporating comprehensive doctrines that differ on how best to respect people as members of religious organizations as long as the principles of justice protect citizens as free and equal throughout all realms.

⁷³ Ebels-Duggan 2013. It is worth noting that Ebels-Duggan's example to show that non-neutrality is permissible is that a parent or teacher can expose children to the existence and content of racist views while also teaching children such views are wrong (2013, 46). Distinguishing the respect criterion of reasonableness shows clearly why this example actually concerns exposure to an unreasonable

the respect criterion of reasonableness could permit wide latitude on this front. In fact, the respect criterion alone is compatible with an education designed to promote the truth of certain comprehensive doctrines.⁷⁴ For example, religious schools could be a permissible choice for parents, provided that these schools teach children that all people should be respected as free and equal moral persons and that the terms governing our shared political life should be fair to all, including those who embrace different comprehensive doctrines. This shows that there may be many ways to satisfy the requirement that children learn the respect criterion of reasonableness—including education into comprehensive doctrines that seem quite distant from the larger aim of political liberalism. The important requirement is teaching children to respect their fellow citizens as free and equal, but there are many different ways of meeting this goal. As long as children are taught to respect themselves and all other citizens as free and equal moral persons, their education has met a minimum moral threshold for reasonableness.

Furthermore, justifying intervention to support the respect criterion of reasonableness lends itself to the widest source of support. Families cannot be permitted to inculcate children with beliefs or practices that undermine their ability to respect themselves or others as free and equal citizens. As Rawls, explains, political principles “guarantee the basic rights and liberties, and the freedom and opportunities, of all [members of the family]. ... The family as a part of the basic structure cannot violate these freedoms” (*IPRR*, 469). The need to respect the freedom and equality of all is one of our firmly established convictions in contemporary society. An overlapping consensus on this conviction should be able to be supported by any comprehensive doctrine that can be counted as reasonable for the purpose of political justice.⁷⁵

In summary, a civic education designed to teach children to respect themselves and their fellow citizens as free and equal will be widely inclusive. Few of the moral and religious doctrines in society would find reason to reject a civic education designed to promote reasonableness in this sense. Thus, political liberal civic education promoting the respect criterion of reasonableness will not collapse into comprehensive liberal education. Many moral and religious doctrines could be included on this basis, including those that may reject liberalism.⁷⁶

comprehensive doctrine. The racist doctrines are unreasonable because they do not respect all people as free and equal moral persons. Thus, this case may not compellingly show that all such instances of exposing children to other views while teaching them the truth of one’s own view is a permissible practice for political liberalism. However, the respect criterion alone will not settle this issue.

⁷⁴ It is important to emphasize that teaching the respect criterion could be *compatible* with an education promoting the truth of a comprehensive doctrine and *not* that teaching the truth of a comprehensive doctrine is *required* for this purpose. Below, I will argue that teaching the respect criterion is not *sufficient* for political liberal civic education, teaching the burdens of judgment is also required.

⁷⁵ Here I use overlapping consensus at a different stage than Rawls does in his defense of *Political Liberalism*, which follows a similar strategy as Quong (2011), 161-191. However I am using this for illustrative purposes to show the wide consensus on respecting people as free and equal.

⁷⁶ Liberalism includes more than simply a respect for freedom and equality of persons. Liberalism often also includes a commitment to the moral priority of individuals over the group and, as a political theory, typically focuses on how states should treat individuals in light of these other commitments.

3.2. Inclusive Reasonableness and Civic Education: Teaching the Burdens of Judgment

One might object that simply requiring the state to cultivate the respect criterion of reasonableness is not a distinctively *political liberal* civic education. After all, I have suggested one need not even be a liberal to embrace the respect criterion of reasonableness. For civic education to be distinctive to political liberalism it requires more than simply teaching the respect criterion. The respect criterion is an important minimum threshold for distinguishing between reasonable and unreasonable comprehensive doctrines, but political liberalism also requires respect for the fact of reasonable pluralism. To learn the difference between pluralism as such and reasonable pluralism, children must learn to recognize that people who hold differing comprehensive doctrines are nevertheless capable of being reasonable. This requires that children learn the burdens of judgment. A civic education that teaches children the respect criterion and the burdens of judgment criterion will be distinctive to political liberalism while maintaining the broadly inclusive scope of reasonableness.

The burdens of judgment are crucial to one's ability to recognize that one's fellow citizens who hold different comprehensive doctrines to one's own are nevertheless reasonable insofar as they embrace the respect criterion. Recall that the burdens of judgment identify the sources of disagreement between reasonable persons. Rawls lists six of the "more obvious sources" of reasonable disagreement: complexity of the evidence, disagreements about the relative weight of relevant considerations, the indeterminacy of political concepts, the ways our experience shapes our understanding and weighing of moral and political values, that there are different kinds of normative considerations on both sides of an issue, and finally, the fact that not every moral and political value can be realized in social institutions (*PL*, 56-57).

Rawls's enumeration of the sources of reasonable disagreement have been widely contested, with commentators arguing that many of these sources are, themselves, reasonably contestable. Callan draws on this controversy to argue that PLCE collapses into CLCE (Callan, 1997). Thus, including the burdens of judgment in PLCE may seem inappropriately restrictive. However, regardless of Rawls's own list, I think the essential point behind teaching the burdens of judgment to children is not subject to similar contestation. Focusing on the motivation Rawls is trying to capture in his discussion of the burdens of judgment helps us see why including the burdens of judgment criterion in PLCE does not threaten collapse into CLCE.

The key point behind learning the burdens of judgment is understanding that those with whom one disagrees can nevertheless be reasonable. Rawls explicitly defines reasonable disagreement as "disagreement between reasonable persons: that is, between persons who have realized their two moral powers to a degree sufficient to be free and equal citizens in a constitutional regime, and who have an enduring desire to honor fair terms of cooperation and to be fully cooperating members" (*PL*, 55). The reasonableness of persons is defined in terms of their acceptance of the respect criterion—political principles should be fair terms of cooperation among free and equal citizens.⁷⁷ The

⁷⁷ I set aside discussion of the two moral powers and full cooperation, as these are the ways Rawls defines persons for the purposes of political liberalism. He defines a person as someone who can be a "fully

burdens of judgment essentially show that reasonable pluralism is possible. It is possible for people who respect each other as moral equals to nevertheless embrace quite different moral and religious doctrines. To recognize the fact of reasonable pluralism, one must therefore learn that one's fellow citizens who hold different comprehensive doctrines can disagree with you—and that disagreement does not mean that they are either unintelligent or immoral.⁷⁸

Understood in this way, teaching children the burdens of judgment is essential to respecting one's fellow citizens as not only free and equal moral persons, but also as free and equal reasoners. Differences in beliefs need not impugn the intelligence of one of the parties. We should respect that other people have reasons for their beliefs, even if we disagree. As equals, we should respect one another's freedom to make important choices for oneself and to reason according to one's own lights. We must respect our fellow citizens' rights to embrace different comprehensive doctrines and make different decisions about how best to pursue the good life. This need not imply a smuggled in commitment to comprehensive liberal autonomy. Rawls considers the freedom of citizens to pursue their chosen conception of the good, provided that it is permissible "within the limits of political justice" (i.e., reasonable), to be a part of the rational autonomy of citizens, which he considers "but an aspect of freedom" (*PL*, 74-75). But rational autonomy is distinct from both full political autonomy and full ethical autonomy.⁷⁹ In Rawls's terms, full ethical autonomy corresponds to the kind of autonomy promoted in comprehensive liberalism. Protecting citizens' freedom to embrace different comprehensive doctrines and pursue what one embraces as valuable does not limit the range of comprehensive doctrines one can embrace.⁸⁰ It is perfectly permissible to embrace the doctrine of one's family or community. In fact, those who reject the importance of liberal autonomy could still embrace this right to live according to one's preferred comprehensive doctrine because this right protects the right of those who reject comprehensive liberal autonomy to pursue other shared values. What is protected is the freedom of individuals to pursue varying conceptions of the good, provided that these conceptions respect all people as free and equal moral persons.

How should PLCE teach children that disagreement need not imply stupidity or immorality? One way to do so is to examine the reasons behind different comprehensive doctrines. Children could be taught some of the basic reasoning behind different major world religions and moral theories, in particular how each contains an account of moral respect for people as free and equal.⁸¹ This could be presented neutrally, without any commitment to ranking the different theories, as it should be in state run schools. Or, if

cooperating member of society over a complete life" and "we ascribe to them the two moral powers ... namely, a capacity for a sense of justice and a capacity for a conception of the good" (*PL*, 18-19).

⁷⁸ Rawls contrasts reasonable disagreement with unreasonable disagreement. The sources of unreasonable disagreement include being immoral, selfish, prejudiced, irrational, or simply "not very bright" (*PL*, 55 and 58).

⁷⁹ See *PL*, 72-81 for Rawls's discussion of the contrast between rational, political, and ethical autonomy.

⁸⁰ The limitation on comprehensive doctrines comes from meeting the respect criterion of reasonableness.

⁸¹ I believe there are at least consistent interpretations of all major world religions that include a conception of respect for persons as free and equal. Of course, there are also interpretations that would not meet the respect criterion. With Rawls, I think fundamentalists probably are not reasonable. Likewise, justifications of slavery (regardless of historical attempts to justify slavery by drawing on religious sources) are not reasonable.

parents preferred a religious education, neutrality need not be required. One good example of non-neutrality that nevertheless meets the requirements of PLCE is a Catholic school education. Typically, such schooling includes required religion courses. However, religion courses are not simply indoctrination of the Catholic faith. They also include exposure to a wide variety of religions and moral theories even though there is an underlying presumption that Catholicism is the true religion. To me, it seems as if such an education meets the requirements for PLCE even though, since the school is not run by the state, Catholicism is presented as true. Students still learn that other faiths and moral theories are reasonable, and that different moral and religious doctrines still embrace the freedom and equality of all.⁸²

3.3. Restrictive Reasonableness and Civic Education: The Legitimacy Criterion

In addition to using reasonableness to delineate the scope of reasonable pluralism, Rawls also uses the qualification of reasonableness in a more restricted sense that is tied to the legitimacy of political principles. In this section, I will argue that the use of reasonableness for liberal legitimacy is tied to a different part of the political liberal project and, for the purposes of PLCE, should not be bundled with the other two criteria of reasonableness.

The third criterion of reasonableness holds that one accepts the consequences of the burdens of judgment by using public reason in directing the legitimate exercise of political power. Failure to use public reason constitutes a failure to offer a legitimate justification of coercive power and, for Rawls, appears to be a failure to accept “the consequences” of the burdens of judgment. Note the similarities between the liberal principle of legitimacy and the legitimacy criterion of reasonableness. According to Rawls, the “second basic aspect of reasonableness” is “the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (*PL*, 54). I think accepting the burdens of judgment can be separated from accepting the use of public reason.⁸³ I have called the latter the legitimacy criterion of reasonableness because of its resemblance to the liberal principle of legitimacy. Recall that the liberal principle of legitimacy holds that, “our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens

⁸² History, literature, and philosophy are also subjects that could expose children to the burdens of judgment and the fact of reasonable pluralism. By learning the many ways in which beliefs change over time and vary according to our culture and circumstance, children can start to learn that differences in beliefs are expected given the diversity of people’s experiences. Likewise, reading the classics of literature exposes children to alternate ways of living by people who have clear reasons for their actions, aim to live a good life, and, often, a desire to be moral. The disagreements between philosophers in any era are another good source of learning that smart people who aim explicitly at discovering what is just or good, nevertheless reasonably disagree with each other. These kinds of disagreements seem to motivate Rawls’s initial turn to political liberalism (*PL*, xiii-lx).

⁸³ I defend the bifurcation of Rawls’s second basic aspect of reasonableness in Chapter 3. Here, I focus on why the separation is important in the context of civic education.

may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational” (*PL*, 217). The basic idea is that the only way for political power to be legitimate is for the basic principles and laws governing our political system to be grounded in terms that all reasonable citizens can be expected to endorse as relevant reasons governing the specific actions or laws.

Educating children to embrace the legitimacy criterion of reasonableness requires teaching all children to use public reason when debating matters of basic justice or constitutional essentials. To meet the legitimacy criterion of reasonableness, children would need to be taught that appealing to the whole truth of one's comprehensive doctrine, when that truth is reasonably contestable, is disrespectful and a way of illegitimately imposing one's own comprehensive doctrine on others. Rawls explains that “insistence on the whole truth in politics [is] incompatible with democratic citizenship and the idea of legitimate law” because political legitimacy is “based on the criterion of reciprocity,” which holds that the reasons offered must be reasonably acceptable to our fellow reasonable citizens whose comprehensive doctrines may conflict with our own (*IPRR*, 446-47). Note that this is far more restrictive than simply requiring that children respect others as free and equal citizens, part of which requires accepting the idea that people could disagree with someone without being immoral or unintelligent (i.e., embracing only the respect and burdens of judgment criteria). The legitimacy criterion also teaches children that the best way to respect reasonable disagreement in political life is the use of public reason.

However, the liberal principle of legitimacy is a distinctive solution to the question of what could make the coercive power of the government legitimate. It is a substantive conclusion with which many who satisfy the respect criterion of reasonableness could disagree. I think this criterion is far too restrictive if included in PLCE as a necessary criterion for reasonableness. While the liberal principle of legitimacy is arguably the best way to respect reasonable disagreement, it is not the only way. Philosophical anarchists, liberal perfectionists, and libertarians all disagree with political liberalism's solution to the problem of legitimacy. Nevertheless, all agree that people should be respected as free and equal. The differences arise in *how* political power can best respect the freedom and equality of all persons. For example, philosophical anarchists would teach children that there is no such thing as a moral right to be obeyed precisely because it is incompatible with the freedom and equality of all people. This seems like a perfectly acceptable justification of the rejection of legitimate authority and one that is not based on immoral or unintelligent considerations. The anarchist justifies her rejection of legitimate authority by appealing to the very same respect criterion of reasonableness, which holds that citizens should be respected as free and equal moral persons, that lies at the heart of Rawls's conception of reasonable persons.⁸⁴ Thus, according to Rawls, the anarchist would qualify in one sense as a reasonable person because she respects the important moral respect threshold for being reasonable. However, using the restrictive sense of reasonableness, defined in terms of the legitimacy criterion—which the anarchist rejects—she would be unreasonable. But note that we are using two different senses of

⁸⁴ Recall that in explaining reasonable disagreement, Rawls defines reasonable persons by referencing the respect criterion of reasonableness (*PL*, 55).

reasonableness. The question is whether legitimacy-reasonableness should be included as a necessary component of reasonableness for the purposes of PLCE.

I have argued (in 3.1 and 3.2) that the respect criterion and burdens of judgment criterion are *necessary* components of the moral qualification of reasonableness and should be included in PLCE. I have also argued that these two criteria preserve the inclusive scope of reasonableness that is tied to Rawls's conception of reasonable pluralism. But if the legitimacy criterion is also a necessary component of reasonableness, then reasonableness becomes far more restrictive—only those who embrace Rawls's liberal principle of legitimacy would qualify as reasonable. I do not think that this restrictive conception of reasonableness is appropriate for PLCE.

Civic education that cultivates respect for freedom and equality seems justifiable, even if it has a disproportionate effect on certain comprehensive doctrines. Despite the political liberal's goal of justifying political power in a way that respects deep disagreement between different comprehensive moral doctrines, the political liberal need not tolerate those views that threaten the very conditions of freedom and equality in a society. But I think it is a further step to argue that those who fail to embrace political liberalism's liberal principle of legitimacy pose the same kind of threat to society. Provided that people embrace the respect criterion of reasonableness, they have recognized the moral status of their fellow citizens as free and equal. However, there are many different ways that political theories justify or reject the legitimacy of coercive power, including many which also embrace the moral freedom and equality of citizens. As such, justifying the inclusion of the legitimacy criterion as a necessary component of reasonableness in civic education becomes far more difficult. Remember, the challenge for Rawls is to demonstrate that the disproportionate effects on comprehensive doctrines that have difficulty surviving under political liberalism are justifiable. The justification seems far more straightforward if all that is required in order to cultivate reasonableness in children is a civic education designed to teach respect for the freedom and equality of all people and that disagreement does not mean our opponents are immoral fools. The justification for teaching children one answer to how coercive power could be legitimate seems like a much taller order. It may very well be defensible, but it is a far more restrictive understanding of reasonableness. Thus, the legitimacy criterion should not be a required component of PLCE.

If, in order to be reasonable, children should learn to embrace a particular solution to the problem of legitimacy, a political liberal civic education would be as demanding as a comprehensive liberal civic education. This would succumb to the worry Rawls articulated at the outset—that a political liberal civic education would be *in effect if not in intention* to educate children for comprehensive liberalism (*PL*, 199). Even if the justifications for these two forms of education diverge, as Macedo and Costa have emphasized, the practical results would be similarly restrictive (Macedo 1995; Costa 2004).⁸⁵

⁸⁵ What I have called the legitimacy criterion has not been the focus of arguments about civic education. But Rawls's second aspect of reasonableness, taken as a whole to include the recognition of the burdens of judgment and their consequences, have lead many to conclude that political and comprehensive liberalism converge.

Furthermore, an education designed to teach children the liberal principle of legitimacy as a necessary component of reasonableness seems particularly vulnerable to Brighouse's famous challenge to liberal civic education. Recall that within the family of liberal theories of legitimacy,⁸⁶ many require the "free and unmanipulated assent of reasonable citizens" (Brighouse 1998, 726). Brighouse argues that civic education tends to condition and manipulate the assent because civic education is specifically designed to promote "loyalties, habits, and beliefs conducive to" the continued stability of the state (Brighouse 1998, 726).⁸⁷ Thus, Brighouse argues, civic education seems to undermine the very conditions for liberal legitimacy.

Brighouse's challenge can be taken to apply to a Rawlsian who requires that civic education promote a particular solution to the problem of legitimacy as a part of educating children to become reasonable citizens.⁸⁸ If one is educated from early childhood that there is one clear solution to the question of what, if anything, could make the coercive power of the state legitimate, this may tilt the scale in favor of a citizenry that is less likely to critique the government's coercive use of power. In all liberal theories of legitimacy, the acceptability of the government to citizens is important.⁸⁹ However, if education promotes the acceptance of the legitimacy criterion of reasonableness, then the extent to which legitimacy is freely obtained is threatened. Any education that teaches only one acceptable solution to the problem of legitimacy looks worrisome, because there are many competing theories of legitimacy that all claim to be the best way to respect the freedom and equality of citizens, including philosophical anarchism, which rejects the possibility of legitimate authority. Furthermore, including one model of legitimacy in children's civic education is particularly troublesome since civic education is monitored by the very government that seeks to establish its own legitimacy. This could be understood as an instance of the state's coercive use of force to encourage a shared understanding of the best way in which to respect citizens as free and equal.⁹⁰

Education aimed at cultivating only one acceptable approach to establishing the legitimacy of the government demands more than may be justifiably required by a state that seeks to be broadly inclusive. Note the restrictions that accompany the inclusion of the legitimacy criterion of reasonableness in civic education. Only those who embrace Rawls's liberal principle of legitimacy would qualify as reasonable citizens. This would exclude many more citizens as unreasonable. According to Rawls, using public reason when debating matters of basic justice and constitutional essentials is the best way to respect our fellow citizens as free and equal in the context of reasonable pluralism;

⁸⁶ There are a number of different approaches to liberal legitimacy beyond Rawls's own favored approach articulated in *Political Liberalism*.

⁸⁷ Brighouse argued against Galston and Gutmann's proposals for civic education and ultimately concluded that more robust training for autonomy and critical scrutiny could mitigate the worries. Brighouse 1998, 734-736, 739. He argues, "civic education can meet the requirements imposed by legitimacy only if tied to autonomy-facilitating education, which in turn can be justified on independent grounds" (Brighouse 1998, 744).

⁸⁸ Callan 2000 responds to Brighouse's challenge but does so in a way that leans heavy towards comprehensive liberalism. Indeed, the distinction between political and comprehensive liberalism is not at stake in Callan's 2000 essay.

⁸⁹ Differences between liberal theories of legitimacy often lie in articulating how this acceptability is obtained (hypothetical consent, normative consent, explicit voluntary consent, etc.).

⁹⁰ This looks suspiciously similar to what, in other contexts, Rawls calls "the fact of oppression" (*PL*, 37).

however, it is not the only way. It is far too restrictive and, as such, has drawn the most vehement criticisms of Rawlsian reasonableness.

Beyond being restrictive, the legitimacy criterion is indefensible as a component of the civic education of children. Following Brighouse, I worry that some forms of civic education could undermine the legitimacy of a government. In particular, if children are taught that there is only one appropriate response to the fact of reasonable pluralism, this may undermine future political debate about criterion for legitimacy. While debate about legitimacy is not foreclosed by including the legitimacy criterion of reasonableness in the civic education of children—it would be significantly curtailed when compared to civic education that teaches children only the respect and burdens of judgment criteria of reasonableness. If PLCE is modeled after the inclusive conception of reasonableness that does not consider embracing Rawls’s liberal principle of legitimacy a necessary component of qualifying as reasonable, this opens the door to an education that presents a variety of theories of legitimacy. Children would learn that there is not only reasonable disagreement about conceptions of the good, but also reasonable disagreement about the best way to respect the freedom and equality of citizens in the context of reasonable pluralism.

In addition, including the legitimacy criterion as a part of PLCE will distract from some of its more significant educational aspirations. Since Rawls’s liberal principle of legitimacy is widely contested, even among liberals, including the legitimacy criterion as a necessary part of PLCE could lead many to reject PLCE entirely. In contrast, if PLCE teaches that the first two criteria are the only necessary qualifications to be considered reasonable, this is both widely inclusive and could establish an important basis for securing the rights of all citizens.

Focusing on respect for others as free and equal moral persons as the primary moral qualification to qualify as reasonable highlights the key moral threshold that sets the limits for which disagreements are reasonable and which are unreasonable. If reasonable disagreements are disagreements among reasonable persons, they are disagreements among persons who have met this minimum moral threshold. Beyond this, there are many conceptions of the good that persons will pursue, given freedom of conscience and freedom of thought. Furthermore, as I have suggested in this section, there are also many different political proposals that explicitly aim to respect people’s freedom and equality. Teaching children these goals in PLCE could set the stage for a diverse citizenry that, by learning to respect even those with whom one disagrees as reasonable, may be less vulnerable to the extreme group polarization that characterizes contemporary politics in which those who disagree on important matters are deemed immoral or unintelligent.

4. Conclusion

A political liberal civic education should aim towards the inclusive scope of reasonableness by cultivating the respect and burdens of judgment criteria of reasonableness. These two criteria should set the minimum moral threshold for qualifying as reasonable, which is the most important goal of PLCE. If we do this, PLCE will be far

more inclusive of a variety of comprehensive doctrines than any comprehensive liberal civic education. In so doing, we could make good on Rawls's claim that PLCE requires far less than CLCE. Nevertheless, this type of civic education would also be distinctive to political liberalism, as teaching children the burdens of judgment teaches them that political justice ought to respect reasonable pluralism among its citizenry. However, if PLCE requires cultivating the more demanding acceptance of the legitimacy criterion of reasonableness, it may risk collapse into comprehensive liberalism—at least in the practical effects. Including the legitimacy criterion in civic education as a component of reasonableness will have the practical effect of making it the case that only political liberals would qualify as reasonable citizens. To preserve a distinctive political liberal civic education, the legitimacy criterion should be bifurcated from the other aspects of reasonableness. Teaching children to embrace a particular approach to liberal legitimacy is not the proper aim of a civic education designed to be broadly inclusive of a wide variety of comprehensive doctrines.⁹¹

⁹¹ In chapter 4 I return to political liberal civic education and consider how this could support feminist aims.

CHAPTER 3

REASONABLENESS: A MORAL THRESHOLD OF RESPECT

In the previous chapter, I argued that a defensible political liberal civic education must inculcate only the respect and the burdens of judgment criterion of reasonableness in order to maintain political liberalism's broadly inclusive scope. I suggested that including the legitimacy criterion in civic education makes the qualification of reasonableness too restrictive to be included as a required component of civic education.

In this chapter, I show that the bifurcation is useful for the larger political liberal project. I argue that there is a core moral component of reasonableness, which is tied to toleration and respecting oneself and one's fellow citizens as free and equal. In the next chapter, I will show how identifying reasonableness as a moral threshold is useful for securing feminist aims.

1. Why Be Reasonable?

The qualification of reasonable is used throughout *PL* modifying pluralism, disagreement, persons, and comprehensive doctrines. Reasonable pluralism is the expected outcome of the free exercise of reason under a constitutional democracy and it is contrasted with simply pluralism as such (*PL*, 36). Reasonable disagreement is defined as disagreement among reasonable persons subject to the burdens of judgment (*PL*, 55). Reasonable persons also hold reasonable comprehensive doctrines (*PL*, 59). What is the purpose of identifying someone (or some view) as reasonable? Why is this valuable within political liberalism?

I will argue that *reasonable* is best understood as a fundamental moral qualification within political liberalism. Its purpose is to recognize the minimal threshold that qualifies a person as moral, thereby setting the permissible range of pluralism accommodated by political liberalism. Political liberalism seeks the basis for a just and stable society among free and equal persons in spite of deep disagreement about conceptions of the good, but only among those who are reasonable. Reasonable pluralism should be accommodated and reasonable disagreement should be respected, I argue, precisely because the *reasonableness* signifies that a basic moral threshold has been met. This threshold is a matter of respecting oneself and one's fellow citizens as free and equal moral persons and being willing to engage in fair terms of cooperation in society.

Rawls often extends the term to cover far more than this basic moral qualification, as he links reasonableness tightly with the use of public reason. For Rawls, the best way to respect persons as free and equal in politics is by using reasons that are accessible to all, i.e., public reasons. However, while linked closely with respecting persons as free and

equal in the context of reasonable pluralism, the use of public reason is Rawls's solution to securing the legitimacy of coercive power. This is a different matter and builds in far more than simply marking a moral difference between the kinds of pluralism and disagreement that a political conception of justice should tolerate and those that should not be tolerated. Disambiguating the moral qualification of reasonableness from Rawls's principle of legitimacy is important in order to expand political liberalism as a broader framework within which alternate reasonable principles of justice and, I suggest, legitimacy can be debated.

2. Qualifying as Reasonable: A Moral Threshold

Qualifying as reasonable is linked to both one's acceptance of a political conception of toleration and qualifying as one among those whose views should be tolerated (*PL*, 60ff, *LP*, 16n.8). Toleration requires allowing citizens to pursue their conception of the good without state interference. We tolerate others when we allow them to pursue their conception of the good, even when we strongly disagree with their stated views (*PL*, 190). But the range of views that should be tolerated are only those that qualify as reasonable. Throughout *PL*, Rawls seeks the grounds for toleration in a society characterized by a wide range of disagreement about religion, morality, and the good life. The grounds for toleration are linked to recognizing that those with whom one disagrees are reasonable because they have met some minimal moral threshold (*PL*, 58-62).

In this section, I argue that the fundamental purpose of identifying some person as reasonable is to recognize that a minimal moral threshold has been met such that the person in question should be tolerated within political liberalism. Reasonableness involves having recognition respect for oneself and one's fellow citizens as free and equal moral persons. Separating this core qualification of moral respect for others also helps to disambiguate Rawls's otherwise seemingly circular uses of reasonableness in his discussion of reasonable disagreement, definition of reasonable pluralism, and violating the norms of public reason. It also helps make clear the scope of political liberalism's principle of toleration.

2.1. Reasonableness and the Virtue of Fair Cooperation

The distinction between simple pluralism and reasonable pluralism lies at the heart of political liberalism. Rawls seeks the grounds for toleration in the context of reasonable pluralism, which he views as the inevitable outcome of human reason in conditions of freedom (*PL*, xxx, 3ff, 36ff). Rawls explains that reasonable pluralism is distinguished from pluralism as such in virtue of the moral qualifications that make differences reasonable. The fact of pluralism is expected given "peoples' various interests and their tendency to focus on narrow points of view" (*PL*, 36). By contrast, reasonable pluralism "is not simply the upshot of self- and class interests, or of peoples' understandable tendency to view the political world from a limited standpoint" (*PL*, 37).

This implies that the *reasonableness* of the pluralism includes a willingness to engage in cooperation on a normative and not merely pragmatic basis.⁹²

At its most basic, Rawls contrasts the reasonable with the rational. As rational agents, we seek our own rational advantage, prioritizing which ends we adopt and figuring out the most effective means to reach those ends (*PL*, 50-51). Rationality also involves balancing one's final ends with one's overall plan of life. As such, it is connected with the moral power of having a conception of the good (*PL*, 52), which is "the capacity to form, to revise, and rationally to pursue a conception of one's rational advantage or good" (*PL*, 19).⁹³

By contrast, the reasonable is fundamentally other-directed and connected with our ability to cooperate with others in society. Reasonableness captures the part of morality associated with fair terms of cooperation (*PL*, 51). Rawls explains, "it is by the reasonable that we enter as equals the public world of others and stand ready to propose, or to accept, as the case may be, fair terms of cooperation with them" (*PL*, 53). Reasonableness is connected to the capacity for a sense of justice (*PL*, 52), which is one's ability "to understand, to apply, and to act from the political conception of justice which characterizes the fair terms of social cooperation" (*PL*, 19).

According to Rawls, the rational and the reasonable are distinct but complementary ideas. One cannot be derived from the other (*PL*, 52). He explains, "as complementary ideas, neither the reasonable nor the rational can stand without the other. Merely reasonable agents would have no ends of their own they wanted to advance by fair cooperation; merely rational agents lack a sense of justice and fail to recognize the independent validity of the claims of others" (*PL*, 52). It is in virtue of their reasonableness that persons recognize the validity of the moral claims of others and is thus tied to our ability to cooperate in society. Since reasonableness is fundamentally about cooperation, to be practiced, it requires reliance on others to reciprocate. However, Rawls notes that even if reciprocal social arrangements are not possible in a given society, "the reasonable always binds *in foro interno*" (*PL*, 54). In this, Rawls identifies reasonableness as a basic moral requirement binding on one's conscience at all times even if its public expression is not feasible in a given social context.

Because reasonableness is a moral capacity to cooperate with others and recognize the validity of their claims, I think this notion can be thought of as a form of recognition respect for the moral status of our fellow citizens. I turn to recognition respect next.

⁹² This is related to Rawls's overall project that seeks to find a normative basis for cooperation in society in spite of deep disagreement about morality and religion. He explains, "a political conception of justice is a normative and moral conception" (*PL*, xxxix) as is the conception of the person as free and equal citizen upon which the political conception is based (*PL*, 18n.20, see also *RH*, 384).

⁹³ Rawls highlights the fact that while rationality involves pursuing the interests of a self, it is broader than being self-interested in the usual sense of the term. Rational agents' interests could include interests for other people, communities, places, and nations. And rational agents could choose ends that are directed at benefiting others, rather than themselves (*PL*, 51).

2.2. Reasonableness as Recognition Respect

Darwall distinguishes between two kinds of respect: appraisal respect and recognition respect. Appraisal respect consists in a positive evaluative attitude towards a person engaged in a particular pursuit (Darwall 1977, 38-39, Darwall 2006, 122). For example, one can be a well-respected teacher, scientist, or philosopher. Our respect for these figures is tied to our appraisal of their excellence in their chosen pursuits. We can also respect someone as a moral exemplar as a form of appraisal respect. Aristotle's *phronimos* is a respected moral expert because of her excellence in practical reasoning concerning virtue and that which is advantageous for attaining *eudaimonia* (Aristotle, *Nicomachean Ethics*, Book VI). Appraisal respect is thus a scalar notion, it admits of degrees of respect depending on the degree of praise we think a person deserves.

By contrast, recognition respect is a binary notion—you either respect someone or you do not. Recognition respect is the sort of moral respect owed to all persons, simply because they are persons. In respecting someone in this sense, we recognize her dignity as a person, which is her standing “to make claims and demands of one another as equal, free and rational agents” (Darwall 2006, 120-121). Unlike appraisal respect, recognition respect can be mandated (Darwall 2006, 120). To have recognition respect for something is “to regard it as requiring restrictions on the moral acceptability of actions connected with it. And crucially, it is to regard such restrictions as not incidental, but as arising because of the feature or fact itself” (Darwall 1977, 40). Consider respecting the law. To do so is a form of recognition respect because in respecting the law, one views the restrictions placed on actions to be required, simply because these restrictions are a matter of law. This need not involve positive attitudes of appraisal for the law in question. For example, if I follow speed limits because they are required by law, I have recognition respect for laws regulating restrictions on my driving simply because they are laws. This is consistent with thinking the speed limits are bad in some way—for example, the speed limit is too low. If I respect the law, I obey even the low speed limit that slows down my morning commute.

Reconceiving Rawls's first component of reasonableness as a form of recognition respect of the equal status of oneself and one's fellow citizens has two implications in political liberalism. First, I believe this requirement sets the minimum threshold for qualifying as reasonable within political liberalism. As long as one recognizes the free and equal status of oneself and one's fellow citizen, one has met the minimal threshold for qualifying as reasonable. The political conception of justice should extend toleration to all those who qualify as minimally reasonable, even if political liberals may think more is required to be fully reasonable or fully just. Second, I think we can develop a plausible feminist extension of Rawls by developing the social bases necessary to secure recognition respect for oneself and one's fellow citizens as free and equal moral persons. I turn to this possibility in chapter 4.

But first, recall that reasonableness involves several components. Reasonableness involves respecting the freedom and equality of one's fellow citizens and a willingness to engage in fair terms of cooperation, recognizing the burdens of judgment, and using public reason to secure the legitimacy of coercive power. Which of the three criteria outlined in chapter 2 forms the minimal moral threshold of reasonableness? I consider this question in the following section.

2.3. The Core Component of Reasonableness

In this section, I will argue that the core moral component of reasonableness is respect for the free and equal status of oneself and one's fellow citizens. This is the basic building block upon which the other criteria of reasonableness depend.

The foundational commitment of reasonableness is the recognition of oneself and one's fellow citizens as free and equal moral persons. Rawls explains that the point of working out a political conception of justice is to see how basic institutions of society can be arranged in a way that “conform to the freedom and equality of citizens as moral persons” (*PL*, 348; see also *PL*, 281, 300). The political conception of justice is built on this basic ideal, including the other components of reasonableness. Recall that reasonable persons want to engage in terms of cooperation that respect them as free and equal moral persons (*PL*, 50). The fairness of the terms are specified as “terms upon which *as equal persons* we are willing to cooperate in good faith with all members of society over a complete life ... *on a basis of mutual respect*” (*PL*, 303).

The foundational commitment of reasonableness is captured by the first criterion of reasonableness, the *respect criterion*. The respect criterion is a moral requirement that involves:

- (1a) viewing oneself and one's fellow citizens as free and equal moral persons, and
- (1b) being willing to propose and abide by fair terms of cooperation, as long as others are willing to do the same (*PL*, 49-54)

Accepting all citizens as free and equal, (1a), identifies what should be respected in one's fellow citizens whereas the willingness to propose fair terms of cooperation (1b), is the way in which we demonstrate respect for the equal status of citizens in the political realm.

Recognizing the freedom and equality of all people drives us to want to propose fair terms of cooperation. Rawls explains, “reasonable persons ... desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept” (*PL*, 50).⁹⁴ The fair terms of cooperation must be terms citizens could accept *as free and equal* persons. If the terms of cooperation would only be accepted through manipulation or domination, or “under pressure of an inferior political or social position,” the terms of cooperation are not fair and should be rejected by reasonable citizens (*PL*, xlii). Thus, recognizing the moral status of our fellow citizens sets the metric for judging whether or not the terms of cooperation are fair. They are fair insofar as they respect the moral status of one's fellow citizens.

In addition, in order to be fair, cooperation should embody the ideal of reciprocity (*PL*, 50-54). Reasonable persons “insist that reciprocity should hold within that world so that each benefits along with others” (*PL*, 50). By contrast, people are unreasonable when they are unwilling to honor “any general principles or standards for specifying fair terms of cooperation” and are “ready to violate such terms as suits their interests when the circumstances allow” (*PL*, 50). The basic idea of reciprocity is contrasted with a pragmatic pursuit of one's rational interests.

⁹⁴ Note that Rawls articulates the fair terms of cooperation as terms that all could accept seems to tightly link the first criterion about fair terms of cooperation with the use of public reason. I will respond to this challenge in section 2.4.

The core component of reasonableness, the recognition of oneself and one's fellow citizens as free and equal moral persons, essentially involves a kind of recognition respect of the equal status of oneself and one's fellow citizens. Importantly, it captures much of what is required for the project of political liberalism to get off the ground. It is an important starting point for engaging in a productive discussion about how society should be structured. While we may disagree about how the basic institutions of society should be structured in order to be just, a minimum qualification for engagement in this process should be an agreement on the aim—securing fair terms of cooperation that respect the persons subject to these arrangements. Specifically, respect for persons includes respecting *all* our fellow citizens as having an equal status and respecting our fellow citizens' freedom to choose the values according to which each can structure her life goals.⁹⁵

Rawls details two basic aspects of reasonable persons, “their willingness to propose and abide by fair terms of social cooperation among equals and their recognition of and willingness to accept the consequences of the burdens of judgment” (*PL*, 94).⁹⁶ We have been discussing the first aspect as a form of respect for the equal status of our fellow citizens. The second basic aspect of reasonableness can be understood as a moral requirement of respect for our fellow citizens as free and equal reasoners. We respect their equal capacity to reason freely about each citizen's own conception of the good. This aspect has two parts, which I will number separately for ease of exposition.⁹⁷ The two further components of reasonableness include:

- (2) the *burdens of judgment criterion*: one must recognize the burdens of judgment, which leads to recognizing the fact of reasonable pluralism, and
- (3) the *legitimacy criterion*: one must accept the consequences of this recognition by using public reason when “directing the legitimate exercise of political power” on matters of constitutional essentials and basic justice (*PL*, 54)

I will discuss each of these in turn to show the way that these build on the requirement of respect for the equal moral status of our fellow citizens.

The second criterion of reasonableness, the burdens of judgment criterion, is built on the reasonableness of persons as defined by the respect criterion. The burdens of judgment are meant to explain how reasonable disagreement is possible. The reasonableness of the disagreement, however, is not assessed by epistemic qualifications or

⁹⁵ I intend the freedom of structuring one's life around one's values to be largely capturing the kind of freedom Rawls intends to capture by saying that citizens are free “in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good)” (*PL*, 19) and the capacity to revise their sense of the good if they so choose (*PL*, 30).

⁹⁶ Wenar details five criteria of reasonableness used in *PL* and argues only some are consistent with the boundaries of the political. These five criteria include the reasonableness, in all of the senses it is used in *PL*. I focus on reasonableness of persons—and I also disagree about which are appropriately political because I think burdens of judgment are political and tied to toleration (Wenar 1995).

⁹⁷ Rawls states, “the second basic aspect” of reasonableness “is the willingness to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (*PL*, 54).

theoretical adequacy.⁹⁸ Rather, disagreement is reasonable when it is between reasonable persons, understood in a moral sense. Rawls defines reasonable disagreement as follows:

Reasonable disagreement is disagreement between *reasonable persons*: that is, between persons who have realized their two moral powers to a degree sufficient to be *free and equal citizens* in a constitutional regime, and who have an *enduring desire to honor fair terms of cooperation* and to be fully cooperating members of society. (*PL*, 55, emphasis added)

Herein, we see that the ideas of free and equal citizenship and fair terms of cooperation capture the moral content of reasonableness.⁹⁹ These are the two parts of the respect criterion of reasonableness. The other components described above do not capture ideas that are unique to the reasonableness of persons; they are linked to Rawls's political conception of a person. Persons are reasonable and rational (*PL*, 48-54, 72, 108), possess the two moral powers (a capacity for sense of justice and for a conception of the good) (*PL*, 19, 81, 108, 301-302), and are fully cooperating members of society over the course of their lives (*PL*, 20, 81, 178, 183, 301).

The sources of disagreement between “reasonable persons so defined” are the burdens of judgment, which should not “impugn the reasonableness of those who disagree” (*PL*, 55). The burdens of judgment teach us that conscientious citizens may weigh evidence differently and come to differing, but equally reasonable, conclusions even after a full and free discussion has taken place (*PL*, 58). As such, the burdens of judgment cause reasonable disagreement among persons and lead to the wide variety of reasonable comprehensive doctrines that exist and are likely to persist in society given the conditions of freedom of thought and conscience.¹⁰⁰ Thus, recognizing the burdens of judgment leads to recognizing the fact of reasonable pluralism.

Although the burdens of judgment identify epistemic elements of the sources of disagreement between reasonable persons, recognition of the burdens of judgment need not entail any change in our epistemic stance towards our own beliefs. Rather, recognizing that the sources of disagreement are not based on irrational or immoral considerations should lead to a moral respect for citizens who reasonably hold different

⁹⁸ Erin Kelly and Lionel McPherson (2001) distinguish “philosophically reasonable” from “politically reasonable.” For them, philosophically reasonable is a narrower category than politically reasonable because “philosophically reasonable persons will themselves hold philosophical and moral views that are supported by good arguments” (Kelly and McPherson 2001, 44). Leland and van Wietmarschen have argued that reasonableness requires *intellectual* modesty but for moral reasons (Leland and van Wietmarschen 2012).

⁹⁹ Nussbaum has argued that reasonableness should only be understood in its ethical sense and argues against Rawls and Larmore's inclusion of epistemic elements in their conceptions of reasonableness (Nussbaum 2011, 24-33). Wall has recently criticized Nussbaum's exclusion of epistemic elements of reasonableness from political liberalism (Wall 2014a). He argues that respecting persons as moral agents must include epistemic elements—and thus political liberalism's conception of reasonableness should include epistemic elements. However, Wall uses this argument to defend perfectionist liberalism as the superior conception of respect for persons as moral agents. I think that reasonableness does include some epistemic elements—however the qualification of reasonableness should be understood as a moral qualification and not an epistemic qualification. I think understanding reasonableness in this way avoids Wall's objections while still capturing much of Nussbaum's motivation in articulating a broad ethical conception of reasonableness.

¹⁰⁰ *PL*, 54-58 describes the burdens of judgment in detail.

positions than one's own. This is a form of recognition respect for the equal capacity of our fellow citizens to reason freely about one's conception of the good.

Recognition respect is the important grounding point for the entire political liberal project.¹⁰¹ Essential to a person being reasonable is the willingness to adopt a certain moral attitude towards one's fellow citizens. One needs to recognize their freedom and equality and, in light of this, should think society should be organized around fair terms of cooperation. The metric for determining whether or not terms of cooperation are fair is whether or not they respect the equal moral status of all, rather than privileging some at the expense of dominating others.

Recognition respect is also necessary in order for us to recognize the burdens of judgment. If others are not respected as one's moral equal, then we need not recognize the reasonableness of their perspective when they disagree. As Rawls explains, "different conceptions of the world can reasonably be elaborated from different standpoints and diversity arises in part from our distinct perspectives. It is unrealistic—or worse, it arouses mutual suspicion and hostility—to suppose that all our differences are rooted solely in ignorance and perversity, or else in the rivalries for power, status, or economic gain" (*PL*, 58). In recognizing the reasonableness of our fellow citizens, we take each to be genuinely moral in their pursuit of the good life. Disagreement does not imply that one's interlocutor has malicious or self-interested intentions. Recognizing that one's fellow citizens are reasonable is an acknowledgement that they have met a minimum moral threshold.

Rawls elucidates the reasonableness of the disagreement by contrasting it with unreasonable disagreement that arises from "prejudice and bias, self- and group interest, blindness and willfulness" (*PL*, 58). These unreasonable sources of disagreement fail to recognize the portion of morality connected to justice and cooperation—our ability to "recognize the independent validity of the claims of others" (*PL*, 52). Our ability to recognize the validity of other people's claims is essential to our ability to cooperate with others in a way that recognizes their status as agents.

Rawls argues that accepting the burdens of judgment also requires accepting the consequences of the burdens of judgment for the use of public reason in directing the legitimate exercise of coercive power; this is the third criterion of reasonableness—the legitimacy criterion. This, too, is built on the idea of respecting our fellow citizens as free and equal. Citizens know that their fellow citizens "affirm a diversity of reasonable religious and philosophical doctrines" so they "should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality" (*PL*, 218). Central to public reason

¹⁰¹ In arguing for a moral basis of political liberalism that is fundamentally about respecting persons, I follow Charles Larmore quite closely (Larmore 2008, 143, see generally 139-167). Larmore explains, "respect for persons lies at the heart of political liberalism, not because looking for common ground we find it there, but because it is what impels us to look for common ground at all" (Larmore 2008, 149). Larmore and Rawls diverge on this issue of the common ground of political liberalism. Larmore discusses the "inadequacies of Rawls's understanding of political liberalism" (*ibid*, 150) focusing primarily on the issue of legitimacy and consent (*ibid*, 149-153). What I hope to have shown above is that respect for the status of persons is an important moral threshold of reasonableness for Rawls—one that can be easily overlooked if we focus primarily on Rawlsian legitimacy.

and Rawlsian legitimacy is the recognition that once we accept reasonable pluralism, we should try to offer others reasons that they can recognize as reasons even if they disagree with one's comprehensive doctrine. Public reason provides the framework showing "what principles and guidelines we think other citizens (who are also free and equal) may reasonably be expected to endorse" (*PL*, 226). This is the way Rawls thinks a person's status as free and equal can be protected in politics.

However, embracing Rawlsian legitimacy is not essential for respecting the free and equal status of persons. The use of public reason is an important part of the overall Rawlsian project of showing how the coercive structures of the government could be legitimate in the context of reasonable pluralism. But this extends beyond the minimal moral threshold required for reasonableness. This is not to say that recognition respect of the freedom and equality of citizens is unrelated to liberal legitimacy and public reason. Rawls would consider a person who embraces Rawlsian legitimacy and justice as fairness fully reasonable because they endorse the most reasonable political conception of justice. Rawls thinks that using public reason is the best way to justify constitutional essentials and matters of basic justice in a society that is characterized by reasonable pluralism. According to Rawls, we fail to treat our fellow citizens as free and equal persons if we attempt to exercise political power on terms that those who disagree with us cannot even recognize as reasons. For Rawls, recognizing the burdens of judgment leads to a particular way in which we should engage in reasoning about constitutional essentials and matters of basic justice.

Yet these proposals have been controversial even among those who meet the other moral criteria for reasonableness. Just as there may be disagreement about conceptions of the good, people may also disagree about the most fair or most reasonable way to respect the free and equal moral status of one's fellow citizens.¹⁰² Rawls acknowledges, "while I view [justice as fairness] as the most reasonable [conception of justice] (even though many reasonable people seem to disagree with me) ... I would simply be unreasonable if I denied that there were other reasonable conceptions [of justice]" (*PL*, xlvii). There will likely be a permissible range of political conceptions of justice that will be tied to different conceptions of legitimacy that all nevertheless meet the minimal moral threshold of reasonableness.

2.4. Why Accepting the Burdens of Judgment Does Not Entail Accepting Public Reason

As noted above, Rawls argues that the second basic aspect of reasonableness involves "the willingness to recognize the burdens of judgment and to accept their

¹⁰² Two recent examples will be illustrative. Simon Căbulea May has recently argued that a religious democracy could be legitimate because it could respect the equal status of citizens and protect their basic rights. He argues that parties to the original position have no compelling reason to select Rawls's liberal principle of legitimacy over other conceptions of legitimacy that may also respect the equal status of citizens (May 2009). Steven Wall has argued that liberal perfectionism could be made compatible with Rawlsian liberal legitimacy, if this is taken to be an ideal, because "justice can sometimes trump legitimacy" (Wall 2014b).

consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime” (*PL*, 54). If public reason is the ‘consequence’ of accepting the burdens of judgment, doesn’t this suggest that Rawls views public reason as an entailment of the burdens of judgment? If so, how could it be viable for me to separate these criteria as I have suggested?

Certainly there are some political consequences to recognizing the burdens of judgment. But do these consequences require embracing Rawls’s liberal principle of legitimacy in order to be reasonable? Rawls thought the most reasonable political conception was a politicized version of justice as fairness, and with it Rawls’s liberal principle of legitimacy. The predominant conception of reasonableness in *PL* links the burdens of judgment quite closely with liberal legitimacy.

However, at times, he suggests a more minimal threshold for reasonableness. Rawls argues that “political liberalism applies the principle of toleration to philosophy itself” (*PL*, 10), which requires letting “citizens themselves ... settle the questions of religion, philosophy, and morals in accordance with views they freely affirm” (*PL*, 154). If reasonableness is primarily about respect for one’s fellow citizens as free and equal, including their right to decide questions of morality, religion, and philosophy for themselves, then meeting this threshold need only require some protections for citizens to reason freely about these matters. It need not require embracing public reason.

We must recognize that the burdens of judgment lead to reasonable pluralism. Given that reasonable disagreement need not imply any moral or intellectual failing of the parties to the disagreement, we ought to protect the conditions under which they can explore issues of the good for themselves. This requires any political conception of justice that can qualify as reasonable to include protections for freedom of thought and freedom of conscience to protect citizen’s status as free and equal reasoners in the context of reasonable pluralism.

Recognizing the consequences of the burdens of judgment need not require embracing public reason or any other proposal about securing the legitimacy of state coercion. A citizen need not embrace one particular solution to the question of what, if anything, could make the coercive power of the government legitimate in order to be reasonable. The question of what, if anything, could make the coercive power of the government legitimate answers an entirely separate question in political philosophy.

Many who argue for a conception of recognition respect in Rawls link recognition respect to public reason and reciprocity (see, e.g., Neufeld 2005, Boettcher 2007, 2012, Hartley and Watson 2010). By contrast, I think recognition respect is fundamentally about recognizing the equal moral status of persons. Some people may demonstrate respect for others by using public reason when engaged in public political debate, but this is downstream from respecting the equal status of others.

There is also some support within Rawls to suggest that accepting the consequences of the burdens of judgment need not entail the acceptance of Rawlsian legitimacy. As Rawls came to increasingly emphasize the plurality of liberal conceptions of justice, he slightly revises his understanding of reasonableness. He distances it from the liberal principle of legitimacy and instead identifies toleration as the consequence of recognizing the burdens of judgment. In later work, Rawls summarizes his conception of

reasonable citizens as “characterized by their willingness to offer fair terms of social cooperation among equals and by their recognition of the burdens of judgment” (*LP*, 87). Rawls does not, in the later work, appear to think that reasonableness requires embracing Rawls’s own liberal principle of legitimacy¹⁰³ even though all reasonable liberal political conceptions of justice should include a criterion of reciprocity (*LP*, 10). In the *Idea of Public Reason Revisited*, Rawls explains:

Reasonable persons are characterized in two ways: First, they stand ready to offer fair terms of social cooperation between equals, and they abide by these terms if others do also, even should it be to their advantage not to; second, reasonable persons recognize and accept the consequences of the burdens of judgment, which leads to the idea of reasonable toleration in a democratic society. (*IPRR*, 488)

Rawls also explicitly separates “the idea of legitimate law” as a separate criterion that reasonable citizens recognize applies to “the general structure of political authority” (*IPRR*, 488). Rawls’s later separation of the legitimacy criterion from the core aspects of reasonableness has received relatively little attention in contemporary debates. But it was also foreshadowed in *PL*.

In *PL*, the idea of reasonable toleration is linked most closely with preserving citizen’s freedom to pursue their reasonable conceptions of the good, free from state interference. This is the most important consequence of recognizing the burdens of judgment. Rawls argues, “reasonable persons see that the burdens of judgment set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought” (*PL*, 61). Recognizing some form of liberty of conscience and freedom of thought is important to preserve as a consequences of recognizing that pluralism regarding one’s moral and religious doctrines is reasonable. Securing freedom of conscience and freedom of thought is a far more minimal requirement than requiring that matters of basic justice and constitutional essentials be settled in terms of public reason.

Nevertheless, securing these liberties is an important political consequence of recognizing the burdens of judgment. If we fail to protect the liberty of conscience of all reasonable citizens, we count as unreasonable. Rawls explains, we “must count as unreasonable” when “we want to use state power, the collective power of equal citizens, to prevent the rest from affirming their not unreasonable views” (*PL*, 61). This is the conception of toleration that Rawls thinks follows from recognizing the burdens of judgment. We tolerate those who meet the minimal threshold for reasonableness by protecting their right to affirm their views even if we disagree and even if we think they are not fully reasonable but only “not unreasonable.” Rawls argues that “political liberalism applies the principle of toleration to philosophy itself” (*PL*, 10) which requires respecting citizens’ freedom to settle matters related to their comprehensive doctrines according to the views they freely affirm (*PL*, 154).

¹⁰³ He explains the “most reasonable terms of fair cooperation” interprets reciprocity to require that those proposing the terms of cooperation “must think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated” (*LP*, 14). He also separates the “idea of legitimate law” from the consequences of the burdens of judgment, which are explicitly linked to “the idea of reasonable toleration” (*IPRR*, 488).

Accepting the burdens of judgment leads to accepting the idea of reasonable toleration. It does not require full acceptance of public reason and Rawlsian legitimacy. Legitimacy is not entailed by the burdens of judgment even if Rawls draws on the fact of reasonable pluralism in defending his liberal principle of legitimacy.

I also think drawing on some of Rawls's later developments of political liberalism lends weight to the idea that the bifurcation of reasonableness that I have defended in these past two chapters is grounded in Rawls's work, although my own defense may depart from Rawls at several junctures. Still, I think identifying the core moral component of reasonableness is important for clarifying precisely where disagreements lie in debates over the viability of the political liberal project.

As political philosophers, we investigate the most appropriate conception of justice to specify fair terms of cooperation in society, whether there is any such thing as legitimate authority, and what conditions could secure the stability of society. Rawls addresses all of these questions in *Political Liberalism* and his political conception of justice as fairness offers a distinctive and unified answer to all three questions. However, there is no necessary connection between these proposals. Rawls argues that a modified political conception of justice as fairness is "the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal" (*PL*, 47), and can secure stability for the right reasons in spite of the fact of reasonable pluralism about the good. However, justice as fairness is but one among a family of reasonable political conceptions of justice (*PL*, xxxvi). And different conceptions of justice will be associated with different solutions to securing the legitimacy of coercion.

Nevertheless, not every proposal concerning terms of cooperation in society demonstrates respect for those who are subject to these arrangements. To be reasonable, one must seek fair terms of cooperation that respect the free and equal status of all within the system. This is the core normative foundation of political liberalism.

Toleration is only required for those views that qualify as permissible within political liberalism.¹⁰⁴ We need not tolerate views inconsistent with the minimum moral requirements for reasonableness: respecting others as free and equal and willingness to honor fair terms of cooperation. Certain comprehensive doctrines will be inadmissible if they "require repression or degradation of certain persons" (*PL*, 196). Thus, if there are comprehensive doctrines that are simply inconsistent with respecting citizens as free and equal, the citizens who embrace these comprehensive doctrines may be unreasonable.

However, Rawls also preserves a fairly wide scope of freedom of thought and conscience. He argues that even unreasonable views should be allowed freedom of expression, as long as they do not threaten the free and equal status of persons within the system. Thus, unreasonable adults may express their comprehensive doctrines, even though in doing so they fail to respect their fellow citizens as free and equal, provided the expression of their views does not harm the moral status of other citizens. But this does not mean that unreasonable citizens have free reign to repress or degrade others. This is why I have focused, in the other chapters of the dissertation, on the impact comprehensive doctrines have on children. The state can justifiably promote the

¹⁰⁴ See Rawls's extended discussion of permissible conceptions of the good and the political virtues in *PL*, 190-200.

reasonableness of its citizens, especially when this is justified on the basis of promoting the conditions required for recognition respect. This is not a direct interference with the unreasonable adult citizen's conception of the good. Rather, political liberalism should develop institutional mechanisms that can help cultivate the development of recognition respect for oneself and one's fellow citizens, i.e., the social bases of securing recognition respect, the cultivation of which is essential for political liberalism. I return to this discussion in chapter 4.

3. Reasonable Pluralism Expanded

In later works,¹⁰⁵ Rawls emphasizes the plurality of reasonable liberal political conceptions of justice. He proposes justice as fairness as the “most reasonable terms of fair cooperation” but recognizes that there will be disagreement about which political conception is the most reasonable (*LP*, 14). Examining Rawls's expansion of political liberalism to include multiple different political conceptions of justice with varying degrees of reasonableness shows that there are certain moral criteria that need to be met for qualifying as reasonable at all. This is the minimum moral threshold of reasonableness. In addition, he distances his conception of reasonableness from legitimacy.

Rawls argues that each reasonable political conception of justice “endorses the underlying ideas of citizens as free and equal persons and of society as a fair system of cooperation over time” (*LP*, 14). Doing so ensures that those endorsing these criteria are “reasonable, even if barely so” (*LP*, 14). Recall that these are the features I have argued form the first criterion of reasonableness, conceived of as a minimal moral threshold within political liberalism. Even barely qualifying as reasonable is important because Rawls continues to view reasonableness as a basic normative idea connected to toleration.

If reasonableness is taken as a moral qualification—then why not expect reasonable pluralism regarding the justification of coercive power just as we might expect reasonable pluralism about the good and reasonable pluralism about justice?¹⁰⁶

Bifurcating reasonableness in the way I have argued for in the past two chapters allows us to keep distinct two separate questions. First, the question of who meets the minimal qualifications for reasonableness, considered as a moral threshold, such that their view should be tolerated within the political conception of justice. Second, the question of what, if anything, could make a state legitimate.¹⁰⁷

¹⁰⁵ The later works include the 1996 introduction to the paperback version of *Political Liberalism*, the *Idea of Public Reason Revisited*, and *The Law of Peoples*.

¹⁰⁶ Gaus suggests that the true legacy of political liberalism is pursuing the implications of Rawls's 1996 contention that justice as fairness is just one among several reasonable political conceptions of justice. Gaus calls this reasonable pluralism about the right, “deep pluralism” (Gaus 2014, 247-249).

¹⁰⁷ In trying to disambiguate the various types of questions political philosophy can answer, I am inspired by Simmons's article arguing that Rawlsians blur together the justification for the state with the legitimacy of state coercion. My own claim to disambiguating the various different levels of analysis differs from Simmons's because I try to identify the moral threshold for reasonableness and argue that different conceptions of both justice and legitimacy can respect the basic status of citizens as free and equal.

Once we are evaluating how best to justify the coercive actions of the state, Rawls's liberal principle of legitimacy provides a compelling answer. But it is by no means the only reasonable answer. The liberal principle of legitimacy holds the exercise of political power is legitimate only if it can be justified in accordance with reasons that are acceptable to all reasonable comprehensive doctrines. This is a substantive conclusion with which many who satisfy the respect criterion of reasonableness could disagree. Call this *reasonable pluralism about legitimacy*. Debating matters of legitimacy is a different issue and should not be bundled with setting the proper scope of reasonable pluralism. Reasonableness should not collapse into simply identifying political liberals—even if these political liberals hold a variety of comprehensive doctrines.

What is the larger upshot for political liberalism of identifying the minimal moral threshold of political liberalism as a form of recognition respect? On one hand, it may be quite minimal. Perhaps spelling out the basic threshold needed to qualify as reasonable is simply a matter of clarifying Rawls's project. On the other hand, I think this opens the door to expansions of political liberalism. Debating how political society can be structured in a way that best respects the free and equal status of one's fellow citizens as moral persons is an important political question. Clarifying the basic status of persons that must be respected in politics helps lend a metric by which to judge competing theories. In the next chapter, I will turn to one such development to show how political liberalism could be a useful ally for feminism.

CHAPTER 4

FEMINISM AND DIVERSITY IN POLITICAL LIBERALISM

This chapter investigates how permissive political liberalism can be of diversity without undermining feminist aims. In order to make political liberalism broadly inclusive, Rawls believes that the scope of justice must be limited to the political realm and include a wide variety of comprehensive doctrines as reasonable for the purposes of political justice. However, feminists have argued that this broadly inclusive scope can be too permissive of sexism because sexist comprehensive doctrines will be permitted as reasonable. I argue, in response, that despite maintaining its inclusive scope, political liberalism can serve as a powerful feminist ally. Developing the feminist potential of political liberalism requires first clarifying the limits of the diversity that political liberalism deems permissible. I will then argue that these limits suggest the need for institutional support for the basic building blocks of political liberalism—the freedom and equality of citizens—in a way that shows the political liberal state can support some important feminist aims.

Herein, I develop a feminist extension of political liberalism—one that I believe is consistent with Rawls's aims in political liberalism but departs from Rawls at several junctures. As such, this is a Rawlsian feminist political liberalism—it is not meant as an interpretation of Rawls.

In order to situate my own articulation of a Rawlsian feminist political liberalism, I first briefly survey feminist critiques of political liberalism (§1). I then turn to two recent attempts to argue for a feminist political liberalism. Christie Hartley and Lori Watson have argued that political liberalism's conception of reciprocity can secure substantive equality for women because it requires securing non-domination and recognition respect for all citizens. Elizabeth Brake has argued that feminist potential lies in securing the social bases of recognition self-respect, which requires greater intervention into families because children are particularly vulnerable to influences that undermine self-respect.

My own defense of Rawlsian feminist political liberalism draws on both insights. I argue that recognition respect of the freedom and equality of citizens as moral persons is the important grounding point for the entire political liberal project. Recognition respect is necessary for any terms of cooperation to qualify as fair to all. While I agree with the goals of Hartley and Watson's project, I will show (§2) that their arguments rest on a prior condition requiring that in order to qualify as reasonable, citizens must have recognition respect for their fellow citizens as free and equal moral persons. I then argue that securing recognition respect for one's fellow citizens as free and equal moral persons requires attention to the moral development of children as future citizens. I draw on Brake's work on recognition self-respect and the moral development of children to in order to show the need for attention to the ways certain comprehensive doctrines can threaten the developing self-respect of children (§3). I argue (§4) for an expanded understanding of the

structural and institutional protections for freedom and equality by developing a feminist expansion of Rawls's social bases of self-respect. I then (§5) consider the objection that there is a tension between the inclusive scope of reasonableness and developing a feminist political liberalism. I attempt to formulate a conception of reasonableness that is widely inclusive of a diversity of comprehensive doctrines but still meets some limited feminist aims.

1. Feminist Critiques of Political Liberalism

In *Political Liberalism*, Rawls seeks to form a broadly inclusive approach to justice that could be agreed to by those who hold a wide variety of moral and religious beliefs. His solution is to propose standards of justice for public, political life that could secure fair terms of cooperation for all, while protecting each person's ability to pursue her religious or moral beliefs in the non-public domain. Yet, his solution to the problem of moral diversity in politics has provoked serious criticism from feminists who question the reinstatement of a sharp divide between the public-political realm and the non-public, private realm—a divide feminists have long critiqued as harmful to women because many injustices towards women occur within the realm traditionally protected as private.

More specifically, feminists worry that Rawls protects as *reasonable* a number of comprehensive doctrines that denigrate the status of women in the home, religious establishment, or education.¹⁰⁸ If citizens are free to structure their private and associational lives according to their comprehensive doctrines, free from state intervention, and conservative or fundamentalist religious doctrines that promote inegalitarian gender relationships in the private sphere qualify as reasonable, then given political liberalism's aim of maintaining neutrality among the diversity of reasonable comprehensive doctrines, feminists cannot hope to use political liberalism to critique these views. Feminist critique could only proceed as an alternative reasonable comprehensive doctrine, and could not rely on any form of state intervention on behalf of women. A number of feminists have rejected political liberalism for these reasons.

These criticisms are no minor issue; if they succeed, then political liberalism's theoretical adequacy is seriously threatened. How could a conception of justice based on a commitment to freedom and equality consistently ignore threats to the free and equal status of half of the population?

I think feminist's dismissal of political liberalism is too quick.

Before turning to my own proposal, I will first investigate two recent attempts to secure the feminist potential of political liberalism. Hartley and Watson argue that

¹⁰⁸ Exdell 1994, Okin 1994, 2004, Yurako 1995, Baehr 1996, Schwartzman 2006. Some prominent feminists have responded to these critiques (Lloyd 1995, de Wijze 2000, Nussbaum 2003, Smith 2004, Hartley and Watson 2009, 2010, Brake 2013), but I believe the argument I develop in this chapter is takes a different tactic. In later work, Baehr argues that there can be feminist content in a public political philosophy (Baehr 2004, 2008). In this chapter, I focus on situating my own defense of the feminist potential of political liberalism in relation to the two liberal feminist approaches that are closest to my own view (Hartley and Watson 2010 and Brake 2013).

political liberalism is a feminist political theory. Brake argues that while Rawls failed to secure the feminist potential of political liberalism, there are resources within his account of the social bases of self-respect to secure substantive feminist aims. I agree that political liberalism can be a powerful tool for feminism, even while permitting a diversity of comprehensive doctrines to qualify as reasonable. I will argue that to secure the feminist potential of political liberalism, we need to first clearly delineate the basis for citizens to qualify as reasonable.

2. Hartley and Watson's Substantive Equality and Reciprocity

Recently, Hartley and Watson have argued that political liberalism's core commitment to reciprocity makes it a feminist political philosophy. They argue that Rawls's conception of reciprocity "places substantive demands on any reasonable political conception of justice, as any reasonable political conception of justice must secure social conditions of non-domination and recognition respect among citizens" (Hartley and Watson 2010, 21). The substantive demands on conceptions of justice are generated by the connection between reciprocity and the liberal principle of legitimacy. Rawls argues that political legitimacy is "based on the criterion of reciprocity: our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions ... are sufficient, and we would also reasonably think that other citizens might also reasonably accept those reasons" (*IPRR*, 446-447). Reciprocity is tied to the justifiability of political principles to our fellow citizens. This link, Hartley and Watson argue, generates both negative and positive aims. Negatively, reciprocity demands eliminating social hierarchies that undermine citizen's ability to engage in public reason (Hartley and Watson 2010, 8). Positively, it requires establishing social conditions necessary for recognition respect among free and equal citizens (*ibid*). These aims are linked because eliminating hierarchical conditions is a prerequisite for establishing social conditions necessary for recognition respect among free and equal citizens.

In this section, I investigate the negative and positive aims of reciprocity discussed by Hartley and Watson. While I agree with the goals of Hartley and Watson's project, I will show that their arguments require that citizens have recognition respect for their fellow citizens as free and equal moral persons in order to be reasonable. This requirement is not grounded in the legitimacy or justifiability of political principles, as Hartley and Watson claim. Rather it is a prerequisite for engaging in the process. In order for any citizen to be included as reasonable, they must recognize themselves and their fellow citizens as free and equal moral persons. Recognition respect for one's fellow citizens as free and equal moral persons is not derived from the reciprocity condition; it specifies the standards according to which citizens can judge the fairness of the terms of cooperation.

According to Hartley and Watson, the negative aim of reciprocity demands the "elimination of pervasive social hierarchies that thwart the give and take of public reasons among free and equal citizens" (Hartley and Watson 2010, 8). Since public reasons should be articulated in terms that could be reasonably accepted by citizens as free and equal, social hierarchies could inhibit justifiability of political principles. While I agree

that grounding the feminist aims in public reason *may* require the elimination of social hierarchies in order to meet the demands of public reason, I worry that grounding substantive feminist content on public reason may not be sufficient to guarantee that political liberalism is feminist liberalism. As I will show shortly, only extreme cases of social hierarchies thwart the give and take of *reasons* between citizens. The substantive feminist work is being done by whether or not people are treated as free and equal citizens in the political sphere and not by the idea that social hierarchies “interfere with the give and take of reasons” (Hartley and Watson 2010, 9).

Hartley and Watson draw on the ways in which gender norms impact the way women are viewed in both employment and the political sphere to illustrate the aims of the reciprocity criterion. They investigate two kinds of examples: gendered norms of beauty and gendered norms of parenting. I will argue that while these examples point to clear cases of unjust and unequal treatment of men and women, it does not impact the give and take of public reasons—which, I suggest, means that we should ground the feminist potential of political liberalism elsewhere in Rawls’s system.

Gendered norms of beauty impact the employment opportunities of women disproportionately to men. Overweight women suffer greater income penalties than overweight men and, in traditionally male dominated professions, attractive women are perceived as less competent and less intelligent, whereas attractive men do not typically suffer this prejudice. These cases point to unequal opportunities for advancement within a given field and unequal earning potential tied in systematic ways to one’s gender and physical appearance. However unequal or unfair this kind of discrimination is, does it really impact the give and take of public reasons? Certainly if one falls below a subsistence threshold, this will impact one’s ability to engage in public political debate. But if a woman makes 78 cents to every dollar her male counterpart makes,¹⁰⁹ does this undermine her ability to be taken seriously as an equal interlocutor when debating matters of basic justice or constitutional essentials?

It strikes me that although there are clear claims of injustice; they are not best captured by norms of justification, legitimacy, or public reason. Justice as fairness can explain the wrongs of these cases as injustices rooted in inequality of opportunity or an unequal distribution of the primary goods, but Hartley and Watson claim to be advancing an argument that is broader than showing justice as fairness has feminist potential. They argue that political liberalism itself places constraints on any public political conception of justice. But unequal income and wealth is consistent with equal respect as citizens (see, e.g., *PL*, 281-282). While an employer may evaluate male and female employees in biased ways, this does not undermine women’s ability to be equal participants in public reasoning about basic justice and constitutional essentials. Thus, the injustice does not lie in the impact on the ability of women to engage in public reason.

The positive aim of reciprocity, according to Hartley and Watson, is establishing the social conditions necessary for recognition respect, defined as recognition of one’s authority to demand reasonable justifications for principles of justice and constitutional essentials. Social hierarchies undermine recognition respect when certain groups are not

¹⁰⁹ AAUW “The Simple Truth About the Gender Pay Gap” at <http://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/>

acknowledged as having the authority to make claims on others as equal citizens and are not able to advance their claims of justice as equal citizens (Hartley and Watson 2010, 12-13).

In explicating the positive aim of reciprocity, Hartley and Watson extend Rawls's arguments about the social arrangements that are incompatible with reciprocity to secure substantive feminist aims. Rawls argues that certain types of arrangements are simply incompatible with reciprocity, such as holding some persons as slaves or denying women the right to vote (*IPRR*, 447). Hartley and Watson argue that the same reasons that justify these cases as imposing substantive constraints on political conceptions of justice will also secure substantive equality for women by ensuring equitable division of the socially obligatory work of caring for children (Hartley and Watson 2010, 17). When running for political office or competing for promotions, women are routinely asked to justify their ability to balance the demands of motherhood with the demands of the job. No such demands are placed on fathers (Hartley and Watson 2010, 9-10). The impact of a decision to be a parent has disproportional effects on women's careers and chances of holding public offices.

The disproportionate burdens on women are unjustifiable. But do these burdens undermine women's authority to advance claims of justice in public reason? The burdens are not acceptable because they fail to treat women as free and equal citizens; however, unequal arrangements need not undermine women's authority to propose principles of justice and demand justification for principles of justice and constitutional essentials. Thus, these burdens may not undermine the form recognition respect Hartley and Watson highlight.

Unlike Rawls's examples of restricting voting privileges and enslaving people, which directly deny the equal political status of certain groups; the unequal burdens of caring for children do not inscribe unequal political status by law. It may be more difficult for women to be elected as public officials and to secure promotions because of the social perception that women should prioritize motherhood, but this is quite different from denying groups the right to vote. Being enslaved and being denied a right to vote removes the potential to be recognized as a political agent. These arrangements are incompatible with recognizing the authority of the slave or the woman to be recognized as an equal participant in public political debate because they deny that slaves or women qualify as political agents. Further argument is required to demonstrate that equitable division of care in society is necessary for women to be recognized as equal authorities in proposing principles of justice and constitutional essentials. Caregivers share a disproportionate burden in political life, but their caregiving is not incompatible with being recognized as a political agent.

Tying the substantive equality of women to public reason and reciprocity, understood as a justificatory norm, undermines the impact of Hartley and Watson's argument that political liberalism is feminist. The norms of public reason are limited by Rawls in various ways. Not only is public reason restricted to principles of justice and constitutional essentials, it is also restricted to public officials engaged in the public political forum. This includes the legal decisions of judges, the discourse of government officials when acting in their official capacity, and candidates for public office (*IPRR*, 442-443). The ideal of public reason also applies as a moral duty to citizens. To meet this

ideal, citizens should think about matters of basic justice and constitutional essentials “as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact” (*IPRR*, 444-445). Citizens fulfill this moral duty of civility and public reason “by doing what they can to hold government officials to it” (*IPRR*, 445). Thus, public reason is proposed by Rawls as a moral ideal that is limited in a number of ways, applying primarily to government officials when deciding on basic principles of justice and constitutional essentials. Given the significant limitations Rawls places on public reason, why tie one’s substantive feminist proposal to this ideal? It seems to significantly curtail the feminist potential of political liberalism. The domination and subordination a woman would have to face to undermine her ability to think about reasons as if she were a legislator would be quite extreme. One’s thoughts would have to be so corrupted by subordination such that she could not conceive of herself, even theoretically, as free and equal.¹¹⁰ The tight link Hartley and Watson, following Rawls, draw between reciprocity as a justificatory ideal and public reason undercut the substantive proposals that could be derived from a more expansive ideal of Rawlsian reciprocity connected to the first criterion of reasonableness.

Perhaps Hartley and Watson would suggest that reciprocity requires assessing the specific principles of justice and constitutional essentials to see whether these proposals could be acceptable to citizens as free and equal—regardless of whether the proposals would impact a citizen’s ability to engage in public reason as an equal.¹¹¹ I think this move is quite plausible and I think political liberal feminism can be defended along similar lines. But note that this move separates the reasonableness of political principles from their connection to public reason. All of the substantive feminist work is done by the reasonableness of the proposals, evaluated in terms of which proposals secure non-domination and recognition respect for citizens as equals—not by their impact on the give and take of public reasons.

I have been arguing that Hartley and Watson’s use of the reciprocity condition as linked to our authority to engage in public reasoning cannot secure the substantive feminist aims they seek to establish. The wrongness of the cases lies in the unequal status of men and women as citizens, rather than simply as reasoners.

¹¹⁰ In some cases, the effects of oppression may be so extreme as to undermine even the capacity to think of oneself as if one were free and equal. If so, Hartley and Watson’s proposal could capture these as wrongs in political liberalism, but I contend these would be somewhat rare. The effects of oppression on one’s ability to participate in public reason is an empirical issue and perhaps Hartley and Watson are right to point to this capacity as the key to showing political liberalism is feminist. But I hope to find stronger grounds for the feminist potential of political liberalism directly in its commitment to tolerating *reasonable* pluralism.

¹¹¹ Watson argues that reciprocity involves recognizing one’s standing as an equal citizen (Watson 2007). Thus, my view may not be all that different in the end. I also argue that recognizing the equal status of one’s fellow citizens is of fundamental importance to political liberalism and it is from recognition of this status that we can secure important feminist (and anti-oppression) aims. But I still think there is value to highlighting the fundamental commitment of political liberalism as a form of recognition respect of the equal status of oneself and one’s fellow citizens. This is the primary commitment. Reciprocity is built out of this commitment. As with Hartley and Watson’s 2010 argument, I take my argument to reverse the order of Watson’s argument. Recognition respect is first, reciprocity is political liberalism’s way of securing recognition respect, and Rawls’s liberal principle of legitimacy is built on these two components to solve the question of what, if anything, could make coercion legitimate in a society characterized by reasonable pluralism.

Now, I want to consider a different objection—whether or not Hartley and Watson are too permissive of sexism. Hartley and Watson call for the elimination *pervasive* social hierarchies because public reason could be compatible with embracing certain forms of social hierarchy. They argue for the compatibility of certain unequal roles in comprehensive doctrines, as long as women are treated with recognition respect as citizens. They argue that one’s “socially ascribed or assumed identities” need not impact one’s identity as a citizen. Gender hierarchy at home and in one’s religion are compatible with recognizing that persons are equal citizens.¹¹² Given the normative priority of citizenship in political liberalism, this means “one’s identity as citizen always gives one a certain standing and rights, liberties and responsibilities” that cannot be denied by others nor can one divest oneself of one’s rights. However, Hartley and Watson make room for a case in which a woman’s rights as a citizen are secured by political liberalism “even if she chooses not to enjoy them” (Hartley and Watson 2010, 20-21). In this way, hierarchical views of women in the nonpolitical realm remain compatible with political liberalism’s protection of the free and equal status of women as citizens—even if the woman (presumably because of her comprehensive beliefs about gender hierarchy) abstains from enjoying her rights as citizens. But if this is true, then the room for feminist critique of sexism is significantly circumscribed.

If a woman can choose not to enjoy her rights and standing as a citizen, how does securing such rights make political liberalism feminist? If it is permissible to abstain from enjoying one’s standing as an equal citizen, this seems to make Hartley and Watson’s proposal vulnerable to the objection that political liberalism secures ‘merely formal’ rights and liberties which would undermine their ability to secure non-domination or recognition respect as an equal? There is a tension between these two aspects of Hartley and Watson’s account of feminist political liberalism. On one hand, political liberalism appears to secure substantive rights of nondomination and recognition respect as equals. On the other hand, it seems they allow political liberalism to be too permissive of gender inegalitarian nonpolitical views—in ways that may undermine the substantive feminist equality they seek.

But how can we, as liberals, prohibit a citizen’s choice not to exercise her rights as citizens? It seems problematic and runs against the trajectory of political liberalism if we required that all reasonable persons prioritize their political identity over any other aspect of their identity. The divide between the political conception, which views persons as citizens, and comprehensive conceptions of persons is central to keeping political liberalism appropriately *political*. Rawls seeks to establish a normative basis for justice that is compatible with wide diversity and disagreement in the non-political realm. The state should view all persons simply as equal citizens and should abstain from making judgments about the truth of personhood. This split is crucial to securing an overlapping consensus in politics without privileging any particular comprehensive conception of

¹¹² I return to the question of the reasonableness of those who hold the split view of persons in which one’s comprehensive doctrine dictates the truth of gender hierarchy but one also holds that the state should treat all citizens as equals below in section 4.2. This will be an issue for all versions of political liberal feminism. But Hartley and Watson face an additional challenge because their view allows for the permissibility of a woman abstaining from enjoying her rights as citizen. This is a separate issue from acknowledging a potential split view of persons.

personhood. This, I think, is one reason Hartley and Watson leave open the permissibility of abstaining from exercising one's rights and liberties as a citizen.

Given that political liberalism maintains an important distinction between comprehensive conceptions of persons and the political conception of equal citizenship, it may mean that feminists need to accept a woman's decision to abstain from enjoying her rights and liberties as a citizen. But I think there is a prior condition that would make this decision more palpable for both feminists and liberals. The state needs to attend to the moral development of children to ensure that all children learn the full range of rights and liberties they are entitled to in the political realm. This way, we can leave open the possibility that some adults will repudiate their status as equal citizens but it should mitigate worries that this repudiation is undermining of a citizen's recognition respect for herself as a free and equal moral person.

I worry that to secure true recognition respect for oneself and other citizens—we need to be especially worried about the impact one's comprehensive doctrine has on a person's conception of *herself* and her own abilities. Recognizing one's fellow citizens as having equal authority to engage in public reasoning about principles of justice and constitutional essentials may not be enough to guarantee that men and women have the kind of self-respect required to consider *themselves* authoritative sources of valid claims. Attention to securing the social bases of citizens' self-respect is an important component of securing recognition respect among citizens. Developing this aspect of Rawls's work is fruitful for feminism and may help avoid situations such as the one Hartley and Watson allow for—that a woman may choose not to enjoy her rights as a citizen.

3. Brake on the Development of Children's Self-Respect

I think Rawlsian feminist political liberalism should attend to children's moral development to ensure that women equally with men can view themselves as authoritative sources of valid political claims. For this, I draw on Elizabeth Brake's recent rereading of Rawls on self-respect.¹¹³ Brake has argued that securing the social bases of self-respect requires further intervention into the family than Rawls initially recognized because the self-respect of children is vulnerable to influence by one's family and comprehensive doctrines.

Brake argues that Rawlsian self-respect is best understood as a form of recognition respect responding to one's worth as a free and equal person, who possesses the moral powers (Brake 2013, 61-62). She argues against interpretations of Rawlsian self-respect as a kind of self-esteem, arguing that only recognition respect could fulfill the purpose it is meant to serve as a primary good. Recall that primary goods are supposed to be all-purpose means for citizens' pursuit of various conceptions of the good in society. Self-respect could not be interpreted as self-esteem or appraisal of one's own excellence. Such

¹¹³ Rawlsian self-respect has been the subject of increasing interpretive debate in recent years. Many question whether self-respect is consistent with the objective nature of the primary goods because of the ambiguity in Rawls's conception of self-respect and its similarity to self-esteem and appraisal respect (see, e.g., Middleton 2006, Eyal 2009, Moriarty 2009, Doppelt 2009, Stark 2012).

a notion would be too precarious and subjective to be used as an objective metric of comparison between individuals (Brake 2013, 63-65).¹¹⁴ A citizen has recognition self-respect when she values her life plan because she values herself. The very fact that *she* chose the plan is what makes it worth pursuing for her. Self-respect differs from self-esteem because it is a response to one's worth as a person. Rawls explains that caring about "their basic liberties and opportunities to develop and exercise their moral powers and to pursue their conceptions of the good" demonstrates citizens' self-respect (*PL*, 76-77).

If, following Brake, we interpret Rawlsian self-respect as a form of recognition respect, recognition of oneself as a free and equal citizen possessing moral powers (Brake 2013, 62),¹¹⁵ what could be the social bases of this kind of respect? Brake argues that the social bases of self-respect are "socially distributable determinates of self-respecting beliefs, that is, beliefs that one possessed the moral powers and is a free and equal citizen" (Brake 2013, 65). But, Brake cautions, self-respect can be undermined by the words and actions of others. Of particular concern are beliefs that constrain or denigrate a person's belief in her own agency or equal standing, simply because she is a girl or black.

Brake argues that protecting children's developing self-respect requires limiting parental rights to infuse children with ethical and religious beliefs. Following Okin, Brake argues that socialization into gendered roles in the family or gender hierarchy in the church undermines the self-respect of girls. If, as children, girls learn of their purported inferiority or limited opportunities for advancement in certain spheres of life, this undermines their capacity to develop an equal sense of their own worth. Because of its status as a primary good, "damage to self-respect is itself a reason to constrain parental practice, even if such damage does not lead to further inequalities in wealth, income, and position. It thus suggests a Rawlsian strategy for criticizing gender roles that undermine female self-respect directly, and not only because of their socioeconomic outcomes" (Brake 2013, 67).

Brake's strategy could provide feminists with a powerful tool by which to criticize gender hierarchy in nonpublic realms on the basis that it is damaging to the development of self-respect in girls. When girls are taught that gender inequality is true, this could have the consequence of making girls develop in a way that diminishes their sense of their equal worth with boys and it could also lead children of both sexes to grow up believing that girls are not self-authenticating sources of valid claims. If so, their self-respect as adults could be compromised. If one never forms the belief that one is of equal worth or could be a self-authenticating source of valid claims, one fails to recognize oneself as free and equal. Brake argues that even if adults can keep distinct one's status as equal citizen from one's true moral status as inferior, this is not a distinction children can make. And this is damaging insofar as self-respect develops in childhood.¹¹⁶

Brake argues that Rawlsian self-respect justifies placing strict limits on parental rights to infuse children with their beliefs when these beliefs threaten the development of the self-respect of the child. She argues that "religious liberty does not give one the right

¹¹⁴ Doppelt 2009 makes a similar point (Doppelt 2009, 133-134).

¹¹⁵ Cynthia Stark has a different interpretation of Rawlsian self-respect, arguing that it is a form of respect that one's contribution to social cooperation matters (Stark 2012).

¹¹⁶ I will return to the split view of citizenship below in section 4.2.

to compel others to adopt one's religion" but this is precisely what parents do to their children (Brake 2013, 72). While certain tastes and preferences may be unavoidable, these preferences do not generally undermine children's rights. By contrast, teaching children sexist or homophobic beliefs "threaten[s] a primary good [self-respect] for another, non-consenting, individual" (Brake 2013, 72). Threats to self-respect threaten to deprive someone of their liberties and thus could justify political intervention (Brake 2013, 70-73).

With Brake, I agree that because self-respect develops in childhood, attention to the moral development of all children is an important part of securing the social bases of self-respect for citizens. However, I am less convinced about the degree of intervention into the family that Brake argues can be justified on the basis of supporting the developing self-respect of children.

Brake's approach is insufficiently political. Because she identifies the social bases of self-respect so closely with the formation of beliefs, she thinks securing the social bases of self-respect requires monitoring children's self-respect directly. She suggests having teachers monitor damage to self-respect just as they would look for signs of physical abuse and suggests that "the removal of children from parental custody when their developing self-respect is threatened with serious and irreversible damage might be justified" (Brake 2013, 73). However, such direct monitoring of the formation of beliefs extends beyond the appropriate constraints of political liberalism. No state, and certainly not one that follows a political conception of justice, should be in the business of monitoring the self-respect of children. This is far too intrusive into the thoughts and minds of children. Political liberalism seeks to protect wide scope of freedom of thought and conscience. Rawls argues that securing such liberties are important in both the context of reasonable pluralism and pluralism that includes both reasonable and unreasonable comprehensive doctrines (*PL*, 64-65). Any proposal that seeks to have representatives of the state (in this case, teachers tasked with the civic education of children) monitor the beliefs of individuals encroaches on the freedom of thought and conscience that Rawls thinks is crucial to respecting the burdens of judgment.

Monitoring the development of self-respect of individual children also moves away from Rawls's use of the primary goods as objective measures of all-purpose means for securing citizens various conceptions of the good (*PL*, 179-181). The primary goods should provide a "practicable public basis of interpersonal comparisons based on objective features of citizens' social circumstances open to view, all of this given the background of reasonable pluralism" (*PL*, 181). Evaluating the beliefs of individual children seems far too subjective to qualify as an objective metric for comparisons between citizens. Further, taking children away from their parents requires a very hefty justificatory burden. Cases of abuse and violence meet this threshold, but damage to a child's developing sense of self-respect is not similarly open to all.

While self-respect is a belief about one's own equal worth as a citizen, I depart from Brake in identifying the social bases of self-respect so closely with the formation of beliefs. I think stronger grounds for supporting the respect for oneself as a free and equal citizen can be found by securing social and institutional support for all citizens' free and equal status. Rawls argues that the just structure of institutions secure the social bases of self-respect. According to Rawls, "the social bases of self-respect are explained by the structure and content of just institutions together with features of the public political

culture, such as the public recognition and acceptance of the principles of justice” (*PL*, 181). The social bases of self-respect are primarily institutional. They should not involve the evaluation of the beliefs of particular citizens or children.

Despite our differences, I think Brake is right in identifying self-respect as a form of recognition respect of our free and equal status. I also think she is right that in order to secure recognition of one’s own worth as citizens, the development of self-respect in children is important. Thus, any political conception that will secure the social bases of self-respect should also provide support for children to learn to respect both themselves and others as free and equal citizens. I turn to my own view in the next section.

4. Reasonable Recognition Respect and Securing the Feminist Potential of Political Liberalism

Like Hartley, Watson, and Brake, I too think that recognition respect is an important foundation for political liberalism. Hartley and Watson argue that recognition respect grows out of the reciprocity criterion, whereas I think that recognition respect of free and equal citizenship is the basis of any conception of reciprocity. Brake argues that Rawlsian self-respect is best understood as a form of recognition respect of oneself as a free and equal citizen. I think highlighting recognition respect for oneself is crucial for securing substantive feminist aims; however, I disagree with Brake’s understanding of what is required to secure the social bases of self-respect.

In this section, I will argue that recognition respect for oneself and others is the important starting point for securing the feminist potential of political liberalism. I argued, in chapter 3, that recognition respect for the free and equal moral status of all of our fellow citizens is a necessary moral threshold for the political liberal project. It sets the boundary for the kind of pluralism that should be tolerated—those who have recognition respect for themselves and their fellow citizens as free and equal are reasonable; those who reject this status are not. A clear delineation of the qualification that makes citizens reasonable and which are unreasonable is helpful for determining whether the political conception of justice could be an ally for feminism.

4.1. Categorizing Sexist Comprehensive Doctrines

To investigate political liberalism’s feminist potential, let’s look at how a citizen who holds a sexist comprehensive doctrine would be categorized according to Rawls’s distinction between reasonable, unreasonable, and merely decent comprehensive doctrines. Sexist comprehensive doctrines, like the traditional religionist position outlined in Chapter 2, include belief in metaphysical gender hierarchy. These doctrines may hold that because men and women are unequal, they have different moral roles appropriately assigned to them in virtue of their sex. These different roles are justified by commitment to a metaphysical doctrine that holds inequality between men and women is appropriate because, for example, there is a natural or God-given hierarchy of the sexes. Women are

naturally inferior to men. Nevertheless, such doctrines assign moral weight to the proper performance of one's role. Women have a lesser status, but could still be moral exemplars of virtuous femininity. Part of being a good woman involves submitting to one's husband in all matters, from decisions about the family and household to decisions about when and how many children to have.¹¹⁷

How should Rawls categorize citizens who embrace sexist comprehensive doctrines? These citizens embrace comprehensive doctrines that are not obviously immoral. They do not condone violence or abuse. They pose no threat to those who reject the comprehensive doctrine; their way of life applies to only members. This is significant because, at least *prima facie*, members choose to adopt this lifestyle.

There are striking similarities between citizens who embrace gender hierarchical comprehensive doctrines and the peoples Rawls characterizes as *decent* in *The Law of Peoples* (*LP*). Therein Rawls distinguishes between *reasonable* liberal peoples and *decent* hierarchical peoples. Decent hierarchical people are organized by a moral conception of good, although it is not liberal. A decent hierarchical society "views persons as responsible and cooperating members of their respective groups" and individuals can recognize and act "in accordance with moral duties and obligations as members of these groups" (*LP*, 66). Groups embracing gender hierarchical comprehensive doctrines appear to share many similarities with the decent hierarchical society in *LP*. They are organized by a moral conception of the good, but are primarily associational, viewing people's roles and obligations as tied to their group identities (*LP*, 64-66). Let's also posit that they secure the minimal human rights: the right to life (the means of subsistence and security), liberty (freedom from slavery and serfdom), and formal equality (that like cases be treated alike) (see *LP*, 64). One's group membership and role is defined by one's sex, but women are not slaves and are provided with the means to subsistence and security. Men and women have different duties and obligations, but each group has well defined standards of moral excellence and members of each group can be respected for fulfilling these duties. Formal equality could hold within such a comprehensive doctrine, since like cases could be treated alike. But this formal equality is consistent with systematic discrimination against women as a group as compared to men as a group.

Meeting the criteria of decency could have important implications for how political liberals should treat those citizens who embrace sexist comprehensive doctrines. In the international context, toleration of decent nonliberal peoples is important because not all societies should be required to be liberal. There might be other acceptable ways of life that political liberalism would fail to respect if only liberal societies are accepted as members in good standing in the Society of Peoples (*LP*, 59-60). Rawls allows decent hierarchical societies to qualify as "members in good standing in a reasonable Society of Peoples" because in establishing a law of peoples, he discusses the collective entity. The fundamental unit of the global public political culture is nations or peoples, and not

¹¹⁷ This position is neither a toy example nor a small niche position in contemporary society. The surrendered or submissive wife movement holds these views and is rising in popularity in the United States. It is billed as the solution to marital strife and securing happiness for women. This movement has also been justified by citing Christian biblical texts showing the proper role of the woman is in subservience to her husband. See, e.g., Laura Doyle (2001) *The Surrendered Wife*; Sara Horn (2013) *My So-Called Life as a Submissive Wife*; Darlene Schacht (2012) *The Good Wife's Guide: Embracing Your Role as a Help Meet*

relations of individual persons. As Wenar explains, “because Rawls’s global theory works exclusively in terms of peoples, it cannot show any direct concern for individuals” (Wenar 2006, 104). A society could be organized according to sexist comprehensive doctrines in the international context and Rawls would argue that as long it is decent, it should be tolerated as member in good standing of a Society of Peoples. In the international context, the fact that nonliberal societies “fail to treat persons who possess all the powers of reason, intellect, and moral feeling as truly free and equal” does not imply that they are properly subject to sanction (*LP*, 60). This means that liberal peoples should treat decent peoples with respect, despite the fact that such peoples are not fully just according to liberal standards (*LP*, 62).

Given the similarities between groups organized by sexist comprehensive doctrines and decent peoples in *LP*, it may seem as if Rawls would advocate respect for all sexist comprehensive doctrines in the domestic context. If so, the feminist potential of political liberalism would be constrained. Fortunately, the analogy does not go all the way through. In the domestic case, we consider individuals as citizens and not simply as members of groups. In political liberalism, citizens are free insofar as they are self-authenticating sources of valid claims; their claims on society are not derived from “ascribed roles in a social hierarchy justified by religious or aristocratic values” (*PL*, 33). Groups organized by comprehensive doctrines that would qualify as decent in a law of peoples may not meet the minimal moral criteria for reasonableness in the domestic context. Recall that decency “does not require acceptance of the liberal idea that persons are citizens first and have equal basic rights as citizens” (*LP*, 66). Furthermore decent hierarchical societies may “allow basic inequality among their members” (*LP*, 70). But the recognition of the equal basic rights of citizens is precisely what reasonableness requires—even the minimal moral threshold I have argued sets the most inclusive scope of reasonableness in Rawls.

The distinction between decency and reasonableness lends weight to the idea that the minimal moral criterion of reasonableness that I have outlined in this dissertation can still have significant feminist potential. Decent peoples are merely decent, rather than reasonable, because of their failure to treat persons as “truly free and equal.” Simply holding a comprehensive doctrine that is recognizably moral and respects the basic human rights of its members is not sufficient to qualify as a reasonable comprehensive doctrine. Citizens embracing such doctrines may not be immoral or unintelligent, but this alone does not imply that they qualify as reasonable.

Perhaps citizens who hold sexist comprehensive doctrines occupy a category between being fully reasonable and fully unreasonable. If they can meet some minimum threshold for reasonableness, they could qualify as ‘not unreasonable;’ but if they do not meet any minimum threshold, then perhaps they are not reasonable but are also not ‘fully unreasonable.’ Rawls explains, “one should allow ... a space between the fully unreasonable and the fully reasonable” (*LP*, 74). For example, Rawls categorizes religious or philosophical doctrines that “allow a measure of liberty of conscience but do not allow it fully” as “not fully unreasonable” because to qualify as fully reasonable “requires full and equal liberty of conscience” but to be fully unreasonable, one “denies it entirely” (*LP*, 74-75).

Full reasonableness requires recognition respect for one's fellow citizens as free and equal moral persons. This is something that sexist comprehensive doctrines deny. But perhaps one could qualify as minimally reasonable if, in addition to one's comprehensive doctrine that accepts the truth of gender inequality, one also holds the view that the state should treat one's fellow citizens as free and equal. Such citizens would embrace a split view of persons.

4.2. Split Views: Nonpublic Gender Hierarchy and Gender Egalitarian Citizenship

The distinction between one's comprehensive views of persons and the political conception's view of citizens has presented itself as a potential source of conflict for securing the feminist potential of political liberalism. Hartley and Watson argue that one's "socially ascribed or assumed identities" need not impact one's identity as a citizen (Hartley and Watson 2010, 20). So they allow for the permissibility of sexist comprehensive doctrines because gender hierarchy at home and in one's religion are compatible with recognizing that persons are equal citizens. Brake argues that even if an adult's political conception of herself as a free and equal citizen may be compatible with holding unequal roles in private, "children are not capable of making this distinction" (Brake 2013, 70-71). This is why she turns to the development of a child's self-respect to argue for the feminist potential of political liberalism. My own delineation of the basic qualification of reasonableness being a matter of recognizing oneself and one's fellow citizens as free and equal is similarly vulnerable to the possibility that some nonpublic gender inequality could argue that the state should treat all citizens *as if* they were free and equal.

What should feminists say about the reasonableness of those who are committed to nonpublic gender hierarchy but also accept gender egalitarian citizenship? Political liberalism need only protect the free and equal status of citizens; but this distinction seems to minimize the substantive feminist content of political liberalism. Feminist critique of sexism is significantly circumscribed if nonpublic sexism is protected as reasonable.

In chapter 1, I argued that a citizen who believes in gender hierarchy in private and gender egalitarianism in public has a split view of persons. It appears that all three versions of feminist political liberalism I have considered herein might face a similar split-person challenge that I suggested, in chapter 1, plagued Nussbaum and Lloyd's defenses of political liberalism. In chapter 1, I posed this as a challenge to Rawlsian stability because Rawls seeks a robust normative basis for stability in which citizens each endorse the political conception of justice for moral reasons derived from their comprehensive doctrine. But demonstrating that this split view threatens the stability of the political conception of justice may not provide a strong enough basis for convincing feminists that they should embrace political liberalism. Stability seems like the wrong kind of concern for a feminist. It identifies a pragmatic concern about the viability of the political conception of justice over time rather than offer a strong normative basis for gender equality. Feminists may argue that if the social order is sexist, it is morally impermissible, and morality trumps stability.

Recognition of the basic normative status of agents may not permit the same flexibility of distinctions between political and nonpolitical views as other categories within political liberalism. By way of comparison, consider the claim that the state should be impartial but in the nonpolitical realm partiality is either permissible or required by morality. A citizen could be partial towards her significant others and family while still holding that the law ought to treat all people, including her loved ones, as equals. In private, a citizen can prioritize the distribution of her resources to her family and loved ones first, and then give to charity from what is left. However, the state should be impartial in its distribution of goods. According to such views, the state acts in a way that contradicts the way individuals should act in their daily lives. Nevertheless, this view does not seem to pose problems for the political conception of justice, nor does one's nonpublic views of proper norms governing human interaction undermine the support for the impartiality of the state. The differences between states acting as collective agents and citizens acting as individuals could be cited to justify the different views of citizens and persons. Are these resources not similarly available to the nonpublic gender inegalitarian?

I think there is an important disanalogy between split views of women's equality and other kinds of split views of persons in political society. There is a difference between recognizing the basic worth of persons as moral agents and other ways of treating individuals. The impartialist citizen who is a partialist in private life does not violate the recognition respect of all citizens as free and equal. Even if she thinks her own family members are better in some ways than others, this is a differential form of appraisal respect and need not undermine the equal moral status of all people. In fact, many partialist views argue that partiality is justified in order to cultivate a person's development into a free and equal adult. Care ethics, for example, argues that the free and equal liberal citizen can only develop through relationships of care and dependency (See, e.g., Held 2006, Kittay 1999). Partiality is thus justified by reference to recognition respect of the equal status of all people.

Unlike split views of partiality in private and impartiality in public, the split between gender hierarchy in private and gender egalitarianism as citizens is problematic as a form of recognition respect. Recognition respect involves recognizing one's authority as a person and one's standing as a moral agent. Equal moral standing is due to others simply in virtue of being persons, regardless of merit or desert. Split views about a person's equality seem to undermine the recognition of the equal moral worth of *all* persons. If Jack does not respect Jill as an equal moral person, even if he acknowledges that the state should treat Jill as an equal citizen, Jill's equality is threatened. If there are two fundamentally different groups of human beings with different rights, obligations, and spheres of agency, what basis is there for treating unequal beings as equals in politics? Why should laws protect the equal status of women if ensuring their inequality increases the benefit to society as a whole? If women really are of lesser worth, then there is simply not a strong enough basis to support the kinds of structural and institutional protections that Rawls requires to support the equal basic rights and liberties of all citizens.

In addition, if Jill also subscribes to gender hierarchy, even if she continues to exercise certain political rights, her status as free and equal is threatened. Recall that to respect oneself as free in the relevant sense for political liberalism, one must see oneself as a self-authenticating source of valid claims (*PL*, 33). What if a woman sees herself as free

to vote, but only in accordance with her husband's wishes? In this case, she does not view herself as an authoritative source of valid claims on the political sphere, she defers to her husband's authority. Even if a woman exercises her political rights, if she does not view herself as an authoritative source of valid claims on the political sphere, she still fails to respect herself as free and equal.

Fortunately, there are political measures that can support the development of recognition respect for oneself and one's fellow citizens. Developing institutional support to secure the social bases of recognition respect for the freedom and equality of all is an important task for Rawlsian feminist political liberalism. I turn to this possibility next.

4.3. Developing the Social Bases of Recognition Respect

In this section I will argue for a feminist extension of political liberalism that is committed to supporting the free and equal status of all persons. In developing this feminist extension, I depart from Rawls at several key junctures, but I think this view is compatible with a Rawlsian political liberalism and is heavily inspired by Rawls's theory.

If the minimum moral qualification of reasonableness is recognition respect for oneself and one's fellow citizens as free and equal moral persons, the politically liberal state should include institutional protections for this status. In addition, since recognition respect is for oneself as well as others, developing the social bases of self-respect shows that political institutions can protect a person's sense of her own equal worth. My own development of the social bases of self-respect differs from Brake's insofar as it maintains an institutional focus. I focus on developing the *social bases* and not on self-respect directly. Because the politically liberal state has a commitment to ensuring institutional support for the free and equal political status of persons, it need not remain neutral if certain conditions threaten that freedom and equality.

Let's consider what kinds of institutional structures could support the recognition of the free and equal status of all persons. Rawls explains that the point of working out a political conception of justice is to see how basic institutions of society can be arranged in a way that "conform[s] to the freedom and equality of citizens as moral persons" (*PL*, 348; see also *PL*, 281, 300). I think this basic assumption is necessary for the political liberal project and, importantly, it is the basis for securing some important feminist aims—namely, protecting the free and equal status of women. Securing legal equality for all persons, regardless of their group membership, is one important way that institutions can support recognition respect of all citizens as free and equal moral persons.

An essential feature of securing the free and equal status of all includes political commitment to antidiscrimination laws. Even if a well-ordered society has little need for the antidiscrimination laws because all citizens are reasonable, securing these laws—even as a part of ideal theory—plays an important role in securing institutional support for a citizen's free and equal status. Antidiscrimination laws reaffirm the equal status of all persons and provide a public framework for rectifying cases of discrimination. These laws not only support the status of citizens as free and equal, they also draw on ideas in the public political culture of democratic societies. The history of democratic societies is rife

with systematic discrimination, and the pursuit of free and equal citizenship for all has proceeded by securing civil rights laws and antidiscrimination laws. These ideas can be drawn on to show that an ideal political conception of justice should include antidiscrimination laws that apply to all persons within a society. Such laws support the free and equal status of women and other groups that have been (or could be) subject to discrimination. Laws prohibiting discrimination on the basis of one's group membership, gender, or sexual orientation would be an important way in which to protect the public recognition of all citizens as free and equal moral persons.

In addition to a public political framework that supports the free and equal status of all citizens as moral persons, recognition respect also requires developing the social bases of self-respect. Rawls explains, the social bases of self-respect are "those aspects of basic institutions normally essential if citizens are to have a lively *sense of their own worth as persons*" (*PL*, 308-309). What institutional structures could support one's sense of her own worth as a person? Cynthia Stark argues that one's worth as a person is a matter of seeing that one's contribution to social cooperation matters (Stark 2012). Social cooperation is one important feature of the idealized conception of persons Rawls uses to articulate the theory. Securing the worthiness of one's contribution to social cooperation could support a person's sense of her worth in political society. This could lend support for employment regulation to ensure that labor conditions are not exploitative. Perhaps feminists could draw on the worthiness of one's contribution to social cooperation to argue for social remuneration and recognition of the often-underpaid care work for dependents.

Yet, this narrow interpretation of the social bases of self-respect cuts short the feminist potential of Rawls's discussion of self-respect. Rawls speaks of citizens securing their worth as *persons*, not their worth as social cooperators nor their equal worth as citizens. A more expansive scope of protections can be built into the social bases of self-respect. I think this broader scope is supported by Rawls's own discussion of the social bases of self-respect as the institutional protections of free and equal citizenship, the fair value of the liberties, and fair equality of opportunity.

While self-respect is a moral attitude capturing one's respect for oneself as a free and equal citizen, the social bases of self-respect are inherently institutional. Contra Brake, the social bases of self-respect are institutional structures that support the public recognition of the freedom and equality of citizens. The social bases of self-respect include securing equal basic rights and liberties, the fair value of the political liberties, and fair equality of opportunity (*PL*, 82). Furthermore, by securing these social bases of self-respect "political society guarantees the essentials of persons' public *recognition as free and equal citizens*" (*PL*, 203, emphasis added). The public recognition of one's status as free and equal is protected, in part, by securing the equal rights and political liberties for all citizens. But securing the fair value of political liberties and fair equality of opportunity requires much more than antidiscrimination laws and laws protecting the equal status of citizens.

The fair value of the political liberties and fair equality of opportunity are also supported by educating children about these aspects of the political conception of justice. Thus, the civic education of children can be another component of the social bases of self-respect. Attention to the moral development of children is crucial for feminist political liberalism. As I argued in Chapter 2, a political liberal civic education should cultivate the

reasonableness of children as future citizens by teaching them recognition respect for the free and equal moral status of persons and that respect for persons also should include respect for their reasonable differences. Education should be structured to ensure that children are given opportunities to learn to respect others as free and equal moral persons in stages appropriate to a child's moral development. We may not teach young children about free and equal moral personhood, but stories can emphasize respect for difference and the moral equality of all. These ideas can be developed in a way appropriate to the moral and intellectual development of children, eventually leading to discussions (perhaps in high school) of reasonable pluralism and discussion of the ways various comprehensive doctrines could support a political conception of justice.¹¹⁸

Political liberal civic education can be used to support the free and equal status of all, but will be particularly useful for providing children who are raised in sexist comprehensive doctrines opportunities to become reasonable, rather than not fully unreasonable or decent. While any incompatibility between one's comprehensive doctrine and the content of the political conception of justice may be difficult to reconcile as young children, exposure to the ideas of the moral equality of all can help counteract the negative effects of sexist (or racist or homophobic) comprehensive doctrines on children.¹¹⁹

Brake worries that children are particularly vulnerable to have their developing self-respect damaged by the sexist comprehensive doctrines of their parents. She also thinks this could justify prohibiting parents from passing along their comprehensive doctrines to children and, in extreme cases, removing children from their families if there is clear evidence of damage to self-respect. However, such measures face a fairly heavy burden of justification to be made compatible with political liberalism. They will restrict the range of permissible comprehensive doctrines significantly. Furthermore, these measures will likely pose problems for the stability of political liberalism. If it appears that the only reasonable comprehensive doctrines are indistinguishable from comprehensive liberal feminist doctrines, political liberalism's purported inclusiveness will ring false to many in society.

By contrast, I attempt to formulate a conception of reasonableness that is widely inclusive of a diversity of comprehensive doctrines but still meets some limited feminist aims. An education designed to cultivate the reasonableness of children could counteract pernicious influence of sexist comprehensive doctrines without requiring children to be removed from sexist groups. Children educated in a political liberal civic education may not all grow up to endorse reasonable comprehensive doctrines. The influences of one's family and religion may still lead many to embrace sexist comprehensive doctrines as adults. Nevertheless, a social institution designed to expose all citizens to the core values upon which political liberalism is based is important for securing the social bases of

¹¹⁸ Political liberal civic education need not necessarily require public schooling, as long as the education is designed to promote the minimum moral threshold for reasonableness, it will be a permissible form of political liberal civic education. For further discussion of this issue see Chapter 2, section 3.2 in which I discuss how a Catholic education could meet the requirements of political liberal civic education.

¹¹⁹ Brighouse and Swift have recently argued that while parents do have rights over children, parental rights to transmit values to their children are quite limited (Brighouse and Swift 2006, 2014). By way of contrast, Mallon argues that the need for cultural membership justifies the persistence of families in political liberalism (Mallon 2009).

recognition respect for oneself and one's fellow citizens. In so doing, the state publicly expresses the importance of respecting the free and equal status of all.

In the next section, I will consider how a Rawlsian feminist political liberalism can maintain its inclusive scope without undermining the feminist potential of securing the social bases of recognition respect for all citizens as free and equal.

5. Can Feminist Political Liberalism Still Be Inclusive?

One might object that by setting the standards of reasonableness as having recognition respect for the free and equal status of all, this builds in too much substantive feminist content to qualify as political. There seems to be a tension between arguing that sexist comprehensive doctrines are not reasonable and my claim to have set a minimal moral threshold for reasonableness that is broadly inclusive. How can a feminist political liberalism still be inclusive?

I think the tension can be resolved by showing how each citizen could interpret her comprehensive doctrine in a way that is reasonable or unreasonable. Reasonableness is a matter of recognition respect for oneself and one's fellow citizens as free and equal, but this need not limit the range of permissible comprehensive doctrines, it need only limit the permissibility of failure to respect all people as free and equal. Rawls argues that political liberalism does not become perfectionist by strengthening toleration and mutual trust in society by "discouraging various kinds of religious and racial discrimination" (*PL*, 195). This reasoning can easily be extended to show that political liberalism can also permissibly discourage gender discrimination without overstepping the boundaries of political liberalism.

While there are clear standards of reasonableness in *PL*, one important component of qualifying as reasonable is recognizing that the burdens of judgment lead to reasonable pluralism. Our fellow citizens may hold comprehensive doctrines we think are wrong or not as reasonable as our own. Nevertheless, we should also recognize that such differences do not imply that our fellow citizens are immoral or unintelligent. However, as we have seen in the discussion of decent hierarchical societies, simply having a recognizably moral comprehensive doctrine is not sufficient to qualify as reasonable. One must also recognize one's fellow citizens as free and equal moral persons.

Recall, in discussing the stability of a political conception of justice, Rawls argues that full justification involves each citizen embedding the political conception of justice into her comprehensive doctrine as true or reasonable (*RH*, 386-387). A similar structure could apply to a citizen's claim to reasonableness. Each citizen can interpret her own comprehensive doctrine in a way that is reasonable or in a way that is unreasonable. To be reasonable, a person must respect the moral equality and freedom of all persons, including herself. If citizens can justify their own comprehensive doctrine as meeting the basic criterion of recognition respect for oneself and one's fellow citizens as free and equal, this may be sufficient for qualifying as reasonable.

A political liberal civic education designed to cultivate the minimal threshold of reasonableness is important for preserving the most inclusive scope of pluralism. Recall,

from Chapter 2, that political liberal civic education should try to cultivate the reasonableness of children as future citizens. I argued that this education should teach children that to be reasonable, one must respect oneself and one's fellow citizens as free and equal moral persons and that people can disagree about important matters without being immoral or unintelligent. If all children are exposed to these ideas through civic education, a child could incorporate such beliefs into her own understanding of her comprehensive doctrine.

Comprehensive doctrines tend to have some flexibility to evolve in light of good reasons (*PL*, 59). While the overall doctrine may evolve slowly, presumably the evolution of the doctrine occurs because adherents to the doctrine find good reasons for modifying it in ways to make it more consistent with their considered views over time. In addition, each individual fits her comprehensive doctrine into her overall conception of the good and this is never a fixed point. Thus, a citizen educated by political liberal civic education may either have a conception of the good that is not fully unified, containing both political values and certain other nonpolitical values, or may interpret her own comprehensive doctrine in a way that makes it compatible with the political value of recognition respect for free and equal persons.¹²⁰ In either case, political liberal civic education could thus cultivate the reasonableness of children as future citizens while being widely inclusive of a plurality of comprehensive doctrines because each child could learn to interpret her own comprehensive doctrine in a reasonable manner.

This means that the political liberal feminist may need to permit as reasonable citizens who embrace comprehensive doctrines that are not gender egalitarian. But this is made significantly less worrisome if to qualify as reasonable involves recognizing oneself and one's fellow citizens as free and equal moral persons. A woman can have recognition respect for herself in a variety of roles if she understands these roles to respect own freedom and equality. For example, feminists may object to the gender hierarchy in some religions. Okin and Brake both argue that if a little girl is religious, she may develop aspirations to be a religious leader. If her religion does not allow for this, it could be damaging to her self-respect or could lead her to believe in her lesser status (Okin 1994, 1999, 2004, Brake 2013). If she grows up thinking that as a woman, she ought not work outside the house and her primary role is to support her family and raise her children, this seems to limit the range of options she views as permissible for her. This might lead to a belief in her own inferiority compared to men.

But many women argue that such choices are perfectly compatible with respecting themselves as free and equal *persons* and not just compatible with the state securing their equal status as citizens. A Christian woman who is religious and thinks her proper role is to have children and submit to her husband as unto god¹²¹ could take on this role with

¹²⁰ Rawls discusses these types of views when showing the model case for an overlapping consensus on the political conception of justice (*PL*, 145-150). Rawls argues that the overlapping consensus "supposes agreement deep enough to reach such ideas as those of society as a fair system of cooperation and of citizens as reasonable and rational, and free and equal" (*PL*, 149).

¹²¹ These women may believe such choices are required by their religion, following the frequently cited biblical passage: "Wives, submit yourself unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the church: and he is the savior of the body. Therefore as the church is subject unto Christ, so let the wives be to their own husbands in every thing" (King James Bible, Ephesians 5:22-24).

self-respect and believe her actions are the best way for women to behave, although those who choose to work outside the home or do not submit to their husbands are *reasonable*. Likewise, a Muslim woman could choose to wear the veil without this undermining her respect for her own equal status with men.¹²² Reasonableness should be about recognizing the free and equal status of all, but this need not imply any particular religious or moral beliefs or practices. Reasonableness does not require women to work outside the home or to dress in any particular manner, even if some feminist argue that these choices undermine more comprehensive feminist aims. All of these choices should be permissible for the political liberal feminist, even if some feminist comprehensive doctrines would reject such choices.

There is an important difference between women who understand their choices to be respectful of their own equal status with men and those who conform to such norms because they are unequal. The latter case is a failure to respect women as free and equal moral persons and is therefore unreasonable. The former should be included as reasonable. The crucial thing is making a claim to one's reasonableness in the right terms. Articulating how one's comprehensive commitments demonstrate respect for one's status as free and equal is also a way of recognizing one's own status as free and equal.

¹²² France has prohibited the veil in public spaces—against the protests of many Muslim women who believe veiling is required by their religion and also argue that it displays no disrespect for their free and equal status. To put this case in Rawlsian terms, the law prohibiting hijabs does not allow Muslims who veil to be included as *reasonable* and thus does not permit such pluralism in political life. I think this is mistaken.

CONCLUSION

As political philosophers, we investigate the most appropriate conception of justice to specify fair terms of cooperation in society, whether there is any such thing as legitimate authority, and what conditions could secure the stability of society. Rawls addresses all of these questions in *Political Liberalism* and his political conception of justice as fairness offers distinctive and unified answer to all three questions.

Rawls argues that “political liberalism applies the principle of toleration to philosophy itself” (*PL*, 10) and seeks to demonstrate that a just and stable society of free and equal citizens is possible, despite the fact that citizens will remain “profoundly divided” by their reasonable comprehensive doctrines (*PL*, 47).

In seeking the appropriate grounds of toleration in the context of reasonable pluralism, Rawls demonstrates that the political conception of justice could be the focus of an overlapping consensus, which leaves citizens free to affirm a variety of reasonable comprehensive doctrines while cooperating with others on fair terms. Rawls argues that a modified political conception of justice as fairness is “the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal” (*PL*, 47), and can secure stability for the right reasons in spite of the fact of reasonable pluralism about the good. Stability is secured by the overlapping consensus on a political conception of justice, which provides the common basis that can be recognized by all citizens in justifying the coercive power of the government. Rawls also argues that securing the legitimacy of coercive power requires relying on public reasons drawn from the political conception of justice that is the subject of the overlapping consensus. In this way, a social order can be just, coercive power can be legitimate, and thus, stability will be secured for the right reasons.

What I hope to have highlighted in this dissertation is that disambiguating the moral qualification of reasonableness from Rawls’s principle of legitimacy is important in order to keep distinct the different levels at play in Rawls’s overall project: morality, justice, legitimacy, and stability. Reasonableness is best understood as the minimal moral threshold required for inclusion in political liberalism’s task of securing justice, stability and legitimacy in the context of deep pluralism about the good.

I have argued that Rawls’s conception of reasonableness includes too much. I argued, in chapters 2 and 3, that reasonableness is best understood as a minimal moral threshold. I argued that, so conceived, reasonableness sets the boundaries of pluralism that political liberalism ought to tolerate. The other aspects of reasonableness, which Rawls groups under the term reasonable, address a different stage of the political liberal project: that of securing the legitimacy of the coercive actions of the state. These ideas should remain distinct because there is just as much disagreement about how to secure the legitimacy of the state as there is about conceptions of justice and conceptions of the good. I have also argued, in chapter 4, that if we recognize that the moral foundation of political liberalism lies in the respect for persons as free and equal citizens willing to engage in fair terms of cooperation, this opens the door to a feminist expansion of political liberalism.

Many feminists worry that Rawls protects as reasonable a number of comprehensive doctrines that denigrate the status of women in the home, religious establishments, or education. This is particularly troublesome if we consider the impact that sexist comprehensive doctrines have on children. In chapter 1, I showed that Rawls wrongly assumed that the only threat reasonable pluralism poses to stability was the preservation of one's sense of justice. I argued that just as important is a child's acquisition of a reasonable sense of justice, but this is threatened by the fact of reasonable pluralism. In chapter 2, I considered which aspects of reasonableness should be cultivated by a political liberal civic education that does not violate the inclusive scope of reasonableness Rawls hopes to secure. By making room for a wide variety of ethical doctrines to become part of political liberalism's constituency, I preserve the broadly inclusive scope of political liberalism that inspired Rawls's theory. Nevertheless, given the revisions I have proposed, the inclusive scope will not undermine feminist aims.

The core qualification for reasonableness is recognition respect for oneself and one's fellow citizens as free and equal moral persons. This has significant feminist potential because the political liberal state ought to provide social and institutional support for citizens to be able to recognize their equal moral worth (*PL*, 308-309). This requires institutional protections, such as antidiscrimination laws, that write into law the political commitment to respect other citizens as equals. It also requires supporting the social bases of self-respect in the form of recognition respect for one's own status as free and equal. I believe this provides substantial grounds for feminist critique of many existing institutions and social practices that continue to violate the freedom of women to structure their own lives and to be effectively recognized as equals in important political spheres. Political liberalism can be a valuable tool for those engaged in real world struggles against oppression.

The feminist extension I have proposed here can also solve the initial concern about stability raised in chapter 1. Stability can be secured because the state can help to support the development of a reasonable sense of justice. Civic education plays a crucial role in cultivating recognition respect for all people as free and equal moral persons. Therefore, the feminist extension of political liberalism also helps solve a wider problem for the Rawlsian system. Political liberalism must be committed to protecting the basic status of persons that underlies the theory. The changes to Rawls's theory that I propose in response to feminist critics helps make political liberalism more consistent with its foundational ideas and a more viable political theory.

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