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## Liberal Feminism and Cultural Critique

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LIBERAL FEMINISM AND CULTURAL CRITIQUE

by

Josh Vonderhaar

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Abstract

LIBERAL FEMINISM AND CULTURAL CRITIQUE

by

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The University of Wisconsin-Milwaukee, 2020

Under the supervision of Professor Husi

In this paper, I consider an objection that liberal feminism is unable to sufficiently accommodate feminist cultural critique. I begin by introducing the practice of feminist cultural critique and how this practice presents a challenge to liberal feminism's ability to be simultaneously liberal and feminist. I then discuss one account which attempts to draw a distinction between "legitimacy" and "ethos" justice, which can accommodate feminist cultural critique as a persuasive tool to advance ethos justice. I find that this account, however, is not equipped to explain cases where feminist cultural critique aims to produce coercive government intervention. After doing this, I turn to an account which argues that the realm of acceptable government action is broader under the Rawlsian liberal framework than previously believed. By applying these accounts to the issue of feminist cultural critique, I demonstrate that the liberal feminist can accommodate the practice while being both liberal and feminist.

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## Liberal Feminism and Cultural Critique

Liberal feminists have frequently been subject to the criticism that they cannot reconcile their commitment to liberalism with their commitment to feminism. By committing themselves to feminism, they commit themselves to advancing the cause of women's equality. This means that they are committed to working to remove any and all social, political, and cultural structures that support and reinforce gender hierarchy. By committing themselves to liberalism, they prohibit themselves from recommending state intervention in affairs which seem to violate liberal constraints on the scope of legitimate state action, but which may be necessary to secure women's equality. For the critic, this dual commitment leads to an irreconcilable conflict. The liberal feminist is committed to removing social, political, and cultural structures that support gender hierarchy, but they prevent themselves from being able to do this by committing themselves to the restrictions inherent to liberal government. They aim to remove gender hierarchy, but they are not allowed to pursue barriers that reinforce it if they fall outside of the liberal understanding of government.

As part of this criticism, the critic will charge that liberal feminism cannot accommodate the importance of feminist cultural critique in reaching women's equality. The critic charges that feminist cultural critique is necessary to achieve women's equality and that a liberal government cannot intervene in support of feminist cultural critique. I will argue that liberal feminists *can* accommodate feminist cultural critique. In doing this, I will apply an account which accommodates feminist cultural critique as a persuasive tool for the relations between citizens and an account which accommodates the possibility of the state intervening in certain instances of those relations between citizens. I will argue that these accounts provide liberal feminists with the resources they need to accommodate feminist cultural critique, overcoming this criticism.

Kimberly Yuracko takes up this objection by arguing that liberal feminists “fail to address the most invidious barriers to gender equality”<sup>1</sup> in the form of “internalized gender-based conceptions of self.”<sup>2</sup> This is due to their focus on not directly combatting the “private conceptions of the good”<sup>3</sup> held by many different people. In particular, she is concerned with those conceptions which believe that women should occupy subordinate positions in society on the basis of religion, psychology, biology, or other such explanations. Private conceptions of the good which hold that women should be in subordinate positions in the home, should defer to men in personal arguments, and which encourage women to view themselves as belonging in comparatively subordinate positions are threats to their equality even if they do not prevent women’s equal participation in political matters.

Liberal feminists’ focus on “guaranteeing political participation”<sup>4</sup> is, for Yuracko, inadequate in pursuing the cause of women’s overall equality. While political participation is important for women’s equality, Yuracko argues that equality requires feminists to look beyond this topic towards a broader form of cultural criticism. Because of how individual conceptions of the good have significant spillover into the ‘basic structure’, meaning the basic institutions of society, there must be an effort to examine and challenge these conceptions in order to effectively bring about a more just and equal society.

Yuracko offers a dilemma for liberal feminists: either they must ignore the need for cultural critique and thereby fail to adequately advocate for the cause of women’s equality, or they must endorse this need and thereby abandon their commitment to political liberalism,

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<sup>1</sup> Yuracko, Kimberly “Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism” *UCLA Women’s Law Journal* pg. 2

<sup>2</sup> *Ibid*

<sup>3</sup> *Ibid*

<sup>4</sup> *Ibid* pg. 3

especially including their unwillingness to enter into evaluations of citizens' conceptions of the good. In other words, liberal feminists must either fail to be properly feminist or they must fail to be properly liberal. If liberal feminists are to overcome this dilemma, they must find a way of reconciling their liberalism with their desire to advocate for the cause of women's equality in an adequately robust manner.

In this paper, I will argue that liberal feminists can overcome Yuracko's dilemma. Liberal feminists can accommodate feminist cultural critique, meaning that they can be both liberal and feminist. I will begin by clarifying the precise nature of "cultural critique" and why this is a problem for certain types of liberal feminism. I will then turn to potential ways of incorporating cultural critique into a liberal feminist framework. I will, in doing this, focus on two different accounts available to liberal feminists. They can argue that their liberalism, while it limits the actions available to the government, can be supplemented with efforts to non-coercively persuade citizens in their relations to one another. They can also argue that their liberalism allows for the government to legitimately intervene in the non-coercive relations between citizens if those relations are sufficiently harmful and pervasive. I will then conclude that these two accounts can offer the resources necessary to accommodate feminist cultural critique within the framework of liberal feminism. These resources will then allow for the liberal feminist to overcome Yuracko's dilemma and be both sufficiently liberal and sufficiently feminist.

### **1. Cultural Critique as a Challenge to Liberal Feminism**

The aim of cultural critique is to produce change within a society such that it will come to more widely share and comply with what one takes to be the requirements of morality or justice.

One will focus on criticizing the “social expectations”<sup>5</sup> and “socialization”<sup>6</sup> of certain groups of people in order to bring about the desired changes. One will, for example, consider how expectations that women should raise children and care for the home affect how they engage with political affairs and how they are perceived when they do involve themselves in those affairs.

Cultural critique, as traditionally understood, is a process which aims to affect change through methods of persuasion. When one is, for example, critiquing the cultural presumption that women will do most of the housework in a family, one is attempting to persuade others to more equally distribute housework in homes, to analyze and change their expectations of women. In some cases, they also aim to persuade legislators or other authority figures to pass laws or bring about institutional change (efforts to introduce publicly subsidized childcare would be one example of this). One does this by appealing to values like justice, equality, and similar values and analyzing how societal expectations and attitudes fail to allow women to be treated in accordance with those values. By connecting these values and the failures that are apparent when one looks at the social expectations and attitudes towards women, one aims to bring about a change in those expectations and attitudes.

Feminist cultural critique focuses, typically, on how the social expectations placed on women undermine their equal participation in society. Both “sexist customs and traditions”<sup>7</sup> and “supposedly value-neutral laws”<sup>8</sup> underly and permit gender-inequality. This inequality takes the form of women being consistently expected “to be the primary care-givers to children and the

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<sup>5</sup> *Ibid* pg. 7

<sup>6</sup> *Ibid*

<sup>7</sup> *Ibid* pg. 8

<sup>8</sup> *Ibid*



elderly and still hold primary responsibility for domestic tasks.”<sup>9</sup> This expectation creates an imbalance in political participation, as women are left to care for children and the home while men are free to pursue political activities. Further, these expectations also result in women being discouraged from public participation due to both how women come to internalize these expectations and how these expectations exert social force on women. Women who are raised to believe that they should be spending their time taking care of children and handling domestic tasks will be less inclined to participate in public affairs. Those who do decide to participate are prevented from doing so equally due to how others attempt to bring them in line with their expectations of them. They will face double-standards, threats, belittlement, and other such forms of resistance as others attempt to enforce these expectations.

Cultural critique aims to then identify and combat these forces. A cultural critic will recognize that there are certain sociocultural forces (such as media and unspoken social norms) that encourage women to act in ways that create and reinforce this inequality. By identifying those forces, they can then bring them under their critique. They will criticize how norms about children’s toys, for example, result in boys and girls internalizing views of gender roles that reinforce a gender inequality. They will then use those criticisms to argue persuasively for a change in those forces so that society might be brought more in line with gender equality.

As such, it would seem that cultural critique is necessary in order to allow women to see themselves as equal citizens. In particular, the type of feminist cultural critique I shall concern myself with is one that is committed to pursuing women’s equality both through the methods of direct persuasion (as in cases of convincing individuals to change their attitudes regarding

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<sup>9</sup> *Ibid*

women's role in society) and through government action of various types (as in cases of government-provided incentives for women to participate in political affairs or its prohibiting displays of gender-hierarchical attitudes in government institutions). I shall refer to this type of feminist cultural critique as state-inclusive feminist cultural critique<sup>10</sup>.

In doing this, the expectations enforced on women must be challenged and replaced, social institutions that endorse or reinforce unjust gender hierarchies must be confronted, and women must be encouraged to view themselves as equally entitled to participation in political affairs. As part of this, the media that members of a society view and experience must be encouraged to represent and support the cause of gender equality (portraying more men as caretakers and more women as public figures may be one method for achieving this). Religious institutions must be persuaded to have their teachings be more sympathetic to women's equality, and public figures must be encouraged to not endorse 'comprehensive doctrines'<sup>11</sup> that endorse gender hierarchies. Feminist cultural critique aims to change societal views and expectations through persuasion supplemented, in some cases, by use of state power to encourage actions sympathetic to gender equality (which can be seen in efforts to adopt family leave policies that allocate equal time to both the man and the woman to take care of the child) and to prohibit certain especially harmful practices (which can be seen in the efforts to ban pornography due to its harmful effects on women).

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<sup>10</sup> Unless otherwise noted, I shall be referring to state-inclusive feminist cultural critique when I mention feminist cultural critique.

<sup>11</sup> I shall be using this term largely in accordance with Rawls' usage of the term in his *Political Liberalism*, meaning that I shall take it to mean doctrines that attempt to provide a more or less complete set of answers regarding "what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct" (Rawls *Political Liberalism* pg. 13)

Feminist cultural critique is a problem for liberal feminism in that it challenges the adequacy of liberal feminism's focus on institutions as a solution to women's inequality. In order to see why this is the case, however, we must clarify what is meant by "liberal feminism". This is necessary, as liberal feminism is not a unitary phenomenon.

## 2. Liberal Feminism

In speaking of liberal feminism, I shall be speaking of a feminism which is committed to a liberal framework similar to that developed by Rawls in his *A Theory of Justice*<sup>12</sup> and his *Political Liberalism*<sup>13</sup>. The state can only justifiably intervene in matters of the basic structure in this framework, and it must permit substantive disagreement outside of that basic structure. This restriction owes to the fact of 'reasonable pluralism,' which will mean that any state will need to recognize that substantial disagreement amongst citizens' comprehensive doctrines is inevitable. As a result, the liberal state cannot intervene to promote one comprehensive doctrine over another unless it threatens the stability of a society (making it unreasonable) nor can it intervene to prevent citizens from accepting a comprehensive doctrine. As part of this restriction, the state must be able to justify its actions to citizens within this basic structure. This will mean that these actions must be justifiable to a normative conception of citizens understood as possessing three qualities.

Firstly, citizens are understood as "free and equal,"<sup>14</sup> meaning they are free to pursue their own conceptions of the good and they were recognized and understood as equal to any and all other citizens. Secondly, they are understood as 'reasonable and rational,'<sup>15</sup> meaning they are

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<sup>12</sup> Rawls, John *A Theory of Justice Revised Edition*

<sup>13</sup> Rawls, John *Political Liberalism Expanded Edition*

<sup>14</sup> *Ibid* pg. 136

<sup>15</sup> *Ibid*

capable of having both a conception of justice (meaning a “capacity to understand, to apply, and to act from the public conception of justice”<sup>16</sup>) and a conception of the good. Lastly, they are understood as having “higher-order interests”<sup>17</sup> in maintaining their capacities as citizens. This would mean that they are interested in ensuring the protection of themselves as both reasonable and rational and free and equal, and that they are interested in ensuring those protections continue indefinitely. This conception of citizens is meant to serve as the basis for the justification of the application of state power, as any application would need to be justifiable to citizens so conceived.

Liberal feminism commits itself to using this Rawlsian framework to attain women’s equality. Beyond this, liberal feminists can disagree substantively on a number of issues. Given this potential divergence, one can attempt to understand Yuracko’s challenge as one directed towards specific forms of liberal feminism.

These forms of liberal feminism believe that the state cannot justly utilize its coercive power to interfere with social matters not directly involving the basic structure. They view the non-coercive relations between citizens as largely being outside of the considerations of justice. The state may only exercise its coercive power, in regards to comprehensive doctrines, to combat unreasonable comprehensive doctrines, meaning comprehensive doctrines that fail to allow for reasonable pluralism or which violate the ‘criterion of reciprocity’<sup>18</sup> (which requires that a citizen can reasonably expect all other citizens to accept the enforcement of the laws), and to enforce laws created in compliance with reasonable pluralism. Doctrines which do not allow for

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<sup>16</sup> *Ibid* pg. 19

<sup>17</sup> *Ibid* pg. 76

<sup>18</sup> Comprehensive doctrines can be unreasonable if they fail to respect the criterion of reciprocity or to allow for reasonable pluralism, but I shall focus on the latter as it is the most significant for my considerations here.

disagreeing comprehensive doctrines (violating reasonable pluralism) and doctrines which allow the state to act in a way that might be unacceptable to those possessing conflicting comprehensive doctrines (violating the criterion of reciprocity) are the only doctrines that can be acted against by the state. The state's coercive power may not be used to force a citizen to adopt a particular comprehensive doctrine, it may not be used to bring about laws that are not tolerable to someone holding a reasonable comprehensive doctrine, and it may not be used to undermine any citizen's claim to the same set of basic rights guaranteed by a just constitutional democracy.

Under this understanding of liberal feminism, the state cannot be utilized to combat those who hold a firm belief in the value of "the traditional family structure", meaning the marriage structure of a husband who acts as the family breadwinner and patriarch and a wife who takes care of the children and the home. In this doctrine, the woman is expected to defer to the man in most affairs, and she is expected to stay and handle the home before and after their children have been raised. This family structure, while clearly involving inequality between the wife and husband, is acceptable to this liberal feminist, as it does not undermine the free and equal status of men and women in the basic structure. It is unequal along gender lines, but it does not involve the husband preventing his wife from directly utilizing her rights (she may still vote, voice her concerns to her representatives, be elected to office, etc.) as an equal citizen of the liberal state and both parties are free to exit the relationship should they choose to do so. Neither party is forcing the other party to stay in the relationship through domination or coercion, so each may leave the relationship should they desire.

Further, even if the comprehensive doctrine that the husband and wife choose to follow causes her to never exercise her rights, this comprehensive doctrine would be considered perfectly compatible with a just society. While society may be such that equal rights are never

exercised, so long as those equal rights are available and *will* be effective (enforced by the state) when they are exercised, then a society that allows this comprehensive doctrine is just. The only actions that this liberal feminist can endorse are those which attempt to indirectly combat the more malicious effects of such doctrines: an education which informs both genders of their rights as equal citizens, equal pay for maternal and paternal (family) leave, and protections for women who choose to exercise their equal rights when they do so. This type of liberal feminism cannot consider the abject inequality prescribed *within* these comprehensive doctrines and the gender-based conceptions of the self that they foster as sources of injustice, as they can only recognize the “harms and disadvantages”<sup>19</sup> of these comprehensive doctrines should they threaten the ability for others to hold and pursue their own comprehensive doctrines.

This becomes a concern for the feminism of this liberal feminist. While this view on the family may not threaten women’s equality across all of society (as it only places hierarchical expectations on the women who accept and are living in accordance with it), it only does so in virtue in its lack of widespread acceptance. Were this view to be widespread or in some way culturally normative (meaning that it exerts some form of culturally-based influence on society as a whole), then this would come to threaten women’s equality. The view, while it does not explicitly prevent women from participating in the basic structure of society, encourages them not to exercise their rights and inculcates a gender-unequal place in society. It may lead to women not exercising their rights because they do not see it as their place to do so or because they develop unspoken assumptions about their own authority to speak on sociopolitical issues. Further, it may lead to the development of cultural norms that enforce this expectation in a way that acts regardless of the state’s position on women’s role. Women may be disregarded or

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<sup>19</sup> Baehr, Amy “Perfectionism, Feminism, and Public Reason” *Law and Philosophy* pg. 214

ignored when issues of political import are involved or men and women may come to shun or criticize women who try to act against the cultural expectation placed on women.

This concern then motivates the feminist cultural critic to examine this view as a potential source of gender inequality. The critic will identify this potential and how this will contribute to inequality, and then attempts to argue that this view is contrary to the goal of gender equality. They will argue that this view, while not part of nor threatening to the basic structure, must be analyzed and acted against to ensure and protect gender equality. Under this approach to liberal feminism, however, any state actions on the basis of this criticism would be unavailable, as it would take the state in to the realm of regulating individual's private conceptions of the good.

This type of liberal feminism seems unable to accommodate feminist cultural critique. Its account of justice does not allow for the state to take an interest in the gender-based conceptions of self and private conceptions of the good that are of interest to the feminist cultural critic. This prevents it from adequately appreciating the need for feminist cultural critique to adequately bring about a just society. If we are to allow for feminist cultural critique, we will need a liberal feminism that extends the concern of liberal feminist justice into the social realm.

### **3. Neufeld and Van Schoelandt's Legitimacy and Ethos Justice**

In this and the following section I will discuss two different accounts which can accommodate Yuracko's interest in gender-based conceptions of self and private conceptions of the good as part of their account of justice. I will briefly discuss the first, which argues that the traditional focus on the justice of the basic institutions of the society should be supplemented with a separate focus on justice in the non-coercive relations between citizens. This account will help us identify some of the ways the liberal feminist can accommodate the demands of feminist

cultural critics through the use of persuasion in the non-coercive relations between citizens but we will also want an account which will help us understand when the government can be justified in intervening in these relations. The second account will then provide a basis for that intervention, allowing the liberal feminist to better accommodate the demands of feminist cultural critique. I will ultimately conclude that the liberal feminist can accommodate government intervention in the “profoundly influential social arrangements”<sup>20</sup> of a society alongside private efforts at persuasion between citizens, and this capability will allow for the liberal feminist to include feminist cultural critique in their system.

The first account I will be discussing is one advocated by Blain Neufeld and Chad Van Schoelandt in their “Political Liberalism, Ethos Justice, and Gender Equality”<sup>21</sup>. In this article, they attempt to reconcile liberal feminist arguments with a more traditional Rawlsian framework by offering a distinction between “legitimacy justice” and “ethos justice”<sup>22</sup>. This distinction understands justice to be a pluralistic concept, wherein justice both demands attention to the “legally coercive structure of society”<sup>23</sup> and to the aspects of society that are not “part of institutions that exercise coercive political power”<sup>24</sup> nor directly “regulated or restricted by coercive political power”<sup>25</sup>. One finds legitimacy justice in the former concern and ethos justice in the latter concern. With legitimacy justice, one is concerned with the “basic structure”<sup>26</sup> of society, where that basic structure extends to institutions that can enact politically coercive power and which are subject to that same power. As such, the previously discussed form of

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<sup>20</sup> Baehr, Amy “A Capacious Account of Liberal Feminism” *Feminist Philosophy Quarterly* pg. 18

<sup>21</sup> Neufeld and Van Schoelandt “Political Liberalism, Ethos Justice, and Gender Equality” *Law and Philosophy*

<sup>22</sup> *Ibid* pg. 76

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid*

<sup>25</sup> *Ibid*

<sup>26</sup> *Ibid*



liberal feminism can be understood as one which focuses on legitimacy justice such that it misses the importance of ethos justice to a fully just society. Neufeld and Van Schoelandt, in contrast, endorse the application of feminist cultural critique in addressing the concerns of ethos justice.

As part of this distinction, Neufeld and Van Schoelandt limit the use of the state's coercive powers to addressing the concerns of legitimacy justice. While one should, in a fully just society, be encouraged to accept a comprehensive doctrine that includes women's equality within it, one cannot be justly forced to do so by the state. One can be forced to allow women to vote, as they are equal citizens of a just state, but one cannot be forced to view them as belonging in the same positions as men. Instead, one should be encouraged and persuaded to abandon one's sexist views by non-state actors through methods such as those utilized by feminist cultural critics. One cannot have a fully just society without a broad acceptance of women's equality, but one cannot bring such a society about through the use of the state's coercive power. One can only apply the state's coercive power in order to ensure the development and protection of a just society as well as to address violations of citizens' rights. This account, then, can provide a resource by which we can accommodate feminist cultural critique through its use as a non-coercive persuasive tool.

This account, however, does not provide us with the resources to determine when the government can intervene in these non-coercive relations. While it does allow for the cultural critic to persuade others without appeal to the coercive power of the state, the feminist cultural critique will want to also argue for state intervention to discourage the proliferation of gender-hierarchical comprehensive doctrines, encourage gender-equal attitudes, and, in especially severe cases, ban certain practices which undermine women's equality. Neufeld and Van Schoelandt

can allow for the issues of ethos justice to act as “external inputs”<sup>27</sup> in matters of legitimacy justice, but it is neither equipped to nor aimed at explaining when the government can intervene in the non-coercive relations between citizens.

We can imagine three types of cases which Yuracko would consider outside of the resources of liberal feminism. In the first case, we have cases where individuals need to intervene on the level of their non-coercive level. We can imagine a person holding a comprehensive doctrine that is contrary to women’s equality, but where their influence is limited to a handful of their peers. For this example, it would be appropriate for individuals to work to persuade the person to abandon their comprehensive doctrine, but it would not be appropriate for the government to intervene in any capacity. Alongside this first type, we have cases where the government needs to intervene on a non-coercive level to support women’s equality. Some examples of this type of issue can be found in the recent shift in the United States that allowed for campaign money to be used for childcare (a shift which occurred only two years before my writing this paper).<sup>28</sup> In this case, we have a policy that is nominally value-neutral (that campaign funds can not be used to pay for childcare), but is discriminatory because it prevents more women from running for office due to the child care expectations placed on women that is not mirrored for men. In the second case, we consider the case of family leave. In this case, the non-coercive relationships between romantic partners are relevant to justice, as these relations result in a particular distribution of work between the partners in regards to childcare. It is possible that this distribution could cause injustice within the society (by leading to the labor of childcare being disproportionately placed on one partner, thereby preventing them from participating equally in society as a whole), so the

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<sup>27</sup> Neufeld and Van Schoelandt “Political Liberalism, Ethos Justice, and Gender Equality” *Law and Philosophy* pg. 87

<sup>28</sup> Kurtzleben, Danielle “FEC Says That Candidates Can Use Campaign Funds For Child Care” NPR.org May 10, 2018

feminist cultural critic could argue that the state should intervene to incentivize equal sharing of the work involved in childcare. This would then have the benefit of undermining the development of comprehensive doctrines and conceptions of the self that place men in superior positions and women in subordinate positions outside of the basic structure.<sup>29</sup> It would be improper for the government to coercively intervene in these cases, but it can supplement efforts at persuasion through the removal of obstacles to equality and support for actions that advance equality.

Neufeld and Van Schoelandt's account is capable of accounting for these types of cases. It allows for the first type to be addressable as alongside other issues of ethos injustice, and it allows for the limited intervention in the second type because of how external inputs can be used to inform appropriate interventions. While these issues are *prima facie* problems of non-coercive relationships between citizens, the underlying sociocultural structures that lead to their becoming issues allow for the government to act to counteract them. It is, however, less comfortable accounting for the third type of cases.

This third type of cases are instances where the government may intervene coercively to promote and protect women's equality. For this type, we may consider a debate as to whether or not religions that do not allow for women priests should have exemptions from taxes. The practice of excluding women from religious leadership undermines women's ability to speak equally within the religious body, and it runs contrary to the efforts of the state to promote gender equality. As such, we can persuasively argue that the state can not justify being committed to gender equality while carving out special protections for religions that undermine

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<sup>29</sup> One example of family leave can be found in Sweden's generous policy. It gives equal time off for the mother and father of a child, and this encourages a number of beneficial effects in society.

that cause. At the same time, the liberal feminist will want to be cautious about potentially infringing on the right for people to live and act in accordance with their religious beliefs owing to their liberal commitments. Careful attention will need to be paid as to when exemptions would be justified or unjustified.

Neufeld and Van Schoelandt's account will not be very helpful in this type of case, as this involves the coercive intervention of the state in the private non-coercive relations between citizens. This type of intervention would be unavailable unless the religious belief itself is unreasonable for other reasons, but we will want to consider the possibility of this intervention. The practice of excluding women from religious leadership can present a threat to women's equality, and we will want an account which can tell us when this sort of intervention would be justified or unjustified.

#### **4. Schouten's Account for State Intervention**

This indicates that we need an account which can tell us when state intervention would be merited in these non-coercive relations between individuals. Such an account is offered by Gina Schouten in her "Restricting Justice: Political Interventions In The Home and In The Market."<sup>30</sup>, wherein she argues that "a much more expansive account of legitimate political power"<sup>31</sup> is needed to accommodate the demands of justice. As "no political regime is entirely neutral in its consequences,"<sup>32</sup> we must, instead, look for how we can "*justify* political interventions using reasons that are neutral among conceptions of the good."<sup>33</sup> This will mean that we must consider

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<sup>30</sup> Schouten, Gina. "Restricting Justice: Political Interventions In The Home and In The Market." *Philosophy and Public Affairs* pg. 365

<sup>31</sup> *Ibid*

<sup>32</sup> *Ibid* pg. 385

<sup>33</sup> *Ibid* Italics are Schouten's unless otherwise noted.

whether or not a potential application of state power is “acceptable *given a particular characterization of citizenship*” as “reasonable and rational, free and equal, and with a higher order interest in preserving the capacities of citizenship”<sup>34</sup> rather than it being acceptable on the basis of empirical facts about a society.

This understanding of citizenship will mean that the range of acceptable state action is not dependent on the empirical facts about citizens and their comprehensive doctrines. Instead, the range of acceptable state actions will depend on whether or not citizens so conceived will be willing to accept the state’s actions. The question is not whether actual citizens will find a state action acceptable, but “Is this exercise of political power acceptable to free and equal citizens with capacities for a conception of the good and a sense of justice and with a higher-order interest in preserving those capacities?”<sup>35</sup> The question is broadly normative, meaning that any discussion of whether or not a particular government action will be legitimate will be a discussion of whether or not properly conceived citizens should accept this action.<sup>36</sup>

This normativity will mean that the traditional distinction between the realm of institutions and the realm of non-coercive relationships amongst individuals will not easily track the acceptability of state intervention. This will mean that the government can intervene in the non-coercive relations between citizens if, for example, they involve the spread of a potentially harmful comprehensive doctrine and that that comprehensive doctrine is sufficiently pervasive that its spread would threaten properly conceived citizens. The state can take a legitimate interest

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<sup>34</sup> *Ibid* pg. 370

<sup>35</sup> *Ibid* pg. 376

<sup>36</sup> One may be concerned that this approach to justifying the acts of a government is subject to abuse, as a government could claim to be pursuing actions approved by citizens so conceived while ignoring the concerns of their actual citizens. As this concern is one more properly aimed against the Rawlsian liberal system, rather than my specific view, I shall not be addressing this in this paper.

in a broader category of actions than would be traditionally thought, and it can take a legitimate interest in the non-coercive relations between individual citizens. The acceptability of government intervention in response to certain behaviors will depend on a number of contingent factors such as the “pervasiveness of the behaviors, and the political harms the behaviors threatened”<sup>37</sup> given the particular circumstances of the society.

If a particular social practice, or contingent fact of an institution, is sufficiently common and contrary to the ability for citizens to see themselves as free and equal, the state can legitimately step in to promote contrary practices, discourage the harmful practice, or, in particularly severe cases, coercively prevent the practice itself. Importantly, intervention is justified against this practice only if it is sufficiently common that it can be seen as undermining the ability for members of the society to see themselves as free and equal, and the nature of the intervention is dependent on whether or not stronger (direct coercion) or weaker (establishment of incentives for particular behaviors, etc.) interventions would be justified. The government may not intervene if a small group of people practice a privately conservative comprehensive doctrine. It may, however, establish incentives to pursue alternative comprehensive doctrines or reform that comprehensive doctrine (whichever is more feasible if that group represents a significant portion of their population). It may also intervene to restrict those who hold this doctrine if this group is sufficiently widespread and sufficiently threatening to the liberal democratic system.<sup>38</sup>

In regards to the issue of family leave, Schouten’s approach has the resources to capture how and when the government can intervene in the decisions romantic partners make in regards to the distribution of childcare work. The government can recognize that these decisions are

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<sup>37</sup> *Ibid* pg. 386

<sup>38</sup> Schouten holds that the least coercive means should be used in any given case.

sufficiently common, and sufficiently related to women's equality in society, that it should intervene in some way. With that in mind, the government can choose to introduce family leave as a way of both incentivizing men to involve themselves in childcare and to disincentivize relying on women to handle childcare. This mitigates the harm involved in encouraging men and women to see women as uniquely suited to childcare (which encourages them to stay in the home and not act as fully equal citizens), and it prevents this harm in a minimally invasive way. Should the harm be pervasive enough (we may imagine a society where women face incredibly strong social cost if they do not act as the primary childcare provider as one example of a sufficiently strong and pervasive harm), then stronger intervention may be required. Depending on the nature of the practice or behavior, both in its harmfulness towards women and its pervasiveness in society, varying levels of intervention may or may not be called for.

Since this makes the scope for acceptable state intervention less clearly delineated than it is in some of the other views I have discussed, a given society will need a way to be able to recognize whether or not particular practices are incompatible with free and equal citizens. While no method will be able to perfectly capture which situations merit or do not merit state intervention, a method will be needed which identifies certain practices as harmful and potentially meriting intervention. One such method will be that of feminist cultural critique. By looking to "internalized gender-based conceptions of self"<sup>39</sup> and private conceptions of the good, the feminist cultural critic can identify practices, behaviors, and results of non-coercive relations between citizens that can threaten or undermine the ability for women to act and see themselves

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<sup>39</sup> Yuracko, Kimberly "Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism" *UCLA Women's Law Journal* pg. 2

as free and equal citizens. These practices and behaviors can then, if sufficiently pervasive and harmful, be intervened against by the state in a way acceptable to reasonable citizens.

Schouten's understanding of justice then allows for the Rawlsian framework to be compatible with the use of state power to promote feminist ends. The state is required to act only in a way that is acceptable to citizens characterized as rational and reasonable, free and equal, and interested in protecting their capacities as citizens. It can be justified in intervening in situations unacceptable to citizens so characterized over the potential objections of citizens with fundamentalist or conservative comprehensive doctrines. One may, for example, consider a state which requires companies to provide cultural training to further the cause of having their employees view each other as equals.<sup>40</sup> Those who hold anti-feminist comprehensive doctrines may object to this training, as it pushes them to accept women as equal workers in their company, but they can be forced to attend the training because doing so ensures that women can act as free and equal citizens within their workplace. This ability will then be acceptable to citizens conceived as free and equal. We now have an account of liberal feminism which has the resources to identify instances of non-coercive relations between citizens that may merit government intervention, and it has a place for feminist cultural criticism as a tool for identifying those instances. This will then provide liberal feminists with the resources they need to overcome Yuracko's dilemma; the liberal feminist can be both liberal and feminist, as they can allow for feminist cultural criticism.

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<sup>40</sup> One may also question the ability of comprehensive doctrines which allow for the firm as a just economic institution, given the hierarchies within such an institution.



## **5. A Case Study of Feminist Cultural Critique**

To better understand how this helps answer Yuracko's challenge to the liberal feminist, it will be helpful to consider an example of feminist cultural critique that could be considered outside of the scope of the liberal feminist's powers. In pursuit of this, we may turn our attention to how women are culturally educated within a given society. This approach is one I take to be within the scope of feminist cultural critique, although the approach I shall take will be broader than any particular critique for the sake of developing a fuller picture of the issue. I will focus in particular on the issue of how women are educated as to their role in a society, but the cultural critic can also look to what burdens are placed on women within that society (in terms of childcare or emotional labor for example), what kind of moral expectations are placed on women, and other similar issues.

With this, we may imagine a society where certain conservative comprehensive doctrines are (if not dominant) highly culturally influential. A significant portion of the population holds conservative comprehensive doctrines which hold that (among other views) women should remain in the home and take care of children. They believe that women (due to some assumed biological predisposition or belief in a divinely-informed hierarchy of the genders) are best suited to caring for children and taking care of the home, and efforts to abandon that are in some way dubious or misguided.

Despite the influence of these comprehensive doctrines, there exists a strong liberal tradition in this society. This tradition ensures that, while these comprehensive doctrines have significant influence in sociocultural life, they never can use legislation to coercively enforce the views contained within those doctrines. There are no laws which enforce that women should remain in

the home, nor are there laws that explicitly discourage women leaving the home and pursuing careers outside of it. Further, this liberal tradition ensures that women will be able to exercise their rights fully should they choose to exercise them. They can leave relationships built on the relevant comprehensive doctrines, they have protections to ensure equal access to the workplace, and they can participate in public political affairs should they desire to do so.

As a result of this, women have access to their rights and the basic structure of society. Since they have the right of exit from these comprehensive doctrines, protections that ensure that they can participate in the basic structure of the society should they wish to do so, and a suite of rights available to them should they choose to exercise them, it would seem that the approach to liberal feminism that I developed in section 2 would find this society to be just. This, however, would be both inadequate and unsatisfying for Yuracko and the cultural critic.

Yuracko and the cultural critic would argue that this society, while it may have these protections, is not capable of adequately supporting women's equality. This society may ensure equal access to the basic structure, but this ignores that the comprehensive doctrines held by a significant portion of the populace contain views contrary to women's use of these doctrines. While women may be able to access their rights, they will be brought up and educated in a way that discourages using them and normalizes lives for them that do not involve the exercise of those rights.

The cultural critic would point to the cultural influence of these comprehensive doctrines as the way in which this education is undertaken. Firstly, women will grow up and be surrounded by men and women who profess and live by the conservative comprehensive doctrines that hold that women should remain in the home. This experience will make the life at home seem normal and natural (in the sense that this life is in accordance with an assumed nature of women) for

women. Secondly, the cultural influence of this group is liable to be represented in the media of the society. For various reasons,<sup>41</sup> the media of this society can be expected to reflect the comprehensive doctrines of the populace. Women will frequently be represented as stay-at-home mothers or they will find their representation closely associated with issues of motherhood, childcare, and life in the home. This will then reinforce the lessons learned from those around them to reinforce the understanding that a woman should remain at home and take care of their children.

This education will then leave them to believe that (while their rights are available to them) they should not exercise those rights in most situations. If a woman's place is in the home handling children and taking care of the home, it can appear contrary to their place to engage in political life. They can choose to pursue a life as a politician or a career outside of the home, but it is not clear why they would do so when they consider their place to be in the home. It would be contrary to their conception of themselves to exercise those rights. As a result, it is difficult to hold that women are equal in this society.

By bringing in Schouten's approach, however, we can accommodate this concern. In this society, we can recognize that the widespread prevalence of these comprehensive doctrines has led to this situation where women's equality is threatened. While the belief in these comprehensive doctrines on its own is not a threat meriting government intervention (as individuals practicing a gender-hierarchical comprehensive doctrine does not inherently threaten women's equality within this society), the prevalence of these comprehensive doctrines in this

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<sup>41</sup> This tendency can be attributed to those making the media being similar subject to the influence of these comprehensive doctrines and by their desire to cater to those who hold the doctrines (for reasons of marketing and commercial viability) amongst other reasons.

case can be identified as meriting intervention. We can identify the cultural influence of these doctrines as the basis for the intervention.

We can do this due to how this cultural influence effects women's education in this case. The feminist cultural critic would be able to identify the influence these comprehensive doctrines have on how women come to develop their conceptions of themselves. They can analyze how they inform media portrayals of women and how women are taught and persuaded to think and act in accordance with these comprehensive doctrines. They can then identify how the extent and nature of this influence undermines women's equality in this society.

In this case the critic would likely identify the problem as being sufficiently serious to merit various forms of government intervention. It would not be enough to maintain the protections this society already has, as the cultural education shaped by these comprehensive doctrines has taught women not to use and take advantage of the rights the state provides for them. The precise extent and nature of this intervention will vary depending on the nature of the problem (whether these comprehensive doctrines merely have an undue influence or overwhelmingly dominate the culture will be one of the main factors in deciding the appropriate intervention), but it will likely include efforts to encourage media portrayals outside of the norm of these comprehensive doctrines and may even include direct intervention to ensure that women do actually exercise their rights and recognize that they should take advantage of them should the problem be especially severe.

In endorsing interventions in this case, it is important to note that the intervention is justified because of the influence of the comprehensive doctrines in question. While there are some doctrines that can be acted against directly, those will tend to be doctrines that qualify as unreasonable (meaning that the type of liberal feminism I discussed in section 2 will already be

able to act against them). It is rare that a comprehensive doctrine will be sufficiently opposed to gender equality to merit intervention in and of itself without it being unreasonable, but reasonable comprehensive doctrines which are in tension with the ideal of gender equality can be acted against if they prove to be pervasive and influential enough to threaten women's ability to see themselves as equal citizens and to act on their status as such.

Feminist cultural critique will then be invaluable to considering where these influences can be found, and they will be vital to identifying when that influence becomes problematic. It can identify when these comprehensive doctrines become sufficiently pervasive to threaten women's conceptions of themselves, and it can then, under Schouten's view, help to determine what intervention will be appropriate to the problem.

## **6. Conclusion: Yuracko's Challenge**

The liberal feminist is capable of overcoming Yuracko's challenge. While the more institutionally-focused forms of liberal feminism are susceptible to Yuracko's objection, the more socially-oriented liberal feminism of Neufeld and Van Schoelandt as well as that of Schouten can accommodate this cultural critique. Neufeld and Van Schoelandt's account provides the resources needed to accommodate feminist cultural criticism as a tool for persuading individual citizens in their non-coercive relations with other citizens, and Schouten's account provides the resources to identify when state intervention may be merited in cases identified by the feminist cultural critic. It should also be noted that Schouten's account may allow for the state to be more active in advancing the cause of women's equality than I have suggested here. Through the application of these accounts to the issue of feminist cultural critique, liberal feminists can be both adequately liberal and adequately feminist. In doing this, I take myself to have, by applying these two accounts to the issue of feminist cultural critique,

demonstrated that liberal feminism has the resources it needs to include feminist cultural critique in its framework, meaning that the liberal feminist can be both properly liberal and properly feminist.

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