

IS RAWLS' LIBERAL JUSTICE GENDERED?

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- **ABSTRACT:** John Rawls's theory of justice is perhaps the contemporary work in political philosophy mostly discussed in current academia. In this article I wish to analyse the challenges that have been put to this Rawls's theory; namely, that the theory he presents is gendered. I wish to argue that the *Theory of Justice* has sufficient philosophical resources to respond to the criticisms that Rawls's theory is gendered.
- **KEYWORDS:** Feminism. Rawls. A theory of justice. Sexism. Gender.

Introduction

Women have been given a secondary role in western political thought (OKIN, 1979). Throughout history, philosophers have been excluding women from their theories of justice (BENHABIB, 1992; OKIN, 1979; YOUNG, 1989). Consequently, there are many gender inequalities in contemporary western societies (KYMLICKA, 2002; OKIN, 1989a). After years of feminist campaigning from the 1970s, females have been emancipated from patriarchy and subordination in the labour market under domestic, regional and international law. For example, in the United Kingdom (1975), Part I.1 (1) (a) of the Sex Discrimination Act states that women are to be treated the same in all institutions and society as males. However, inequalities continue to exist. For instance, on average women who work full-time only receive 71% of the wage of their male counterparts (OKIN, 1989a). Despite the fact that many theories have excluded women from their theories of justice, liberals not only intended to include everyone in their doctrines, but also intended to eliminate or reduce inequalities between individuals (YOUNG, 1989). However, some feminists argue that liberalism is inefficient in solving gender inequalities and in attending to women's needs such as equal opportunities and forms of physical and emotional abuse (BENHABIB, 1992; GILLIGAN, 1982; YOUNG, 1990). On the other hand, liberal feminists contend that if liberalism did not respond efficiently to women's needs, it was because liberals have been blind to their own principles (NUSSBAUM, 1999; OKIN, 1989a). Thus, the purpose of this essay is to analyse whether the liberal conception of justice is gendered or not. This concerns whether liberalism is a theory of justice that reflects male bias and, consequently, neglects the needs of women and excludes them from the scope of justice. More precisely, Rawls's liberalism in his work

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A Theory of Justice (RAWLS, 1971) will be analysed. Hence, three criticisms that feminists outside the liberal tradition raise to liberalism will be assessed. First, the argument that the gender-neutral approach to sexual discrimination is inefficient to overtake gender inequalities, *i.e.*, laws that are sex-blind cannot respond adequately to women's needs will be evaluated (BENHABIB, 1992; YOUNG, 1990). Second, the argument that the liberal public-private distinction neglects women because most of the sex discrimination that exists takes place in the private realm and liberals refuse to intervene on it will be assessed (BENHABIB, 1992; YOUNG, 1990). Third, the argument that the concept of liberal justice reflects a male bias and excludes women's way of thinking about ethical issues will be examined (BENHABIB, 1992; GILLIGAN, 1982; NODDINGS, 1984; YOUNG, 1990). The central argument of this paper is that Rawlsian liberalism adequately responds to women's needs and it is not a male biased viewpoint of justice (NUSSBAUM, 1999; OKIN, 1989a). Having introduced the topic, an initial overview of Rawlsian liberalism will be provided prior to the discussion of the three arguments mentioned above.

Rawlsian Liberalism

This first section will explain what the scope of justice is according to Rawls, then the conditions and justification of Rawls's original position and the reason why the contractors choose the principles of justice will be discussed.

Rawls is concerned about social justice, *i.e.*, the arrangement of the major social institutions. Therefore, his subject is “[...] the basic structure of society, or more exactly, the way in which major institutions distribute fundamental rights and duties and determine the division from social cooperation” (RAWLS, 1971, p.6). The basic structure is the scope of justice because it has a considerably significant impact on the lives of individuals. In fact, Rawls affirms that major institutions “[...] define men's rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do” (RAWLS, 1971, p.6). Therefore, Rawls wants to establish rules of social justice excluding from the scope of justice private matters/different pursues of the conception of the good. As Richardson (2005) states;

Rawls's suggestion is, in effect, that we should put all our effort into seeing to it that “the rules of the game” are fair. Once society has been organized around a set of fair rules, people can set about freely “playing” the game, without interference.

In order to formulate principles that regulate this basic structure, Rawls (1971) suggests a device that he contends to be impartial, namely, the original position. The original position is a thought experiment which is used to extract fair principles of justice. It aims to extract what free and equal citizens would agree with each other under fair conditions for choosing principles. According to Rawls (1971), fair conditions to choose principles of justice would be ones where irrelevant factors for justice would be absent. Thus, Rawls argues that in order for people not to be influenced in their choice by some

kind of bias, a position where this bias is eliminated would be fair. In fact, individuals may tend to choose principles that are more suitable for their situation, if they know that those principles will favour them. For example, a wealthy person may choose libertarian principles because they favour his/hers wealthy situation. Hence, the principles are to be chosen in a position where individuals are not influenced by any kind of bias.

In order to abstract individuals from these irrelevant factors for justice, Rawls imagines a situation where all individuals in society have a representative/contractor who will negotiate the best principles for them. However, due to the fact that these representatives may tend to choose principles that favour the citizens they are representing, they are under a veil of ignorance (RAWLS, 1971). In this veil of ignorance, the contractors are deprived of knowledge that may influence their decisions.

Thus, no individual knows their position, class, social status, place or their sex in society (Rawls does not mention that the contractors are sexless. However, it will be considered here, that sex is not mentioned as a factor that may lead to bias in the choice of principles was a mere linguistic lapse (OKIN, 1989a)). Moreover, no individual is aware of their wealth distributive abilities and natural assets, as their intelligence, strength and weaknesses. Nobody is able to estimate their own conception of the good, their future plans of life or their psychological characteristics. Finally, individuals “[...] do not know the particular circumstances of their own society” (RAWLS, 1971, p.118).

Rawls contends that this high level of abstraction will lead to a choice of principles that are not influenced by any kind of bias. However, in order for contractors to make decisions that are suitable for any individual, they know that there are many different conceptions of good in society that individuals have interest in as many primary goods as possible. Moreover, they know that society is under moderate scarcity of resources, general facts of common sense and general conclusions of science (RAWLS, 1971; WENAR, 2008).

Hence, the original position is a device that intends to extract universal and impartial principles that everyone would accept in a situation of equality. Rawls (1971, p. 266) argues that two principles are agreed between the contractors;

First principle: each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
Second principle – social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.
First priority rule: the principles are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty. Second priority rule – the second principle of justice is lexically prior to the principle of efficiency and to that of maximising the sum of advantages; and fair opportunity is prior to the difference principle.

The contractors choose these principles because they are rational and mutually disinterested. The meaning of rationality here is the same as in rational choice theory,

namely, it is an instrumental rationality – “taking the most effective means to given ends” (RAWLS, 1971, p.12). Consequently, the contractors’ choices will follow the maximin rule, namely, under conditions of uncertainty it is rational to choose the option which the worst possible outcome is the least negative. Being mutual disinterested means that each contractor is motivated to obtain the best state of affairs for the individuals they represent and are not interested on other individuals’ interests.

Having set these two conditions and because contractors do not know who they are representing due to the veil of ignorance, they will choose principles that would ensure that the individuals they represent will be in the best situation possible despite their personal characteristics (RAWLS, 1971). Rawls argues that his two principles will be the ones which would be rationally chosen because only under them the worst possible outcome would be the least bad for all individuals.

Discussion of the feminist arguments

Having outlined Rawls’s theory, the three arguments mentioned in the introduction will be analysed in the following order: first, the gender-neutral approach to justice is inefficient to overtake inequalities; second, the public-private distinction neglects women’s interests; third, the concept of justice excluded women’s way of thinking about justice.

It is useful to understand the first criticism of the liberal thought in this matter of gender neutrality is outlined first. Liberalism intends to be a universal and egalitarian theory. According to liberals, everyone should be given the same moral status, *i.e.*, everyone has the same moral worth despite their differences in race, gender and the like (CHRISTMAN, 2002; RAWLS, 1971). These kinds of differences are morally arbitrary and should not have a role in the assessment of people’s needs (RAWLS, 1971). Thus, laws and policies are formulated so that everyone can participate and be included in the major institutions of society. Therefore, liberals abstract themselves from the differences among individuals and adopt an impartial viewpoint that is not influenced by individual bias (*e.g.*, gender) (CHRISTMAN, 2002). In fact, Rawls’s veil of ignorance reflects all this. Due to the fact that the contractors in the original position do not know the characteristics of the individuals they are representing, the principles of justice that are agreed do not advantage any individual in particular, *i.e.*, they give the same moral worth to everyone, independently of their characteristics. There is no individual bias in the choice of principles because all morally arbitrary factors for justice are abstracted from the choice of the principles. Therefore, the choice is impartial and universal (RAWLS, 1971). Thus, liberalism is gender-neutral since gender is not significant for the awarding benefits in society: women and men have access to the same things (KYMLICKA, 2002). In other words, liberalism has a gender-neutral approach because “[...] women are not arbitrarily excluded from pursuing the things society defines as valuable” (KYMLICKA, 2002, p.382). For example, there is equality of opportunity when a woman applies for a job because her gender is not attended as a criterion to select her for the job; the accessibility to the position offered is the same despite the gender (KYMLICKA, 2002). Law at the

international level has supported these philosophical ideas. For instance, Article 5(a) of the Convention on the Elimination of Discrimination against Women (CEDAW) calls for States to take measures to modify cultural and societal traditions between men and women in order to eliminate practices that treat women as inferior counterparts than men.

Despite the fact that gender-neutrality intends to provide the same moral worth to men and women, some feminists contend that gender-neutrality is inefficient in guaranteeing equality between sexes. In other words, neutrality does not prevent the neglect of women's needs (BENHABIB, 1992; YOUNG, 1990). As noted earlier, liberalism abstracts from the different characteristics of the individuals and establishes principles that are universally applied to everyone. In the case of the veil of ignorance, the principles are chosen without knowledge of individual characteristics. Having this in consideration, it is contended by some feminists that this abstraction of concrete reality (*e.g.*, individuals or groups capability and social and historical circumstances) leads to unequal treatment of individuals because when liberals abstract from the concrete reality they ignore that people have different needs; which requires that in order for different individuals to be in an equal position, those needs should be taken into account (YOUNG, 1990). In other words, due to the fact that individuals have different needs and, consequently, need unequal treatment to be in an equal position, abstracting from the circumstances and treating everyone in the same way does not adequately respond to the needs of different individuals. Thus, differences should be acknowledged because they show that in order for people to be treated equally, their special needs should be recognised (KYMLICKA, 2002).

This abstraction of the difference can lead to inequalities in two ways. First, they ignore social or historical circumstances that may cause inequality. Second, they ignore differences in capability or biological differences that may lead to inequality if not taken into account.

By way of illustration of the first case, as liberalism abstracts from the concrete reality, it ignores that many job positions in contemporary society were designed for males and, therefore, even if the job does not require a specific gender for the position, men are already advantaged for it (KYMLICKA, 2002; YOUNG, 1990). In other words, despite the fact that gender is not taken into account for the application of the job, women are in a disadvantageous position because gender was not taken into account when the job was specifically designed for male applicants. Kymlicka (2002) points out the case of military jobs. The equipment for military jobs is usually designed for individuals with the height and weight of a man, when they could be designed for both sexes. As a result, job positions may not require a specific gender, but as women usually have a smaller height and weight, they are not in an equal position to apply for the job. Thus, women may have equality in the competition for the job, but they are competing in a male biased society in the sense that males structured it, *i.e.*, males made its rules, and women have to follow the rules established for a male society. Therefore, gender-neutrality does not attend to this sexual discrimination when it abstracts from the concrete state of affairs. Another example of this kind of sexual discrimination is when the job requires that the applicant is not a primary caretaker of preschool child (DWORKIN, 1988; MACKINNON, 1987). Since

women are usually expected to be the children's caretakers, they are in a disadvantageous position (KYMLICKA, 2002).

Finally, an example of how the abstraction of biological differences can neglect women's needs is the case of pregnancy. As far as law is blind to gender, everyone is treated equally under the law; then women would not be able to demand maternity leave, which places them in an unequal position (YOUNG, 1989).

In short, gender-neutrality does not deal with sexual discrimination efficiently because treating everyone equally neglects circumstantial and biological factors and if these are not taken into consideration will lead to an unequal position.

However, liberal feminists contend that this is a misinterpretation of liberal principles (NUSSBAUM, 1999; OKIN, 1989a). Nussbaum (1999) asserts that the idea that liberalism is committed with an abstraction that ignores differences between individuals is false. According to liberals, any kind of morally arbitrary differences that individuals have in societies should be taken into account. As Nussbaum (1999, p.69) states;

Rawlsian liberals noting that individuals arrive in society with many advantages that they have already derived from morally irrelevant characteristics, think [...] [that is] morally required to readjust things in order that individuals should not be kings or princes; they therefore permit themselves a more extensive scrutiny of the history of group hierarchy and subordination [...].

As a matter of fact, the original position forces individuals to see the viewpoint of everyone and, consequently, establish principles that are accepted to everyone (OKIN, 1987). In other words, the ignorance of the individuals' positions in society implies that each individual puts herself in a position that can speculate about the standpoint of all because they want to ensure that they will not end up in a disadvantageous position (RAWLS, 1971). As a consequence, in relation to gender inequality, the contractors would observe the standpoint of women and would recognise that a male bias society is unjust (OKIN, 1987).

Against this view, it could be argued that it would only be possible to understand the position of others if the veil of ignorance is not total or effective; put differently, an argument that can be put forward is that so that differences are perceived then one needs to drop the veil of ignorance.

However, I wish to contend that individuals can still look from all points of view without dropping the veil of ignorance. The reason is because, as Rawls states, the individuals under the veil of ignorance have substantial knowledge of people's differences, social facts and disciplines such as sociology. As a result, the reason they can abstract and perceive all individuals' standpoint is because they possess this knowledge that allows them to decide.

To sum up, as the contractors would see that women's needs can be somehow neglected by the principles chosen, they would claim that any kind of differences (*e.g.*, biological, social or historical) should be eliminated or reduced (OKIN, 1987). Thus, the

equal treatment is not blind to differences; liberals contend that if there are differences that may lead to inequalities, individuals should be given the conditions/prerequisites that enable them to have equal opportunities (NUSSBAUM, 1999). In fact, when Rawls (1971, p.266) states that “Social and economic inequalities are to be arranged so that they are [...] attached to offices and positions open to all under conditions of fair equality of opportunity”, he means that differences that may lead to inequality of opportunity should be taken into account in order for individuals to be in equal positions (NUSSBAUM, 1999).

In short, the gendered system that could result from biological, social or historical differences would be scrutinised in a way that different individuals would be given the conditions/prerequisites to have equal opportunities. Thus, the contractors in the original position would be concerned about social and historical differences (as a society where offices and positions are designed for males) and biological differences (as pregnancy) that may lead to inequality (NUSSBAUM, 1999; OKIN, 1987).

However, this is not the only argument that some feminists contend about inequality of opportunity. It is argued that liberal distinction between the public and the private also neglects women’s interests (BENHABIB, 1992; YOUNG, 1990).

As mentioned earlier, the scope of Rawls’s theory is social justice, *i.e.*, the arrangement of the major social institutions. He is concerned with the fundamental rights and duties of individuals and, therefore, different conceptions of valuable life are a matter of personal decision (RAWLS, 1971). Thus, justice is concerned about ‘just’ social relations (the public) and should give autonomy to individuals to pursue their own conceptions of the good (the private), without the interference of the State (CHRISTMAN, 2002; KYMLICKA, 2002).

Bearing this in mind, some liberals have excluded the family from the scope of justice, with the justification that it is a matter of personal decision-making (CHRISTMAN, 2002; NUSSBAUM, 1999). In other words, the family is considered by some liberals “[...] a private sphere of love and comfort into which the state should not muddle” (NUSSBAUM, 1999, p.63). In short, forming a family is a voluntary option that individuals take in order for pursuing their own conception of the good (it is a matter of personal decision-making) and, consequently, a non-political sphere, *i.e.*, a sphere outside of the scope of justice (BENHABIB, 1992).

However, placing family outside the scope of justice neglects women’s interests because the family is a locus where many injustices occur and these injustices undermine equality of opportunity and have a considerable impact on the prospects of the individuals, especially women (BENHABIB, 1992; OKIN, 1989a; YOUNG, 1990). In fact, many abuses are committed within the family, *e.g.*, domestic violence, marital rape, and unequal distribution of housework (NUSSBAUM, 1999; OKIN, 1989a).

In order to understand why these abuses inside the intimate/private spheres lead to inequalities, it will be explained how marriage and its anticipation have a significant impact on women’s vulnerability (OKIN, 1989a). Culturally speaking, it is contended that girls in western culture usually give more importance to marriage than boys because, in western culture, girls tend to be taught that a meaningful life is linked with marriage

(THORNTON; FREEDMAN, 1982). In addition, girls are culturally expected to be the primary caretakers of children. These two factors have an influence on girls' decisions in what concerns their life prospects, *e.g.*, the careers that they will pursue. In other words, the fact that girls are expected by their families to place more emphasis on marriage than boys and to be the primary childcare takers leads them to pursue different conceptions of good (*e.g.*, instead of careers, housewives). This gendered-stereotype is practised by families and thus formulates a self-fulfilling prophecy that is lived up to; hence the pressures within the family for girls to take these kinds of roles results in girls becoming housewives and compel them not to pursue a career. Consequently, they are in an unequal position in the sense that there is a social pressure within the family that influences their decisions (OKIN, 1989a). Nevertheless, women are not only disadvantaged before marriage but also within marriage. Usually, women are expected to combine motherhood with career and, consequently, the job positions that they apply are already lower-paid than men's. In addition, the fact that housework is unequally distributed limits women's possibilities to progress in their careers because they do not have time to deal with housework and their jobs. Furthermore, the economic differences that result from the fact that men place more emphasis on careers and women on family, consigns men more power within the family, making women vulnerable to men's will (OKIN, 1989a).

In summary, this hierarchy within the family results in an inequality of opportunity because women are given more responsibilities than men which undermine their careers' prospectus (OKIN, 1989a). Thus, due to pressures within the family, women's choices are not protected (NUSSBAUM, 1999). Therefore, if such differences in power affect the life prospects of the individuals within the family, and if liberals insist that there should be no intervention in the family, then liberalism is inefficient in dealing with such patterns of oppression (BENHABIB, 1992; YOUNG, 1990). So, if much of sexual inequality happens in the private sphere, it seems that liberal commitment to neutrality in the private sphere and their commitment to sexual equality are incompatible.

Nevertheless, liberal feminists claim that if Rawlsian theory is reinterpreted, these differences of power within the family will be in the scope of justice (OKIN, 1989a). Rawls states that the subject of justice is the basic structure of society and the major social institutions which affect people's lives. An institution is "[...] a public system of rules which defines offices and positions with their rights, duties, powers and immunities and the like" (RAWLS, 1971, p.55). Given this definition, marriage has to be considered a major social institution. In fact, as it was noted, the relations within the family have an impact on people's rights and on the definition of their offices and positions. Thus, family is not outside the scope of justice and the power relations within it would have to be an object of scrutiny in order for individuals to have the same fair equality of opportunity. Therefore, the principles of justice will consider the relations between sexes, *e.g.*, a gendered family that could neglect women's interests, inside or outside the family (OKIN, 1987).

Furthermore, if the contractors in the original position are thought not to know their sexes, it can be seen how the first principle of justice would attend to differences within the family. The first principle states that "[...] each person is to have an equal

right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all” (RAWLS, 1971, p.153). As mentioned previously, the fact that women tend to be the primary child-carers and have more housework responsibilities than men, leads to a limitation to women’s pursuit of their own goals. Therefore, these roles that women are given within the family are undermining their liberties. Having this in consideration, marriage contracts have to be based on the first principle in order for equalising the situation of women within the marriage. Consequently, as a measure to equalise liberties between men and women, housework and care for children would be required by the first principle. In other words, dividing housework and care for children would be a requirement of the first principle because it would enable men and women to pursue their own conceptions of the good equally.

Thus, Rawlsian liberalism implies that the family is in the scope of justice. It can be contended that injustices that take place within the family should be eliminated. This does not imply that liberalism has to give up its commitment to neutrality in the private sphere, because there is still room for private matters besides the family, *e.g.*, the choice of religion. Moving now to the third argument, some feminists claim that the liberal concept of justice excludes women’s viewpoint about ethics (GILLIGAN, 1982). In other words, the impartial, impersonal and universal conception of justice that is defended by liberals reflects a male bias since women do not think about justice in this way (GILLIGAN, 1982; NODDINGS, 1984). Therefore, as liberalism is a rationalist theory, it places too much emphasis on reason and this denigrates women who place more emphasis on emotion.

Women tend to value a network of relationships approaching normative issues in terms of care, responsibility and obligations towards the “concrete others” (BENHABIB, 1992; GILLIGAN, 1982). In other words, women tend to think about ethical issues with norms of friendship, love and care towards the particular other. Thus, women tend to value feelings and emotion in their assessment of moral issues (BENHABIB, 1992; GILLIGAN, 1982). In addition, women tend to contextualise situations to make moral decisions, *i.e.*, women try to understand the social context and the particular needs of individuals. Therefore, women are “more immersed in the details of relationships and narratives” (BENHABIB, 1992, p.149). Thus, women “[...] view each and every rational being as an individual with a concrete history, identity and affective-emotional constitution” (BENHABIB, 1992, p.159) and when trying to solve an ethical issue they focus on the individuality of each person and try to understand his/her needs.

It is argued that this view contrasts with the liberal universal and detached judgment, which applies the same moral rules to all the situations ignoring the particularity of situations and “abstracts from feelings desires, interests and commitments” (YOUNG, 1990, p.130). In fact, Rawls’s original position is a device that requires a high level of abstraction and the principles that result from it are universal and detached from any kind of personal viewpoint. Furthermore, feelings as benevolence seem to be ruled out from Rawls’s theory because the contractors in the original position are “mutually disinterested” and they are rational in the sense of practical reason.

Hence, three contrasts between the liberal and care ethics are usually pointed out. Firstly, liberals insist that learning moral capacities consists on learning moral principles while care ethics affirm that individuals should develop moral dispositions. Secondly, liberals argue that solving ethical problems consists on applying universal principles; while care ethicists argue that ethical issues should be solved attending to particular situations, taking in consideration the particular needs of each person. Finally, liberals contend that the key concepts in ethics are rights and fairness while care ethicists contend that the key concepts are responsibility and network of relationships (KYMLICKA, 2002). Having this in consideration, the challenge is whether the universal and impartial principles of liberalism leave space to emotionally grounded relations that women tend to frame their lives (CHRISTMAN, 2002). Liberalism does, in fact, give space to such relations (CHRISTMAN, 2002; NUSSBAUM, 1999; OKIN, 1989b).

Rawls (1971) considers that the family is the first school of morality, *i.e.*, it is where moral development starts. More precisely, the sense of justice is “[...] a strong and normally effective desire to act as the principles of justice, which is initially learned within the family in its ties of friendship and mutual respect” (RAWLS, 1971, p.454). In other words, it is the feelings of love, friendship and mutual respect that children receive within the family that constitutes the groundwork for them to desire to act and act morally (RAWLS, 1971; OKIN, 1989b). In short, the sense of fairness that is required to act morally, lays on the love that parents give to their children and enables them to “[...] take up different points of view of others and see things from their perspectives” (OKIN, 1989b, p.236). Thus, as, according to Rawls, moral capacities are learned through emotions; there is space for caring relations in his theory, *i.e.*, emotions have a valuable contribution to moral choices (NUSSBAUM, 1999). In addition, if the family is a political sphere, then the State is allowed to promote caring relations within the family (CHRISTMAN, 2002). For example, Article 3(2) of the 1989 United Nations Convention on the Rights of the Child stresses that State Parties are to undertake measures

[...] to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures (UNITED NATIONS, 1989).

Furthermore, liberalism does not force individuals to place friendship, love and care out of their relations with others (NUSSBAUM, 1999). Liberal neutrality guarantees that everyone can have their own conceptions of good. In other words, individuals are to be given autonomy that enables them to value responsibility and care in their interpersonal relations. Hence, if individuals prefer to place feelings at their decisions and preserve a network of friendships it is a matter of personal decision making.

Finally, both the ethics of care and justice involve abstraction in their judgements. For instance, a job may require that the applicant is not a primary child-carer. Emotion

may not be sufficient to understand that this is an unjust situation (NUSSBAUM, 1999). As mentioned earlier, women tend to be compelled to feel that they should be the primary child-carer and should sacrifice their pursuits of the conception of the good for the family. Thus, women tend not to challenge the roles that they are given (OKIN, 1989a). Having this in consideration, women would tend to accept the roles they are given and, consequently, their emotions would guide them to acknowledge the unjust situation as just. On the other hand, males usually take roles of domination – their emotions tend to be to dominate females (MACKINNON, 1987). Therefore, unless there is an abstraction from these emotions that women tend to be compelled to have, women would not be able to respond to people's needs adequately. More precisely, if there are two contrasting demands, males feel that they should dominate and females feel that they should be dominated. Then, unless there is an abstraction and critical thinking about these different roles, there is no way to distinguish unjust from just situations and, consequently, there is not an adequate response to individuals' needs (NUSSBAUM, 1999).

In short, there is space for feelings and emotions within the liberal theory of justice. Liberal justice acknowledges the importance of feelings: feelings give a valuable contribution to moral choices. Furthermore, individuals' autonomy enables individuals to choose to value feelings instead of practical reason. Finally, it is not only liberalism that uses abstraction to assess ethical issues; the ethics of care also uses abstraction to distinguish just from unjust situations.

Conclusion

In conclusion, three arguments were analysed in this essay, namely, the inefficiency of the liberal gender-neutral approach, the sexual inequality that results from the public and private distinction and the differences between care and justice. The purpose of the essay was to assess whether Rawls's liberalism is male biased. The assessment made in this paper demonstrates that Rawlsian liberalism does not neglect women's interests nor excludes women's ethical thinking. Thus, as liberal feminists argue, an efficient analysis of Rawls's liberalism demonstrates that his theory of justice is not gendered.

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- **RESUMO:** Neste artigo, farei uma análise da teoria da justiça de John Rawls. O meu objetivo é analisar se a teoria da justiça é sexista. Eu concluo que a teoria da justiça não é sexista.
- **PALAVRAS-CHAVE:** Feminism. Rawls. Teoria da Justiça. Sexismo. Gênero.

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