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IN HIS LIBERAL POLITICAL THEORY, DOES JOHN RAWLS INCLUDE JUSTICE FOR WOMEN WITHIN THE FAMILY?

The purpose of this article is to give insight to the current discussion of the question whether John Rawls, in his liberal political theory, included justice for women within the family. Two authoritative writers on the subject will be brought into this analysis: Susan Moller Okin and Sharon Anne Lloyd. Okin's main argument states that Rawls did not do seeing as his «first principle of justice» does not exist within the intra-familial sphere. Lloyd states profoundly that Rawls ignores this issue and, as a result, this could lead to the destruction of the very foundation upon which Political Liberalism is based.

Keywords: John Rawls, issues of women's rights, feminist philosophers, Justice, Justice in the family, liberal political theory.

Мета даної статті полягає у висвітленні наявного стану справ в обговоренні питання про те, чи поширює Джон Роулз – у рамках своєї ліберальної політичної теорії – справедливість для жінок також і на сферу сім'ї. У ході аналізу розглядаються точки зору двох авторитетних фахівців з даної тематики: Сюзан Моллер Окін і Шерон Енн Ллойд. Головна теза Окін полягає у тому, що «перший принцип справедливості» Роулза не працює у «внутрішньосімейному» просторі. Ллойд, у свою чергу, також подібним чином стверджує, що Роулз ігнорує дану проблему, і що це, як наслідок, може привести до руйнування самого фундаменту, на якому базується політичний лібералізм.

Ключові слова: Джон Роулз, питання прав жінок, феміністські філософи, справедливість, справедливість у сім'ї, ліберальна політична теорія.

Цель данной статьи заключается в освещении текущего положения дел в обсуждении вопроса о том, распространяет ли Джон Роулз – в рамках своей либеральной политической теории – справедливость для женщин также и на сферу семьи. В ходе анализа рассматриваются точки зрения двух авторитетных специалистов по данной тематике: Сюзан Моллер Окин и Шэрон Энн Ллойд. Главный тезис Окин заключается в том, что «первый принцип справедливости» Роулза не работает во «внутрисемейном» пространстве. Ллойд, в свою очередь, также сходным образом утверждает, что Роулз игнорирует данную проблему, и что это, как следствие, может привести к разрушению самого фундамента, на котором базируется политический либерализм.

Ключевые слова: Джон Роулз, вопросы прав женщин, феминистские философы, справедливость, справедливость в семье, либеральная политическая теория.

Problem

Various representatives of nongovernmental organizations, which focus on women's rights, have long been discussing discrimination, oppression and violence against women in many different countries around the world. After much research, I was unable to find, within the existing liberal political theory and critical philosophical discourse in Germany, any vivid exchange of ideas regarding women's rights. In contrast, in the USA a lively debate about women's rights has existed within a liberal political context for over 30 years.

This is striking due to the fact that the women's movement in Germany has existed since the late 19th century, as demonstrated by the first women who went to the streets and fought for their political rights and who were indeed part of the liberal milieu [5, p. 328]. This begs the question: What happened to this original struggle for liberty, equality and political rights among women? Further to that, does it even still exist in a more developed form today? Or is the concept of gender equality within liberal political theory simply a ghost of the past which needs to be resurrected?

Subject

These questions and the question whether John Rawls included justice for women within the family structure in his liberal political theory led to the subject of this article. The working hypothesis herewith is that Rawls, through the basic, civil rights and liberties as well as equal opportunities in life, which he outlines in his body of work and which apply to all individuals, automatically includes women in his liberal political theory and therefore it is not necessary to explicitly formulate a theory on women's rights. However, many feminist philosophers and critics who have analyzed the two main works of John Rawls point out a striking deficit in this area of his political theory.

Rawls' first opus, «A Theory of Justice» (abbreviated as ToJ hereafter), appeared in 1971 and became a milestone in the philosophical debate regarding political justice. His second significant work, «Political Liberalism» (abbreviated as PoL hereafter), appeared in 1993 and expounds on Rawls' liberal ideal of a «well ordered society». It is important to note, that many feminist philosophers who have gone deeper into Rawls' theory state that Liberalism itself, and especially Rawls himself, lay the best theoretical foundation for Feminism. ToJ and PoL outline his two guiding principles.

The two principles read as follows:

- «1. Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
2. Social and economic inequalities are to satisfy two conditions:
 - a. They are to be attached to offices and positions open to all under conditions of fair equality of opportunity;
 - b. They are to be to the greatest benefit of the least-advantaged members of society (the different principle)» [6, p. 42-43].

Three categories of critical arguments emerge within the overall criticism of Rawls' theory. The first category could be called Content-based Arguments where we find three underlying issues. The first issue involves the application of the «Two principles of justice» which Rawls formulated. The second issue is about the distinction between the political and the nonpolitical spheres as Rawls' defines in his work, which terms are rooted in the historical liberal distinction between public and private spheres. The consequence of these concepts is injustice for women in the family. The third issue involves the fact that caretaking within is a traditionally voluntary role fulfilled by women.

The second category involves formal, or constructivist, critical arguments. There are four underlying issues in this category. The first embodies the concepts of «original position» and «the veil of ignorance». The second is the concept of reciprocity, the third is that of citizenship and the fourth deals with Rawls' concept of autonomy.

The third category of critical arguments has to do with an ontological problem inherent in liberal political theory, that is, the concept of objectivity.

Many critics assert that Rawls' Principles of Justice should be applied to the family in order to prevent injustice for women within the family sphere. For many feminists, Rawls insistence that the principles of justice apply only within the political sphere of a society results in an injustice for women within the family sphere. Within this framework, a specific tenet of the ToJ confounds feminist philosophers. On the one hand, the family is an institution existing within the basic structure of the well-ordered society similar to universities, associations and churches. On the other hand, it is a non-political domain where parents set the example by which children learn a sense of justice, which is an essential condition for the continued existence of Rawls' well-ordered society. To wit, the family is a non-political domain which belongs to the overall basic political structure of society, where the principles of justice cannot be applied.

The typically liberal separation of the political and the non-political sphere is also a major subject in the feminist criticism. Rawls arguments that his principles of justice cannot take effect in the

familistic ambit, which he defines as a nonpolitical sphere. His justification is that the inner structures of a family are not the scope for political philosophy. For Rawls the political principles of the public reason are protective enough for the basic rights of each of the family members. For him democracy ensures a voluntary division of the housework and caretaking. For Rawls assuming the implementation of the latter there would be nothing more to do for a political philosophy. Therefore Rawls concept of reciprocity, which is an important part of PoL, plays a central role in the argumentation of critical feminists referring to the issue of women's rights [8, p. 21]. They focus on the implementation of the concept of reciprocity and subscribe Rawls in his opinion that this concept eliminates gender injustice.

Proceeding

Before going deeper into the conflict lines of the feminist critics and Rawls there will be a short overview of the amount of passages in the texts of ToJ and PoL to underline the impression that the feminists could be right. After that there will be a statement of the main arguments of two important authors by describing their conflict lines with John Rawls and within their own discussions. There will be the analysis of the arguments of Susan Moller Okin and Sharon Anne Lloyd. They are disputing the subject of justice for women in Rawls's theory of justice respectively his well-ordered society. Both of them are focusing quite on the same issues. Both of them discuss the lack of justice for women within the family in Rawls', whereby Okin states that Rawls' concept of the original position lacks the female gender which Lloyd cannot subscribe. Subsequently there will be a short conclusion.

One of the passages in which John Rawls is literally speaking of women, is situated in different contexts. In ToJ most of the time Rawls mentions the word «gender» or «women» in the context of difference of gender, race or culture in relation to an example for the implementation of the second part of the second principle of justice [1, p. 99]. This means for Rawls that any privilege for men they may have concerning the basic rights would be allowed only if it were an advantage for women.

Later on the female gender is just mentioned in the context of the function of a «good wife» of the family, in the context of the duties which arise as a result from marriage and with the «virtues of a good daughter» [1, p. 467]. But Rawls does not have a pure picture of the family. Rawls states, that the circumstances and conditions of life a person is born into have contra-productive effects to his concept of the original position respectively the principle of equal opportunity. But this is a critical argument against the liberal theory that just the natural abilities of a person count and this for him this argument is a useful justification for the inequality of income and wealth. But for Rawls the family is one of the nuclei of his well-ordered society. For Rawls the family is also a small group with a well-defined hierarchy [1, p. 467]. He mentions this in the context of the education of children concerning morality. But in terms of the issue of women's rights in a family this passage could be misunderstood quite easy.

But there are also missing female concepts related to the mentioning of just male concepts, for instance, when Rawls is talking about grandfathers and fathers, sons and grandsons concerning intergenerational justice. No grandmother, mother or daughter is mentioned in this context [1, p. 289].

In PoL Rawls admits that he did not concern about gender issues in the ToJ at all [3, p. 28]. But he assures that the problems concerning the discussion about gender and family relationship, even though he will not discuss them neither in the PoL, will be solved in future. But he does not explain how. The only idea he has is to state that in former times, the slavery was abolished by Lincoln and that it is possible to use the same fundamental principles of the Declaration of Independence to eliminate gender injustice and suppression of women in our time. For Rawls it is a question of the rightness of concepts and fundamental principles, useful «for the fundamental historical questions» [3, p. 9].

Susan Moller Okin is referring to this in her essay entitled «“Forty acres and a mule” for women: Rawls and feminism». She is going to discuss whether and how the preeminent liberal theory of justice (that of John Rawls) can meet the challenge of fully including women as equals» [7, p. 234]. Therefore, Okin is asking what the counterpart for «40 acres and a mule» for women would be. The concept «40 acres and a mule» was an idea developed after the end of the Civil War in the United States of America to enable liberated slaves to settle down and be self-supporting. It was the attempt to implement the formal justice into substantial justice from progressive politicians.

The aim of this unrealized policy was equality of opportunity for the Afro-Americans concerning economic and social issues in society. But Okin discusses this idea as a «simple analogy» [7, p. 234] concerning the issue of women's rights in the liberal political theory. If Rawls, she argues, transfers the principles on which the liberation of the slaves based on to the “liberation” of women from discrimination and suppression then in her opinion there has to be an equivalent of such support, too. That is her main thesis and her reasoning rests upon the finding of several apparent contradictions, even deficits in Rawls' liberal political theory concerning the substance of his idea of equality: «so the freedom and equality of most liberal political thought does not take account of the unpaid labor of women in the home. In the case of gender, as with race, formal legal equality does not solve the problem» [7, p. 234].

So Okin argues that the concrete equivalent of «40 acres and a mule» for women would be a gender-independent and thus equitable labor division of reproduction and household work in a family. Her reasoning is quite simple because she asks how the children of the next generations of Rawls' well-ordered society will learn the necessary sense of justice if they see just their mother doing unpaid work. That is the reason why Okin also differentiates formal equality justice and substantial equality in relation to justice for women in the family.

Okin wants to understand, why Rawls does not apply the two principles on the scope, or more precisely, on the internal structures of a family. The reason is very easy: For Rawls the family belongs to the nonpolitical sphere and that is why the principles of justice are not applied on the family. But, Okin and many other feminist philosophers criticize that Rawls also says that the family is one of the major institutions of the basic structure of society which is for Rawls the first subject of justice: «The basic structure is the primary subject of justice because its effects are so profound and present from the start» [1, p. 7]. This is one of the main apparent contradictions Okin identifies, as well as that Rawls does not attend to the issues of justice in a family in the second part of ToJ. This part is headlined with «Institutions» and the subject of family life is just mentioned twice: «Significantly, though, he does not discuss how the principles would influence either the internal structures and workings of the family or its relations with the wider society. Indeed, families appear only twice and only briefly in this middle section of the book, in connection with the constraints they place on the equality of opportunity of children from different family backgrounds and in connection with intergenerational justice» [7, p. 235].

Further on she states, «Rawls does not mention families as potential obstacles to equal opportunity for women», and in the ToJ «he almost completely ignores women» [7, p. 236, 237].

Thus it is even more striking according to Okin that in the third part of ToJ Rawls focus on the moral development as an essential assignment for parents [1, p. 490-496]. So Okin wants to know how Rawls intends to ensure an education of children which includes the development of their sense of justice, when role models are traditionally gender-dependent. The only statement you can find about justice in the family is that Rawls assumes that family institutions are just: «Given that family institutions are just» [1, p. 490]. But according to Okin is this statement complete inadequate and reveals a major deficit in Rawls' theory. Okin identifies its origin in Rawls' concept of the original position and the veil of ignorance. On the one hand, in the original position no one of the parties knows his gender, race or age, because the veil of ignorance is preventing it. On the other hand, he says the parties could be the «heads of families» [1, p. 128]. Okin criticizes that for Rawls the old Western Tradition is still valid, which means «only men belonged in the realm of culture and political life» [7, p. 239].

Okin does not want to establish «household spies» or a «kitchen police» [7, p. 246]. But she is challenging Rawls principles of justice as a guarantee for an intergenerational existence when he is not caring for women's equality. That is the reason why she is postulating «40 acres and a mule for women» «that is essential for their full emancipation into equal democratic citizenship in a just, well-ordered society» [7, p. 246].

Sharon Anne Lloyd is discussing quite the same topics in her work entitled «Situating a Feminist Criticism of John Rawls's Political Liberalism». Her main question is, whether Rawls protected sexist family practices in his liberal political theory: «political liberalism cannot rule out family practices that would systematically undermine the stability of the very society of justice as fairness» [4, p. 1320]. Especially in this issue Lloyd identifies a difference between ToJ and PoL. Whereas he is assuming in the ToJ that the family is just he does not mention this condition in the PoL

anymore. Lloyd supposes that the reason is the distinction between the political and the non-political sphere. In the PoL he states the existence of individual reasonable comprehensive doctrines to find one's own personal way of life and happiness. But this «reasonable pluralism necessitates principles of justice to regulate different groups' pursuits of their own reasonable comprehensive doctrines» [4, p. 1321].

For Lloyd there is also a danger for the continued existence of Rawls's well-ordered society because she cannot identify any «protective mechanism» for the issue of women's rights in the family in Rawls' theory of justice. But she is questioning the argument of Okin, that the two principles of justice should be applied on the internal structures of the family [4, p. 1327]. Lloyd underpins her statement with an argument of Rawls: Lloyd argues that as long as sexist comprehensive doctrines, they might have religious or cultural origins are not implying laws there is no reason for state-operated actions. She also states that the principles of justice are conceived to govern and regulate the interactions between the big social institutions of the basic structure of society. Therefore in Lloyd's opinion the principles of justice have an indirect impact on family life. According to her, Rawls' principles of justice should protect every single member of the family in order to prevent the violation of any ones civil and political rights. According to Lloyd the principles of justice rule out many of such family practices. In Rawls's liberal political theory, so Lloyd, the social role of a family is to maintain the constitutional form of government. Therefore, so Lloyd, for Rawls the «nature» of the family is political, but not its organization and therefore it is not in the direct scope of the principles of justice. Lloyd underlines her interpretation with Rawls's idea of education. Rawls states, that he is just interested in education from a political perspective [3, p. 200].

But as a result Lloyd is as skeptical as Okin that this is substantial enough to protect coming generations from establishing sexist and therefore unjust family structures «and affirm sexist beliefs about natural hierarchy» [4, p. 1332]. Lloyd observes that Rawls's theory lacks an institutional protection against sexism. In this case it is doubtful if there will be moral ability and fair cooperation between citizens. Nobody knows, so says Lloyd, what the impact of a sexist education of children from today will be on the citizens of tomorrow. But, Lloyd predicts Rawls «whether political liberalism, unlike any earlier comprehensive liberalism, deprives itself of the resources needed to create the conditions for its own acceptance» [4, p. 1344].

Conclusion

On the one hand, «Feminism has its historical roots in Liberalism» [2, p. 26] as Karen Green, another outstanding authority on this subject, said 30 years ago. On the other hand, it is a challenge to find supporting evidence of that fact in Rawls' body of work. The working hypothesis as laid out in this article rests upon the fact that the issue of women's rights is not explicitly formulated in liberal political theory due to the fact that basic, civil rights and liberties as well as equal opportunities in life include all individuals. Thus, Rawls did not see the need to mention equal rights for women explicitly in his work. Many Feminists do agree that Rawls is one of the most important philosophers of the 20th century concerning the subject of justice for women and specifically women's issues. As illustrated above, however, there remain many areas of his philosophy, which fall short of addressing their concerns regarding justice for women within the family.

Late in his career, Rawls admitted that legal action should be taken in order to compensate women for various economic injustices, when married couples get divorced for example, but he never changed his position in his overall theory of justice nor in his liberal political theory.

Feminist philosophers agree on one central point: The separation of the political from the non-political sphere endangers the potential for women to achieve justice within the family. In addition, there is always the danger within a family based upon a male hierarchy, which often engenders many sexist practices, that the unjust dynamic will be passed on to further generations. The question is whether the theory itself must be changed or should the theory simply be applied as John Rawls intended. For example, if his concept of reciprocity, that is that rights and duties in human relationships are mutual, were stringently applied in all areas of life, some predict that injustice for women would be abolished. Others suggest, for example, that when a woman is not able to earn a living due to the demands of childcare and housework then her husband should relinquish the same liberties she has forgone. While others, like Okin, suggest that the employment culture should change in order to facilitate the needs of working women.

One critical approach states that the liberal image of humanity is based on that of a healthy, well-educated, white male. If Liberalism is indeed a male-defined sphere, and women suffer injustice within the family sphere, neither legal reforms nor new family practices can lead to any substantial improvement for women within the family. What is needed is the revival of a vivid debate among all participants in a well-ordered society.

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РАСА И ГЕНДЕР В КОЛОНИАЛЬНОМ ВООБРАЖЕНИИ ЕВРОПЕЙСКОЙ ЖИВОПИСИ XIX ВЕКА: ДИСКУРС-АНАЛИЗ

Статья посвящена изучению культурно-национальных, гендерных особенностей репрезентации Востока в европейской живописи XIX века. Автор осуществляет теоретический анализ постколониальных, гендерных теорий и концепций политического дискурс-анализа, а также исследует символику Востока в имперском сознании Европы. Автор выделяет наиболее известные образы Востока в живописи европейских художников XIX века и анализирует их. В статье изучено, что символика Востока как Другого в художественном сознании Европы связана с политико-идеологическими стратегиями империалистического колониального проекта XIX века и становлением европейской культурной, политической и гендерной идентичности. Автор приходит к выводу, что на волне колониального дискурса европейской живописи XIX века в образах гарема, рыночной жизни, военных столкновений и повседневности в колониях и др. были отражены культурные ценности, гендерно-социальные, нравственно-психологические идеи и политические взгляды Европы.

Ключевые слова: Восток, Другой, европейская живопись XIX века, колониализм, ориентализм, постколониальный дискурс.

Стаття присвячена вивченню культурно-національних, гендерних особливостей репрезентації Сходу в європейському живописі XIX століття. Автор здійснює теоретичний аналіз постколоніальних, гендерних теорій і концепцій політичного дискурс-аналізу, а також досліджує символіку Сходу в імперській свідомості Європи. Автор виділяє найбільш відомі образи Сходу в живописі європейських художників XIX століття і аналізує їх. У статті вивчено, що символіка Сходу як Іншого в художній свідомості Європи пов'язана з політико-ідеологічними стратегіями імперіалістичного колоніального проекту XIX століття і становленням європейської культурної, політичної та гендерної ідентичності. Автор приходять до висновку, що на хвилі колоніального дискурсу європейського живопису XIX століття в образах гарему, ринкового життя, військових зіткнень і повсякденності в колоніях та ін.