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# How Political Liberal Feminism Is Possible: Revisiting the Personal and the Political

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## Abstract

The slogan “the personal is political” from the second-wave feminist movement became one of the feminist fundamentals. As a guiding principle of feminism, it drew attention to many issues faced by women that were deemed too personal to be considered political. However, new developments in feminist theory and practice undermine its meaningfulness. Some new approaches in feminism overemphasize the personal, resulting in depoliticizing feminist issues, while others strictly detach the personal and the political, limiting the political only to those formal political processes.

This thesis, therefore, aims to make sense of this slogan again by seeking a better understanding of the political and its criteria. It begins with political realism, which views the political as normatively autonomous and defined by adversaries and conflicts. However, political realism fails to adequately capture the political, especially for feminism, which requires substantive normative constraints. The thesis then examines two political cases: the duty to vote and identity politics. It defends citizens’ duty to vote based on its role in democracy and its nature as a joint power-right, grounded in the idea of equal citizenship and its normative implications. In identity politics, it distinguishes two conceptions of identity and criticizes the current form based on internal self-identity. It argues that identity politics must appeal to the external sense of identity that tracks how equal citizenship of an identity group is undermined externally. In both cases, equal citizenship marks off the normative sphere of how citizens should act and be treated. Finally, the thesis traces the idea of equal citizenship in political liberalism, where it forms the core of its political turn. Based on equal citizenship, the thesis defends political liberal feminism against both comprehensive liberal feminism and radical feminism. In answering how political liberal feminism is possible, equal citizenship underpins the demarcation of the political, and therefore, makes sense of the feminist slogan, “the personal is political.”

## Declaration

This is to certify that:

- I. This thesis comprises only my original work towards the PhD, except where stated in the preface;
- II. Due acknowledgment has been made in the text to all other material used; and
- III. This thesis is fewer than 100, 000 words in length, exclusive of tables, maps, bibliographies, and appendices.

Manxin Liu

31-01-2025

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## Chapter 1: Introduction

### 1. "The personal is political"

In the history of feminism, there is hardly another slogan more definitive for the movement, even just for a specific period of time, than "the personal is political." It became perhaps the most famous feminist slogan from the second-wave feminist movement onward, and it also served as one of the guiding principles of feminism, directing feminists to pay attention to many issues faced commonly by women that were once deemed too personal to be considered political.

The slogan started getting traction in the late 1960s or early 1970s and it is commonly accredited to activist and writer Carol Hanisch and her paper with the same title in the collection *Notes from the Second Year: Women's Liberation* in 1970. But Hanisch herself later clarified that she did not come up with the title; rather, the editors of the collection did. Still, Hanisch observed that the idea or theory behind this slogan was already prominent within the Women's Liberation Movement (WLM) at the time. According to Hanisch, the paper was intended as a response to the criticism against the independent WLM that consciousness-raising was not political or political enough. Back then, WLM organized many consciousness-raising groups for women to discuss the problems they faced in their lives, from issues about domestic labor, violence, to abortion. These consciousness-raising sessions were innovative and different from what was considered political activities. And because of that, some people on the left criticized these activities, especially discussing "'all those body issues' like sex, appearance, and abortion," as "personal therapy," "naval-gazing," [sic] and "certainly not political" at all. (Hanisch 1969)

We may roll our eyes at these criticisms today. But why? If there is a distinction between political activities and personal activities, or more generally, a distinction between the political realm and the personal realm, how do we decide whether consciousness-raising activities or discussing our "body issues" are political or personal? The opponents to consciousness-raising believed that "women were oppressed (but only by 'the system') and said that we should have equal pay for equal work, and some other 'rights.'" That is to say, only those problems that are caused by the system are political. And those "body issues" and domestic issues are not caused by the system, and so they are not political. When the husbands at home do not share part of the housework or violently mistreat the wives, it is not the system that causes it. When it comes to these and other personal problems, women must stand up for themselves. (Hanisch 1969)

Hanisch disagrees. For her, those problems women face are not simply personal but political, for two reasons. First, as Hanisch noticed, through consciousness-raising, women discover that the problems they face are not their own, but common to almost all of them. Most women are burdened by housework, and experience domestic violence. Discussion of these issues reveals this to women. Secondly, as the discussion goes on, the participants realize that these personal problems cannot be resolved by only personal solutions, that is, by attempts of individual women themselves. The personal solution that women should "'just stand up for themselves' and take more responsibility for their own lives" is unlikely to stop the violence and burden on women. (Hanisch 1969)

Those problems deemed as personal could only be caused by some systematic force because they are common problems related to almost every woman. By labeling some issues as personal issues, the opposition is claiming that people who face these issues, i.e. women, actually have chosen to behave in certain ways, and therefore, have the freedom and capacity to get out of them by stopping these behaviors and standing up for themselves. This historical context of the slogan “the personal is political” points to the necessity of a feminist movement or theory for women that is radical, where the oppression of women could take priority, and which recognizes the political nature of these personal issues. By advocating that some of the struggles women have almost universally experienced are not merely personal problems but also political ones, the feminist movement advances in expanding gender equality in different aspects of life, from the private sphere to the public. “The personal is political” in a way is one of the second-wave fundamentals. (See Rogan and Budgeon 2018)

## 2. The third-wave and the narrative approach

Is the personal still political? It seems debatable now.

As noted by Deborah Rhode (2014), the current feminist movement is now facing the problem of an inability to mobilize around women’s issues. Though not unique to feminism, there might be a general “failure of women to recognize that there *is* a problem, and one that they need to address.” (Rhode 2014: 9) Besides the stigmatization of the term “feminism” by the press and some conservative groups, the implied activism from feminism also “makes many women uncomfortable.” (Rhode 2014: 10; see also Crispin 2017)

Very possibly this has something to do with the various influential campaigns and movements from the second-wave feminism. Besides being inaccurately described as violent, unpalatable “bra-burners,” feminists are also considered, not only by the press but also by a younger generation, as anti-femininity. A third-wave feminist movement, therefore, comes along and tries to embrace a new approach to gender equality, one that does not generalize women and focuses on different female experiences, as a way of embracing femininity.

Third-wavers with the new approach believe that the so-called “sex wars” between feminists concerning pornography, prostitution, and other sexual issues were the main cause that broke the second-wave movement. Instead of debating these issues in generalized terms, third-wavers focus more on individual and personal narratives on sexuality and other female experiences. “In response to the divisiveness of the sex wars, third-wave feminism emphasizes an inclusive and nonjudgmental approach that refuses to police the boundaries of the feminist political.” (Snyder 2008: 175-176) In this way, third-wave feminism embraces an “intersectional and multiperspectival version of feminism,” (Snyder 2008: 175) emphasizing “girl power” and seemingly including any approach to gender issues. Putting aside whether they really are more intersectional than the second-wave feminists, by focusing on the personal stories of women from different backgrounds, third-wave feminists are more inclusive of diverse identities and experiences, making feminism accessible to a broader audience. By reclaiming the “F-word” (feminism), third-wavers indeed advance the appeal of the women’s movement.

But what is the cost of the expanded appeal? This embrace of personal narratives as the

core of the third-wave feminism's approach risks conforming to the old division of the personal and the political, and once again encourages women to dwell only within the personal and ignore the political. Personal stories are undoubtedly appealing and powerful. Without some form of generalization of women's experience, however, "they remain personal stories, leaving readers to construct a critique of dominant ideologies." (Snyder 2008: 185; see also Crispin 2017) Claiming girl power in every personal story, third-wave feminism becomes anecdotal, and legitimizes every desire and action an individual makes. By accepting nonjudgmentalism, third-wavers also easily accept ideas and attitudes that are at least questionable. However, under the personal narrative approach, it would be difficult to criticize them. This, unfortunately, amounts to accepting that all personal is political.

In the current digital world, supposedly, with the assistance of the ubiquitous internet, focusing on personal stories helps make personal activities political. The digital spaces offer young women enormous opportunities "to speak their experience in a relation to others and in this way these spaces hold the potential to act as consciousness-raising forums..." (Rogan and Budgeon 2018: 11) However, studies also find that young women regard their online engagement "whether especially feminist or otherwise" "as dealing with 'small' issues. Throughout the focus groups, participants often rejected the term 'political,' which they related only to the formal political process (voting) and normative spheres of politics (Westminster)." "When participants discussed feminism it was often distinctly separate from their discussions of 'politics' as a whole." (Rogan and Budgeon 2018: 12) In this way, on the contrary, no personal is political.

If we are to still make sense of the slogan, "the personal is political," in a way that avoids these two extremes, a better understanding of the domains of the personal and the political is vital. It is also particularly important for the current feminist movement in that an agenda for change in gender inequality demands a discussion of and a clear criterion for the domain of the political.

### **3. Understanding the political**

One thing to note about the feminist politicization of the personal is that simply bringing personal issues into actual political processes does not suffice for the movement. This presupposes that we already know what counts as political and that some particular issue is by this standard a political one. But this we do not know. Rather, this itself seems to be another political issue. Advocating that the personal is political requires a normative, rather than a descriptive, understanding of the political, at least roughly demarcating the boundaries of the political domain. To speak of the domain is to point out where the political begins and where it ends, or, that it actually includes everything in life. For the purpose of making sense of the feminist slogan, it is also a better understanding of the feminist political.

There are many typical political issues: voting and electing presidents and parliamentary representatives, debating policies about infrastructures, designing institutional structures, running for local council offices, etc. An attempt to gain an understanding of the political, then, must take a critical look at these paradigm cases.

It is for this purpose that in this thesis we first take a deep look at an understanding of the

political, offered by political realism, a trending school of political theory, and at an intriguing paradigmatic case in the political, the issue of the duty to vote.

Chapter 2 will discuss the particular picture of the political from political realism. In the past decade or so, there has been a “revival” of realism in contemporary political philosophy or theory. Realists argue that the mainstream political theories of the political fail to capture and do justice to the reality within the arena of politics. They provide various arguments that we should reject what they call the ethics-first view, or moralist view, of the political. These arguments offer a realist picture of the political that is supposedly more autonomous from the moral, setting its own priority of political values, looking at the more realistic “realpolitik” that is adversarial and conflictual, and grounding on its unique normativity.

I will argue, however, that this realist picture of the political faces problems of its own. We will discuss further in detail these problems in the chapter. But one problem is more fundamental and deserves more to be said about it here. The realist picture misconstrues the role morality plays in the political. It understands morality or moral principles as functioning to provide guidance for social and personal life only after political order is established and collective decisions are being settled through political processes. This understanding, however, misses the normative grounding relation of morality to the political. Moral principles are not only the moral precepts that we follow in our social and personal lives but also the normative ground on which political order or political decisions are justified. Overcoming the Hobbesian state of nature, for example, might be the precondition for any social cooperation, but how it is overcome is still subject to the demand for normative justification, which constitutively includes moral principles and moral reasons. The same goes for distinguishing between legitimate and illegitimate political positions in political disagreements and conflicts, which requires looking into the substantive content and reasons of a political position against the moral principles that underlie the political, such as the principle of equality. Morality, in this sense, functions as the source of normative justification for the political. Chapter 2 will elaborate on how this is the case. And, in the following chapters, we will look at some of the moral principles at work in the political, in particular, the principle of equal citizenship.

Chapter 2 will also show that feminists should reject the realist picture of the political. Drawing lessons for the feminist critique of the private/public distinction in politics, I will show that political realism and its picture of the political cannot be adequately feminist and therefore fails to even consider women and their interests in politics. The realist picture of the political should be rejected, and feminists have more reasons to reject it. For feminism, the realist political proves to be incompatible with women’s equality as a legitimate political project. The feminist movement and its political claims for women’s liberation and equality cannot be recognized as demands from justice in the realist political, because it does not recognize substantive considerations of justice as legitimate constraints on political decisions. Rather, it only recognizes whether a political decision can be effectively and successfully implemented. I will argue that feminism requires normative constraints on the political that are at least partly external to the actual political practices, and must reject the realist picture. The criterion for marking the feminist political lies elsewhere.

To further understand the political, Chapter 3 will discuss one of the paradigm cases: voting. Voting in elections is perhaps the most familiar political activity we may perform in modern societies. It is in a very realistic sense political since voting in elections confers legitimate political power to a government, and it is constitutively part of the political

structure. And, voting matters. Voting in elections can alter the quality and function of a government, with significant consequences for everyone. In this context, Chapter 3 will focus on the ethics of voting, and in particular, the idea of a duty to vote. Intuitively, voting is a duty to ourselves so that we have our say in making collective decisions that concern us all, and good citizens in particular must participate in the process of political self-determination. What grounds this duty to vote, therefore, tells us a lot about the normative nature of the political.

In this chapter, I will first respond to various libertarian challenges to the idea of a duty to vote, and argue that these challenges fail to refute such a duty. Amid my responses to the challenges, I will articulate the special role the rules of representative democracy set up for voting to play: the essential function of voting in elections to select a government, to legitimate and authorize the chosen government, and to sanction the government by renewing or removing it. Because of this special role of voting, a voter's political power is conferred by the democratic system to select, and legally authorize a government. And this gives rise to the duty to vote and to vote well. As I will show, a citizen's right to vote should not be conceived as a form of liberty, but rather a form of joint power-right. This joint power-right then demands a citizen to vote so that others' right to vote could be meaningful, and to vote well so that we fulfill our responsibility from our power over each other. In particular, as we will see in more detail, this duty to vote well requires that citizens vote with minimal competence and with public reason. As it turns out, minimal competence in voting is epistemically achievable with the state taking up its responsibilities, and voting with public reason means that we need to be able to offer acceptable reasons to our fellow citizens seen as equal and reasonable, which we will come back to in Chapter 5.

This defense of the duty to vote grounds on the idea of equal citizenship and its normative implications. It is required by equal citizenship that we recognize each other as citizens with equal standing in the political community, and hence it is required of us to facilitate the conditions for this equal standing. We as citizens have a duty to vote for this very reason so that each of us can equally contribute to the difference we make in legally authorizing a government. It is also required by equal citizenship that we have a duty to vote with competence and with public reason, so that our power over others in making collective decisions is justifiable to our fellow citizens. In this sense, the duty to vote reveals a special relationship among us not as ourselves but as equal citizens. If voting is paradigmatically political, I suggest that equal citizenship makes it so. Equal citizenship generates a relationship among individuals not as themselves but as citizens in the community, and the principle of equal citizenship marks off the normative sphere of how they should act as citizens. In this sense, equal citizenship defines the political relationship, and perhaps underwrites the distinction between the political and the personal.

#### **4. The politicized personal: identity politics**

Another paradigm case of the political today, strangely, is identity. Identity features in one of the most common forms of current political activities, identity politics, as its foundation and also its goal. On the other hand, it is strange because identity is quintessentially personal. Identity is important for individuals personally, as their identity reflects how they understand

themselves. This is one of the reasons politics and political theories care about identity. It matters personally in that a person's identity is, in a sense, how she thinks of herself. In this sense, one's identity is who one is. Precisely because of this, identity in politics is the paradigm case of the politicized personal. We will investigate it as an example of the limits of the conceptual distinction between the personal and the political, pushing at whether there can be any such distinction at all.

Across the political spectrum, political theorists appeal to identity to justify their political ideas and claims, and to criticize those of their opponents. Activists and politicians form political movements around identities, from the women's liberation movement to trans rights activism, from Black Lives Matter to Make America Great Again. We do politics with identity. But are we doing it correctly? Many people think not. Identity politics from its very beginning as a political idea has been under constant skepticism and questioning. If identity in politics is important, we then need to discuss how to do politics with identity correctly. And this is the task of Chapter 4.

In this chapter, I will first discuss the concept of identity and its two different roles in mainstream theories of identity politics. Corresponding to these two roles, there are in fact two different conceptions of identity: internal identity and external identity. Mainstream theories of identity politics tend to conflate these two conceptions of identity about the roles they play in politics. However, as I will argue in Chapter 4, these two conceptions of identity are distinct descriptively and normatively in accounting for the oppression of a group, and, more importantly, their conflation leads to fatal problems for identity politics.

The conflation of the two conceptions of identity manifests in what I will call the politics of internal identity, which seeks justifying reasons for a political movement through internal identity. Politics of internal identity demands a recognition of a group's unique internal identity, that is, their own self-understanding, on the ground that this is precisely their own self-identification. However, as I will argue, this form of politics leads to serious problems: Authenticity, Reinforcement of oppression, and Mised activism. These problems emerge only when a political movement tries to ground itself on the internal identity of a group. To rescue identity politics, I then argue, we should instead appeal to the external identity of a group and seek normative justification for the political claim-making in terms of identity and oppression. Identity politics proper should be a form of politics of external identity that tracks the ways external identity renders the oppressed group members subordinated in society, and seeks remedies to restore equal citizenship.

Later, I will turn to the current mainstream politics of gender identity which aims at replacing gender with the concept of gender identity as the normative ground of the movement. The concept of gender identity emphasizes the internal, subjective aspect of gender, and proponents of gender identity believe that gender movement must be grounded on gender identity. I will argue, however, that the politics of gender identity is a form of internal identity, and it therefore faces the same problems. The concept of gender identity cannot provide a satisfactory justification for gender politics with the aim of eliminating gender oppression.

The conflation of internal and external identity is yet another example of overemphasizing the personal narrative approach mentioned above. Internal identity politics tries to justify a political movement and its political claims based on some personal sense of the self, on how group members understand themselves. As I will show, it ultimately fails. It risks depoliticizing the identity movement itself, as it neglects the substantive conditions under

which individual group members stand in relationship to others in participating in social life. It amounts to doing politics with only the personal. Only by appealing to the external identity can identity politics keep track of the external factors that explain and condition how the group members are treated unjustly against the backdrop of equality. It also provides political solutions to a political problem because it focuses on the subordinated and unequal status of the group, and seeks to restore equal citizenship for them. Once again, we will see that equal citizenship works to mark off what the political is.

## **5. How political liberal feminism is possible**

In both the duty to vote and identity politics, we see that equal citizenship plays a significant role in marking off the political and provides normative constraints on it. In Chapter 5, we turn to this important idea. I begin with a discussion of political liberalism and some of its basic ideas, equal citizenship being one. In this discussion, we will see that the principle of equal citizenship forms the core of liberalism's political turn, against comprehensive liberalism. Equal citizenship also gives rise to other core commitments of political liberalism like the liberal principle of legitimacy or public reason. Together with them, equal citizenship forms the underlying normative constraint in the political. I then further argue that the principle of equal citizenship also entails requirements of substantive equality for women in the political community, defending political liberal feminism as resourceful in dealing with various feminist issues.

Furthermore, I will discuss the feminist critique of choice as an objection to political liberal feminism. Some feminists argue that since political liberals emphasize the importance of choice, it cannot account for some of the serious problems women face. Specifically, they argue that political liberal feminism is ill-equipped to deal with the injustice resulting from choices made by women under the influence of social norms, given its insistence on personal autonomy and political neutrality. This objection, as I will argue, is based on a common misunderstanding of the political liberal commitments of feminism. The commitment to equal citizenship in particular demands state interventions when social norms create conditions under which individual women have to make choices that ultimately undermine their equal status as citizens.

Finally, I will also discuss an objection from radical feminists that political liberal feminism is not properly feminist in that it lacks a fundamental feminist justification. In response, I will draw on the ideas from Chapter 2, and argue that this idea of a feminism proper with a uniquely feminist justification is untenable, and hence fails to offer a solid normative ground for the feminist political movement.

Over the whole project, we delve into various topics in the political and personal in order to seek a better understanding of them that is suitable for a feminist movement, and in the end, we arrive at political liberal feminism. In arguing for how political liberal feminism is possible, I heavily lean on the idea of free and equal citizenship in justifying this form of feminism that evaluates women's situation and aims at substantive equality for women. Equal citizenship requires that individuals should be able to exercise their liberties and rights to the mutually most extensive range. It also allows a political sphere where individuals and groups

with competing comprehensive doctrines can advocate and justify their preferred visions of the community. Without this, the community fails to be political since it is no longer possible to legitimize any common framework for making collective decisions in the face of these competing comprehensive doctrines and deem disagreements about them. As we will discuss in Chapter 2, without equal citizenship, it seems that the circumstances of politics cannot be obtained. The principle of equal citizenship, in this sense, underwrites the possibility of the political.

In making political liberal feminism possible, we will then see that the principle of equal citizenship helps make sense of the distinction between the political and the personal, and hence the feminist slogan, "the personal is political."

## Chapter 2: A Feminist Critique of the Realist Picture of the Political

### 1. Introduction

Prominent realists declare that mainstream political theories of the political, following the shadow of ideal theory such as the theory of justice from John Rawls, fail to do justice to what is actually taking place in the arena of politics and therefore fail to account for what politics is and should be. If we are to gain a better understanding of the nature of the political, it seems necessary that we discuss the details of political realism and its picture of the political. Political realism, then, sets out to bring the theorizing of the political back to real politics.

Over the past decade, as we will see in the following sections, there has been a heated and ongoing debate about political realism and its various claims. However, in this literature, there is little to no discussion of the relationship between political realism and feminism. Since we set out also to gain a better understanding of the political and the personal, it seems more important we do so in our discussion of political realism through a feminist lens.

The main objective of this chapter, then, is to extract a conception of the political from political realism, and see whether it could shed light on the feminist distinction between the personal and political. In a sense, I will offer a feminist critique of political realism. Particularly, a feminist critique of the picture of the political that realism has to offer. To accomplish that, I will first look at the feminist critique of the traditional distinction between the private and the public, and draw lessons on how to conduct a feminist critique of a theory. Then, I will try to articulate and understand the primary claim in political realism to reject “the priority of the moral over the political”(Williams 2005: 2), and second, to provide criticisms from a feminist point of view on what it entails for the political. I will present different interpretations of this claim, and reconstruct three arguments for it, namely, the first political question argument, the politics as conflict argument, and the distinct political normativity argument. Meanwhile, I will examine these arguments by raising various criticisms, both general and feminist. I will in the end conclude that feminism should reject the realist picture of the political.

### 2. Feminist critique of the private/public distinction

One of the central themes in feminist writing and political movement is the critique of an allegedly core commitment of all traditional political theories, the commitment to the distinction between the private and the public. According to Carole Pateman, “The dichotomy between the private and the public is central to almost two centuries of feminist writing and political struggle; it is, ultimately, what the feminist movement is about.” (Pateman 1983: 118) Although we might not agree with Pateman that this is what the feminist movement is about, the feminist critique of the private/public distinction does occupy a significant role in understanding how a feminist theory may view what the public or the political should be.

## 2.1 *The liberal distinction between the public and the private*

The distinction between the private and the public has a long history in Western political thought. Aristotle, for example, believes that the Greek *polis* is a distinct space from the family, where the former represents the best form of political association where men belong, and the latter best form of the household where wives, children, and slaves belong. (Okin 2013) The distinction, however, is more prominent in the liberal tradition of political thought. The liberal endorsement of the distinction comes from its core idea, it might seem. Liberalism, in a very broad sense, is about individual liberty. It commits to the idea that individuals should have equal liberty to pursue their own good life in their own way. For them to do that, the state should be constrained so that individuals can have a space to exercise their own conceptions of the good.<sup>1</sup> Historically, this was the idea underlying the demand to push back the state or the monarchy from exercising unjustified power or control over individuals' pursuit of a good life, advocated famously by thinkers like John Locke. Since it is not the goal of this chapter to pursue this topic in its historical context, the question for us now is whether and how this supposedly liberal distinction is valid and how feminists can challenge it. So now, it is assumed that this is a *liberal* distinction between the private and the public, and it is important for liberals in that it sets a limit on the political power of the state. Only in this way, it seems, individual citizens could have latitude concerning how to live their free lives.

Another reason why the distinction is important for liberals might be that it is the egalitarian ideal that citizens deserve equal opportunities in our society, however their lifestyles, their morally irrelevant traits, etc. Therefore, we leave most features of persons to the private sphere, and evaluate people in the public sphere only as citizens. A public/private distinction is required.<sup>2</sup>

The family, as a basic institution, is paradigmatically within the private sphere, one of the most important places where citizens "pursue their own conceptions of the good, and transmit them to the next generation." (Nussbaum 2000b: 59) If our liberal society is to protect equal liberty for all, then the family should be outside of the realm of the public and the purview of the principles of justice. Moreover, the family, as it is quite commonly conceived, "is based on natural ties of sentiment and blood and on the sexually ascribed status of wife and husband (mother and father). Participation in the public sphere is governed by universal, impersonal and conventional criteria of achievement, interests, rights, equality and property..." (Pateman 1983: 121) It is in this sense that the family is outside of the public sphere.

Michael Sandel takes up the same idea and argues that justice, the governing principle for the public sphere, has no place in the family. In his book *Liberalism and the Limits of Justice*, Sandel argues that the principle of justice is necessary only when people with different interests compete for limited resources, what John Rawls calls "the circumstances of justice." (Rawls 1971) When individuals with different interests all need resources to pursue their goals, and the resources are moderately scarce, conflicts are bound to happen. In this case, we need principles such as justice to regulate our society, and to determine how resources should be distributed. However, Sandel asks us to imagine that, under somewhat ideal conditions, relations within the family are largely governed, not by justice, but by spontaneous affection and love. Within this family, members seldom invoke justice to make arrangements. Rather, family members appeal to generosity and love. "The point is not that I get what I would

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<sup>1</sup> We will discuss more the core commitments of liberalism in Chapter 5.

<sup>2</sup> More of this egalitarian aspect of liberalism in Chapter 5.

otherwise get, only more spontaneously, but simply that the questions of what I get and what I am due do not loom large in the overall context of this way of life." (Sandel 1998: 33) That is to say, within the family, conflicts between different individual interests are never an issue. Therefore, justice, the principle of the public sphere, is not necessary.

Moreover, a stronger argument might be that, if justice is invoked within these close personal relations, it might actually harm them. To see how it might be the case, consider Bernard Williams' famous example: A man's wife and a stranger are drowning at the same time over the ship. While both are in equal peril, the man chooses to jump into the waters and save his wife first. (Williams 1981) We all believe that his saving his wife first is perfectly okay, and it might not make sense to stress that he must treat them equally. If he is asked, say, by his wife after saving her, why he saved her first, what should he say? Could he say, "You are my wife, and according to principles of justice or morality, to save one's wife in this situation is permissible"? Intuitively, this is a very odd answer, precisely because the sheer fact that she is his wife should already be sufficient as the answer to that question, or as the reason why he saved her first. By invoking justice or morality in this case, the man actually sends out the signal that the personal relationship between them is not good enough as his reason in deliberating and deciding what to do. This amounts to devaluing their relationship. "[T]his construction provides the agent with one thought too many: it might have been hoped by some (for instance, by his wife) that his motivating thought, fully spelled out, would be the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one's wife." (Williams 1981: 18) Appealing to justice as the governing principle within personal relations in situations like this is actually harming the relations. Since the family, as Sandel understands it, is the association of intimate personal relationships, family members should not act per principles of justice. Therefore, for the family, justice, as the principle of the public sphere, is not only unnecessary but also harmful.

As the family is understood as the paradigm case of the private, the argument then turns toward the distinction between the private and the public. Justice should not intervene in the inner workings of the family, and more broadly, the inner workings of the private sphere. As Pateman describes, "the public sphere, and the principles that govern it, are seen as separate from, or independent of, the relationships in the private sphere." (Pateman 1983: 119)

## *2.2 The feminist challenge to the distinction*

As mentioned, feminists oppose such a distinction strongly. This does not mean that feminists have to reject liberal ideals completely. On the contrary, feminists accept many liberal ideas, such as equality of opportunity, equal citizenship for women, the value of privacy in life, etc. The "radical" idea of the feminist challenge is that the distinction acts as if "social inequalities of the private sphere are irrelevant to questions about the political equality, universal suffrage and associated civil liberties of the public realm." (Pateman 1983: 119) But this is not the case. We can see how it is not in the case of the family.

The family, if we think about it, is one of the most non-voluntary spheres in life. We are most of us born into a family without choice, and it is massively influential on life prospects. Even on the voluntary part, in terms of marriage, and the forming of the family, it is still "one of the most notorious homes of sex hierarchy, denial of equal opportunity, and sex-based violence and humiliation." (Nussbaum 2000b: 59) In this case, according to Susan Okin, there are at least four respects why the dichotomy is wrong.

First, “what happens in domestic and personal life is not immune from dynamics of power.” (Okin 1989: 128) There are power imbalances within the family that had long not been recognized. Take for example Carole Hanisch’s discussion of the consciousness-raising groups. (Hanisch 1969) It took ten months for the participants to recognize the power imbalance in domestic violence, labor distribution, etc. Domestic violence, as it is now well known, is not an uncommon phenomenon. There are parts of the world where domestic violence has only been recognized recently or not recognized at all. The same goes for child abuse. Other more subtle forms of power imbalance also include inequality in earning power and decision-making, different expectations for different family members, and unrecognized domestic labor. All these examples suggest that it is wrong to assume like Sandel does that the inner workings within the family are all governed by love or generosity. The family is an important location for resource distribution. Family members share, distribute, and sometimes compete for different resources within the family, such as income, the opportunity for education, free time or leisure time, safety, nutrition, social status, responsibilities, duties, etc. They might act out of love or generosity, but that does not gloss over the fact that power is also at play.

Secondly, “to the extent that a more private, domestic sphere does exist, its very existence, the limits that define it, and the types of behavior that are acceptable and not acceptable within it all result from political decisions.” (Okin 1989: 129) That is to say, for example, in the case of family, its very existence and boundaries are all results of political settings. The family is more a creation of state action rather than of pure sentimental tie. It is not up to any of us to declare that we are a family and it is so since. Not every grouping of people with love and devotion gets to be family by itself. It is a political matter. “The state constitutes the family structure through its laws, defining which groups of people can count as families, defining the privileges and rights of family members, defining what marriage and divorce are, what legitimacy and parental responsibility are, and so forth.” (Nussbaum 2000b: 61) Throughout history, the state has never stayed out of family life. The state literally marries people. It has also deprived women’s personhood upon marriage, refused to recognize marital rape, and women’s right to divorce.

Thirdly, “domestic life is where most of our early socialization takes place.” (Okin 1989: 131) Most of us are brought up within a family, and in a very real sense, we become our gendered selves here. “Significant differences between women and men are created by the existing division of labor within the family.” (Okin 1989: 132) The family as an institution affects our life prospects heavily, and these effects sometimes come from our social and political cultures. Here, even our deliberation of action toward other family members should be assessed against these social and political cultures. Of course, sometimes “she’s my wife” or “she’s my daughter” should be sufficient as a reason for action. Other times, however, it is not. We sometimes need to act according to the reasons from justice toward our loved ones. If a mom judges partially as a referee in her daughter’s local soccer game because she is her daughter, it does not actually show much of the family value. “It is not usually seen as a betrayal of love or as detrimental to their relationship if the mother refrains from favoring her child in this way.” (Kleingeld and Anderson 2014: 327)

Finally, “the division of labor within most families raises psychological as well as practical barriers against women in all other spheres.” (Okin 1989: 132) Okin discusses how women are often limited by having to keep learning how to assert authority in their actions and speeches since being deprived for so long. In mainstream public culture, authority is defined and understood as “so that female voices are excluded from it.” This is resulted from fact that

“women’s public and private personae are inextricably linked in the minds of many women and exacerbated by the fact that women are often represented in token numbers, both in influential positions in the workplace and on authoritative political bodies.” (Okin 1989: 132)

### 2.3 *The minimal steps of a feminist critique*

From these challenges, feminists make an effective critique of the distinction between the private and the public. The separation of the private from the more public arena excludes the family as a social institution from what justice is applicable. Feminists cannot agree and offer reasons why this is wrong. And these reasons show what makes these challenges a *feminist* critique.

As Pateman points out, what the proponents of this distinction do not recognize is that “the separation and opposition of the public and private spheres is an unequal opposition between women and men.” (Pateman 1983: 120) While the arguments for the distinction appeal seemingly only to the different operating principles for individuals in different spheres, what is missing in the whole picture is that there is an attached general allocation principle: women belong to the private and men to the public. Women have historically been excluded from the public sphere, and theories about the public often reinforce this. Women are conceived as belonging to the private, domestic sphere due to their nature. Therefore, one of the reasons why challenging this distinction between the private and the public is a feminist critique is that women and their status in society are neglected. Only by scrutinizing this distinction from this feminist perspective can we uncover the real impact it would have. Pateman is right that “one reason why the exclusion [of women] goes unnoticed is that the separation of the private and public is presented in liberal theory as if it applied to all individuals in the same way.” (Pateman 1983: 120) And this feminist perspective applies more generally to scrutiny of different political theories. When assessing a political theory from a feminist perspective, I contend, a feminist critique will first ask two questions:

- The Neglect Question: Are women or their interests considered in this theory?
- The Status Question: What is the status of women in the society proposed by this theory?

The purpose of these two questions in a feminist critique is to reveal whether the theory in question contains the falseness of neutrality. Theories may not explicitly exclude women in their language use or their stated claims, and this gives us the false impression that they are inclusive of us all. (Okin 1989) The Neglect and Status questions help mount a feminist critique on the hidden exclusion of women in theories.

Furthermore, the challenges to the distinction between the private and the public become a feminist critique because they also question whether it leads to more general principles or state of affairs that are not acceptable to women. In her critique, Okin questions whether the separation of the spheres and hence the governing principles leads to a situation that is wrongful to women. She appeals to the principle of justice as the primary principle within the family in the sense that it is the fundamental principle against which we evaluate whether individuals or groups of individuals in our society, the family included, are treated wrongly. Only by appealing to justice, as Okin argues, can we see how much more women are demanded in the name of love or generosity, and how society has taken women’s sacrifice for granted. Relying only upon ideals of love or generosity, social institutions, the family in particular, put pressure on people to act in a form of supererogation beyond justice or fairness.

But, “the supererogation that is expected in families often occurs at women’s expense...” (Okin 1989: 31) Therefore, a feminist critique should also question whether the status and treatment of women in the theory are just, for the critique to be normatively effective. I will call it the Justice question:

- The Justice Question: Is the status or treatment of women in this theory just?

So far, we can see that to conduct a feminist critique of a theory, we proceed by at least asking three questions, the Neglect, Status, and Justice questions. One thing to note is that this is not to offer them as all there are in a feminist critique. The three questions are only proposed here as the starting point and the minimal steps to conduct a feminist critique of a political theory. They are also not complete in themselves. For example, there is no concrete detailed offer in the Justice question as to what is required by justice. Different normative feminist theories would fill in different contents for what justice is for women. The point is simply that a feminist critique, or a feminist theory in general, should at least have some normative criterion, such as justice, to evaluate a theory or the situations in a society, to tell whether women are being treated wrongly.

Now that we have the steps of a feminist critique in place, what follows is to see whether a particular theory of the political, political realism, can pass this feminist critique. In the next section, we will first discuss what political realism is, in particular, what its view on the political is. And then I will argue that we should reject political realism, due to the problems it faces in itself, and its failure to pass a feminist critique.

### **3. Rejecting the realist picture of the political**

In the past decade or so, there has been this emergence of a “school” of political thought, political realism, and it promises, or at least seems to, an alternative view of politics to that from mainstream political philosophy or political theory. This alternative view of politics, however, is still fragmented because of the broad ranges of claims and critiques under the label of political realism, though some efforts have been made to interpret various realist ideas and provide a more unified picture of the realist themes (See Galston 2010; Sleat 2013). This realist approach to political philosophy has multiple, and sometimes disparate, facets, and it is beyond the scope of this chapter to fully discuss them all. In this chapter, we will only focus on one particular theme in political realism: anti-moralism, that is, the rejection of the priority of the moral over the political. Some realists argue that mainstream political theorizing takes for granted a claim of ethics-first, which puts a normative priority of the moral over the political, and this is wrong. Only by rejecting the ethics-first claim, realists believe, can we properly assess the sphere of the political and its autonomy. This theme in political realism is particularly important for our project of understanding the political, since it sets up the general idea of what political realism is as opposed to political moralism, and also it entails substantial ideas about the content of the political, besides methodological criticisms and suggestions to political theory.

Before proceeding to the discussion of this realist theme of rejecting the ethics-first claim, one particular clarification is needed. In the current debates associated with political realism, there are, broadly and roughly speaking, two different types of realist complaints against

mainstream political philosophy, especially contemporary liberal theory. One is often thought of as a complaint about methodology in political philosophy or political theorizing, exemplified in the debate about ideal/non-ideal theory, and the other as a complaint about, in some sense, substantive content in the political realm, i.e., the advocacy of a distinct realist vision of what the political is and/or should be.

The debate about ideal and non-ideal theory in political philosophy is, again broadly speaking, the realist critique of the methodology in mainstream political theorizing, which they believe is too insensitive to facts and reality, historical or current, in actual politics. (Geuss 2008; Galston 2010; Sangiovanni 2008) In this realist critique, the notion of feasibility takes the more central role as the key conceptual criterion for assessing a political theory, as a theory has to be feasible under realistic conditions, such as those about limited human motivation for collective good in society, at least, to be an acceptable normative political theory. (See Estlund 2020)

On the other hand, the realist vision of what the political is and/or should be concerns, so to speak, the substantial content of the political realm, as in what politics actually is, who the political actors are, and what they would and should do within this more realist picture of the political. Under this umbrella term of political realism, however, there is a variety of claims by different realists concerning the realist picture of the political. For example, some realists argue that, contrary to the “utopian” vision, “politics is in the first instance about action and the contexts of action, not about mere beliefs or propositions.” (Geuss 2008; see also Galston 2010) Other realists argue that the moral norms appealed to by non-realist theorists, which apply to mainly individual actions, cannot apply to politics, which is a realm of collective action and collective agency. (Newey 2010; Galston 2010).

To distinguish these two different types of realist complaints against mainstream political theory, however, is by no means to claim that they are necessarily distinct. The non-ideal commitment, for instance, entails, obviously, some realist principles about what actual political actors would and should do in the political realm. But distinguishing these two types of realist claims helps us make clear the particular issues in the current debates. This chapter concerns one particular realist claim in the second type, namely, the realist rejection of the priority of the moral over the political.

### **3.1 *Anti Moralism***

Bernard Williams reads political realism as opposed to political moralism, which, in theorizing politics, assumes the priority of the moral over the political, that is, the ethics-first claim (Williams 2005). In his discussion of political realism and moralism, Williams himself provides two models of political theory in political moralism, the enactment model and the structural model, that he thinks represent this assumed priority.

The enactment model, exemplified by utilitarianism, views politics as the direct implementation, or enactment, of moral principles. In the case of utilitarianism, politics is this area of society where political actions follow the particular moral principle that the morally correct action or rule of action is the one that tends to lead to the maximum overall utility. (Williams 2005)

The structural model, on the other hand, “lays down moral conditions of co-existence under power, conditions in which power can be justly exercised.” (Williams 2005: 1) That is

to say, this model puts politics under the constraints of the moral. An example of this model is John Rawls's theory of justice, which sets out conditions, especially moral conditions, for what a society can do regarding the political.

These models of political moralism, according to Williams, are supposed to explain what the priority in question means. The priority in the two models of political moralism, however, could have many differing interpretations, based on which we have different understandings and arguments, especially arguments from realists against it.

One could, for example, think of this priority of the moral over the political as to mean that moral theory is logically more fundamental than political theory. As Williams says, "In both cases [of political moralism], political theory is something like applied morality." (Williams 2005: 2) In applied morality, moral principles have logical priority in theorizing, in that a relevant principle must be first picked out and articulated, and then applied to particular situations. In this case, the realist rejection of the priority in question is the rejection of the logical priority of the moral over the political.

One could also, for example, think of this priority as an epistemic priority, which I take to mean roughly that to fully understand the principles or actions in politics, one has to first understand the principles of morality. This could mean either that moral principles fully explain what political principles or actions are, or that moral principles have independent epistemic warrants, while political principles depend on moral principles for their epistemic status.

These are compatible with Williams' two models of political moralism. In this chapter, I will only discuss one particular interpretation of this priority. This interpretation understands this priority of the moral over the political in justificatory, or normative terms. In political moralism, according to this interpretation, the first question of political philosophy would be to justify political principles and political practices in terms of moral principles and moral values. More technically, the priority of the moral over the political assumes a hierarchy in normativity where morality sets in a more fundamental level providing normative grounding for political principles and practices. Accordingly, I will discuss the arguments realists provide to reject this priority, and offer reasons, both from a feminist perspective and outside, why we should reject them.

### *3.2 The first political question*

According to this normative priority of the moral over the political, as specified above, the first political question is to ask for justification of political principles in terms of morality. Like in the structural model of political moralism, the first question in political philosophy is to set moral constraints on political power.

Williams' first move to argue against this moralist priority, then, is to argue for the primacy of the question of legitimacy. The "first" political question, in Williams' view, is the "securing of order, protection, safety, trust, and the conditions of cooperation." (Williams 2005: 3) In the political domain, an acceptable solution to this first political question means satisfying the basic legitimation demand, or BLD (Williams 2005: 4), which is in itself a lower and distinctively different demand than that from political moralism.

Here, Williams is trying to emphasize the circumstances where politics is necessary, because BLD is the basic requirement by fulfilling which people could avoid the horrible state

of nature Hobbes imagines, where people live in constant existential fear in competing for necessary resources to survive, and start cooperation in a form of social life. In this view, politics starts with this minimal condition that the basic requirement for order and safety is fulfilled so that people can cooperate in exchange of resources, distribution of social goods, and improving living standards in social life. More importantly, this guarantee of order and protection for cooperation prevents the horrible possibility of a group of people terrorizing or dominating another group with power that is deemed unreasonable by the subjects, or does not make sense for them, as Williams understands it. The function of politics, and the purpose of social and political institutions are to secure these conditions of order and cooperation. (See also Sangiovanni 2008)

Meeting the BLD is a normatively lower demand, in this case, because the first political question only requires basic order in which illegitimate violence and disorder could be minimized, without demanding various rights and liberties that can only be secured with much more resources and institution-building. As Galston emphasizes, the realist view of politics sees that the basic aim of politics is “to overcome anarchy without embracing tyranny.” (Galston 2010: 391) That is to say, mainstream political theories such as liberalism expect too much in politics and neglect the fundamentals.

According to Williams, the point of the specific conception of legitimacy, and the requirement of BLD is to reject the idea, which he believes is silly, that all non-liberal, non-modern states in history were illegitimate. Political moralism assumes higher requirements of legitimacy for a state, i.e., the requirement of modernity, and, therefore, only liberal states, or states close to the liberal ideal, could be legitimate. However, this requirement of modernity stems only from a certain morality, among others, that could make sense in its historical setting. Emphasizing this conception of legitimacy and the requirement of BLD, then, gives rise to a new understanding of the foundations of modern liberal states “in its capacity to answer the ‘first question’ in what is now seen, granted these answers to the BLD, as an acceptable way.” (Williams 2005: 8)

In this sense, rejecting the priority of the moral over the political emphasizes the primacy of legitimacy and the avoidance of unwarranted power. And, since the requirements of legitimacy or BLD are normatively less demanding than those of morality, according to the nature of the first political question, there is actually no normativity priority of the moral over the political, in the sense that the normative justification of the political does not appeal to the moral. To put it more formally, the argument from the first political question could be reconstructed as follows:

1. The first political question is to avoid the Hobbesian state of nature, and to secure order, protection, safety, trust, and the conditions of cooperation.
2. The requirements of solving the first political question, that is, the requirements of legitimacy (BLD), are normatively less demanding than those of morality.
3. Therefore, there is no normative priority of the moral over the political. (1, 2)

Within this realist picture, the political is primarily about security, social order, safety, etc., and their conditions, the fulfillment of which is different from and less demanding from that of morality. Because of this, the content of the political should not be constrained by the moral, even though there may be some overlapping.

### *3.3 Rejecting the first political question argument*

By emphasizing the first political question as being different from the moral, Williams' realism puts forward a new way of viewing the content of politics. This view of politics, however, is problematic.

First, this view of politics is in fact too narrow, in the sense that it would exclude many issues from belonging to the political realm. Under this view, many issues considered as within the political are now necessarily not political. Think of political persecution, which is typically thought of as a political problem. Now, because unwarranted power is what politics is required to replace, postulated by the first political question argument, political persecution could only take place before politics. Since it could only mean one group of people with power to dominate or terrorize another group with no legitimacy, political prosecution happens only before politics exists, as it undermines the conditions of cooperation for politics. Or, to take another example, anarchism would not, for the same reason, be counted as a political view at all. (See Leader Maynard and Worsnip 2018) Anarchism, which denies the need for a state with authority to arrange and secure the social order, encourages a vision of a society where there is no legitimacy of any state and where people within this society find their own way of competition for resources and cooperation in life. But, according to this realist view of politics, anarchy is something that politics is set to overcome, deeming it as pre-political. By denying anarchism as a political view, political realism thusly understood would in fact exclude a possibly meaningful debate on the concept of legitimacy in politics as well.

Another problem with this view is that it misconstrues the role morality plays in political moralism. In either model of political moralism in Williams' discussion, morality acts as a normative ground for political principles and practices. That is to say, morality provides normative justification for different political principles concerning the basic terms of social cooperation. On the other hand, meeting the BLD or other demands of legitimacy means only that these demands are fulfilled or satisfied, and this in no way means they are justified. Suppose some form of state meets the BLD in securing order and conditions for social cooperation. It is still legitimate, or even necessary, to ask whether such a state is justified in setting the social order in such and such ways. Overcoming anarchy as a matter of fact does not necessarily justify the actual political settings, for it does not justify why anarchy ought to be overcome or why it ought to be overcome in this particular way. In rejecting the priority of the moral over the political this way, realists misunderstand the normative priority as some form of logical or conceptual priority. Williams understands the "first" in the first political question as a prerequisite condition, "because solving it is the condition of solving, indeed posing, any others." (Williams 2005: 3). Although this does not mean, as Williams emphasizes, that the first political question could be solved once and for all, it misses the normative grounding relation of the moral to the political that political moralism theorizes. Political moralism, in both models, demands grounding or justificatory reasons for the ways political settings achieve and maintain social cooperation. This does not, however, entail that the moral solely provides all the sufficient normative grounding required in the political. It is not the reality of politics, where different considerations from various dimensions come together. What the normative priority of the moral over the political means is that the justificatory reasons for political legitimacy necessarily include, or appeal to, moral reasons constitutively. (Erman 2013: 170)

Moreover, this realist view of the political fails to pass the feminist critique.

First of all, it fails to answer the Neglect question. From a feminist perspective, this view

seems to neglect women's issues in theorizing the content of the political. It could often push aside issues that are important for gender equality as not significant enough, for they are not the first political question, both in practice and in theory.

In practice, many democratic movements in undemocratic societies did, for similar reasons, exclude or subject women's movements as secondary. For example, the democratic movement in South Korea under military and dictatorial rule in the 1970s and 1980s often deemed the women's movement as secondary, or of lower priority than the democratic movement itself. Sexual violence by the police against female activists and students was considered a means to suppress the democratic movement, but not as a form of violence targeting women. (See Jung 2014) Even in the infamous Bucheon police sexual torture case in 1987, where female student Kwon Insook, who worked undercover in a factory to help promote the interest of female workers, was arrested and sexually tortured for two whole days, which later "triggered the mobilization of diverse opposition groups against military rule, provided an opportunity to question the legitimacy of the ruling party" (Jung 2014: 14), sexual violence was still not viewed as particularly a feminist issue concerning women, but as somehow merely a rallying event for the democratic movement, even by Kwon herself. (Jung 2014: 14) The reasons the democratic movement provided against political brutality and for democracy did not register that this sort of sexual torture was politically unjustifiable because it was targeted at women.

In theory, typical feminist theories about the state could be excluded from being recognized as political theories as they often focus on problems that are only part of the first political question, and, for the same reason, feminist issues are recognized only as secondary issues in the political. This also shows that this realist conception of legitimacy fails to answer the Status and Justice questions. Few, if any, existing political theories would condemn a regime as illegitimate on the basis that it treats half of its population unequally, subjecting them to the domination of the other half. Take John Locke's social contract theory as an example. In response to Robert Filmer's idea that "political power was paternal power and that the procreative power of the father was the origin of political right" (Pateman 1988: 3), Locke argued that political power was legitimate only by the consent of equal adults through the social contract. He believed that political power did not come from the power of a father over his son but from the free transfer through the consent of men to the state. However, Locke also believed that a man has power over his wife within the domestic realm, as nature determines. "He explicitly agrees with Filmer that a wife's subordination to her husband has a 'Foundation in Nature' and that the husband's will must prevail in the household as he is naturally 'the abler and the stronger.'" (Pateman 1989: 121) In a way, Locke's social contract theory precisely answers the first political question, as Williams understands it, in that it theorizes how the conditions for social order and cooperation are fulfilled in establishing a social contract. And precisely in this way, the realist conception of legitimacy excludes the discussion of women's equality as part of the story, and feminist theories about the state that might prioritize women's status become secondary.

### *3.4 Politics as conflicts*

Another realist argument for the rejection of the priority of morality comes from one of the most discussed realist themes in the literature: political disagreement and political conflict. Many political realists, if not all, when elaborating their realist ideas, emphasize the so-called conflictual nature or dimension of politics as one of the core parts of the realist vision of the

political. To understand this emphasis on political disagreement and political conflict, Jeremy Waldron's concept of the circumstances of politics would be a good starting point.

Like Rawls' idea of the circumstances of justice, under which justice is both possible and necessary (Rawls 1971), Waldron's concept of the circumstances of politics characterizes the conditions under which politics is possible and necessary. Waldron suggests that:

the felt need among the members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be, are *the circumstances of politics*.  
(Waldron 1999: 102)

Waldron here emphasizes the two conditions necessary for politics, that is, disagreement among members, and the recognized need for a common framework, typically for collective decision and action in concert. These two conditions are both necessary for politics in that "disagreement would not matter if there did not need to be a concerted course of action; and the need for a common course of action would not give rise to politics as we know it if there was not at least the potential for disagreement about what the concerted course of action should be." (Waldron 1999: 102-103)

The first of the two is disagreement. It is a fact that we disagree with each other all the time, about a large variety of issues. This is not something a political moralist would deny. On the contrary, political moralists often start their theory of the political by addressing this fact. In particular, Rawls stresses the disagreement of our comprehensive doctrines about the conception of the good as a permanent fact in the democratic public culture. Due to the burdens of judgment, the various sources of "hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life" (Rawls 2005: 56), members of society will inevitably form differing and sometimes incompatible religious, philosophical, and moral doctrines. To address this permanent fact of pluralism, Rawls argues that a conception or principle(s) of justice as an overlapping consensus of these doctrines is necessary for a well-ordered society. The principles of justice define the basic terms of the society under which members can live and cooperate. The problem is, however, as Waldron argues, that members of society disagree not only about comprehensive doctrines but also about the conceptions of justice and the basic terms of cooperation in society. That is to say, members of society also have differing and sometimes incompatible conceptions of the common framework about cooperation and course of action. Therefore, the emphasis on political disagreement should include disagreements not only about the good but also about justice.

The second is the felt need for a common framework for collective decision and action in politics. Even though members of society disagree about this very framework, they would nonetheless recognize that one is still needed because many aspects of society work only if coordination among members could be established, and action in concert is possible. In this sense, social coordination is necessary and desirable, even though it is difficult. As Waldron says, "in fact, when it actually takes place, action-in-concert is something of an achievement in human life." (Waldron 1999: 102)

Following Waldron, political realists stress the fact of disagreement in the political. Realists would have different theories about the origins of political pluralism. Some argue that the origin lies in human nature, from the partiality of our reasoning, to the darker side of our psychology, such as hunger, greed, or desire for power to dominate. Others argue that the

origin lies in the pluralism of either our interests or values. (See Sleat 2013: 53) Or, instead, it comes from the same burdens of judgment that give rise to disagreement about the conceptions of the good, as Rawls argues. (Sleat 2013: 133; Waldron 1999: 145) Despite the differences in accounting for the origin, political realists all stress the inevitability of political disagreement, and many of them further stress a somewhat more radical form of political disagreement as the permanent feature of politics: the perennial conflict in the political.

Inspired by Carl Schmitt, Chantal Mouffe argues that the constancy of conflicts is in fact the defining feature of the political. She defines the political as “the dimension of antagonism” that is “constitutive of human societies,” and politics as “the set of practices and institutions through which an order is created, organizing human coexistence in the context of conflictuality provided by the political.” (Mouffe 2005: 9) Matt Sleat also presents a realist vision of the political that locates the inevitability of conflict at its center, “emphasising how politics takes place in circumstances of radical disagreement, including on fundamental political principles, and is best seen as a response to such conflict.” (Sleat 2013: 14)

In contrast to political disagreements, “contestations between those who are largely committed to the same form of political framework... yet whose interpretations of the same values and/or their relative priority differ,” (Sleat 2013: 56) political conflicts are contestation between those who endorse different political frameworks. Political conflicts, so to speak, are antagonisms within the political realm, and represent different hegemonies that are incompatible with each other, and are disposed to “impose on others” (Burelli 2019: 6). Because of this conflictual nature of the political, there will be no final resolution once and for all as a recognized result of a rational discussion. In politics, different actors from different positions constantly strive to win in choosing which position to follow, as “us against them,” a phrase Schmitt uses to characterize the fundamental relationship in politics. (Schmitt 2008) As a result, political opposition is not a relation of intellectual or rational disagreement about the interpretation of recognized principles.

On the other hand, according to the realists, political moralism sees the political as either the implementation of moral principles or a form of activity constrained by morality. It presupposes moral principles that are, or might be, universally accepted pre-politically. Therefore, following political moralism, political disagreements are actually about whether it is accurate in applying morality, and considerations involved are in effect of the same kind: moral considerations. As Mouffe argues, moralistic politics presents “political debate as a specific field of application of morality and believe that it is possible to create in the realm of politics a rational moral consensus by means of free discussion.” (Mouffe 2005: 13)

It is this idea of a universal moral consensus in politics that political realists are arguing against, since it neglects the inevitability of political conflicts and misunderstands the nature of politics. Since politics is where conflicting parties strive to determine which political framework to follow and what political decisions to make, morality, with the presupposition of consensus, should not and could not have priority over politics.

Moreover, since conflicting parties strive to determine the political framework and make political decisions within the political realm, political deliberations or political considerations should not be merely the same kind of moral considerations. Instead, political considerations include various kinds of considerations, including moral reasons. This understanding of political deliberations opens the possibility that the solutions to political problems are achieved by multiple legitimate methods, such as misleading in speech, using impassioned rhetorics, or even lying, the so-called “dirty hands” in politics, deemed inappropriate in

mainstream moralism. (See Bellamy 2010) As a result, the moral could not be a priority over the political, as they are normatively distinct.

The argument above could be formally constructed as follows:

1. Political disagreements and conflicts are perennial.
2. Solving these disagreements and conflicts requires that political actors in different positions strive constantly to win but not to achieve rational consensus, which is the primary goal of morality. (1)
3. Solving these conflicts requires that political actors deploy legitimate methods that are not justified in the moral realm. (1)
4. Therefore, the political is normatively distinct from the moral. (2, 3)
5. Therefore, there is no priority of the moral over the political. (4)

### *3.5 Rejecting the politics as conflict argument*

To respond to this argument, we first look at this realist emphasis on the conflictual nature of the political. Waldron's idea of the circumstances of politics, the recognized need for a common framework amid disagreement, allows us a clearer view of the actual activities within the realm of politics, such as the way we understand political opposition about different interests within the same political framework or a matter of principle. And, as Waldron has emphasized, since the members disagree not only on comprehensive doctrine but also on the political framework itself, the question of what issues belong to the political itself becomes a political question that members would disagree upon. However, the move from stressing the significance of disagreement in the political to stressing defining the political with the constancy of conflict would seem problematic.

First, the criterion for what counts as a political issue relies on whether a particular issue has pros and cons and forms a kind of conflict, that is, whether the issue is open for debate. This debate openness, however, does not hinge on the substantive contents of the views that are in conflict. For, if we limit what issues are open to debate according to the substantive views of the issue, we are committing to some already accepted conception of justice to evaluate the issue and its different views. And this is unacceptable to realists, because they cannot accept the idea that political problems can be settled by reasonable consensus, since all politics is about striving to win. Political problems can only be settled by the procedures we happen to adopt in politics. Therefore, as long as an issue has the possible form of possessing disagreeing sides, it is a political issue. However, since constant conflict is the defining feature of the political, having two or more opposite sides for an issue becomes sufficient for it to be political, and this would be too broad a criterion. For, almost every problem could be analyzed and considered as possessing two opposite positions, pro and against, and it would in turn render the distinction between the political and the moral trivial as they are ultimately all political issues. It is self-defeating for political realists.

This relates to the second problem with this definition of the political. This conflictual vision of politics risks the result of legitimatizing every viewpoint of every political issue. For realists, the realm of the political acts as a mechanism that, following Mouffe, channels the destructive antagonisms in society into an adversarial form, or an agonistic relation. "Agonism is a we/they relation where the conflicting parties, although acknowledging that

there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents," (Mouffe 2005: 20) as long as it does not "destroy the political association." That is, there must be some common bond between the conflicting sides so that they would not see each other as "enemies to be eradicated, seeing their demands as illegitimate, which is precisely what happens with the antagonistic friend/enemy relation." (Mouffe 2005: 20; see also Sleat 2013: 146) This runs into a problem because we can, as mentioned above, analyze any issue in an adversarial form, and some could include very extreme views. Admitting that some of these extreme views share the same status as other political points of view would be setting too low the bar of legitimacy in democratic deliberation, even though they might not overtly or covertly try to destroy the political association, but only try to uphold a currently marginalizing framework.

Take the example of hate speech. Theorists such as Ronald Dworkin against the state regulation on hate speech would argue that, since hate speech is a form of free speech, state regulation on it would undermine the democratic process that renders law and policies legitimate in the first place "if government has prevented anyone from expressing his convictions about what those laws and policies should do." (Dworkin 2006) This argument, however, misunderstands the nature of hate speech. By categorizing hate speech as a form of free speech, theorists misconstrue the primary function of hate speech as expressing one's misogynist, racist, or Islamophobic thoughts as though there is hatred within. But hate speech is more than just expression. Hate speech functions primarily to send out messages and signals that make "these messages part of the permanent visible fabric of society." (Waldron 2012: 3) Hate speeches as signals undermine our social public goods, such as the inclusiveness of our society and the assurance of equal status for members in society, especially for minorities and already marginalized members. (Waldron 2012: 4-5) Hate speech, so to speak, is not to express thoughts of hatred, but rather to incite hatred or to excite hostility against minority groups. In this way, state regulation of hate speech is not to prevent free speech, but to protect members vulnerable to defamatory imputations. The regulation is to "convey the sense that the bigots are isolated, embittered individuals, rather than permit them to contact and coordinate with one another in the enterprise of undermining the assurance that is provided in the name of society's most fundamental principles." (Waldron 2012: 95) On the contrary, recognizing automatically the legitimacy of the conflicting parties, as long as they do not destroy the political association out of their political convictions, would, in effect, legitimize the coordination of some who hold these extreme views within the democratic deliberation. The conflicting parties' efforts might not be directed at destroying the political association, but to maintain the current framework to marginalize their targeted groups. As a result, politics as conflicts does not vitalize liberal democracy as Mouffe would hope, but erodes the conditions for a democratic discussion, presenting a recognized systematic threat to other participants.

One thing to clarify here. This discussion of hate speech is not an attempt to enforce egalitarianism in what constitutes politics. The focus is on highlighting politics' role in preventing the subjugation of a group through constant fear and threats. Political realism underscores the necessity of politics to shield the community from enduring existential threats.

Furthermore, emphasizing winning in politics as the legitimacy-conferring source of normativity for political decisions fails to meet a feminist critique.

Charitably speaking, realists may not endorse the view that winning in all forms is

legitimate as long as the winning side grabs the power to enforce its political vision of society. Rather, it is winning according to the political procedures set up to make collective decisions that counts as legitimate. That is, these procedures are what confer legitimacy to the winning decisions, procedures such as the majority rule in voting. Even with these seemingly fair decision procedures in place, this conception of legitimacy by winning is still problematic. In particular, it risks bringing in a strong status quo bias, and fails to answer the Neglect and Status questions.

Formal decision-making procedures acceptable to realists, such as simple majority rule, cannot give weight to the substantive contents and reasons of a particular view in conflict with others. Because of this, winning through these procedures inevitably favors the views of the majority or the currently more powerful groups. If this is sufficient for a decision to be legitimate, it offers no pathway at all to those who are in the minority or oppressed to challenge the legitimacy of status quo decisions. From the feminist perspective, this amounts to neglecting women and their interests, and fails to recognize the unequal status of women in our current world. According to the realist picture of politics as conflict, women who oppose the majority decisions can never oppose them as illegitimate when they are in the minority or when they are oppressed. Women have to accept that these unjust majority decisions are legitimate, and their opposition to them cannot be said to be legitimate. (See Lafont 2019)

This is also a failure to answer the Justice question. The Justice question aims to show whether a political theory is just in its proposed treatment of women. However, the realist picture of politics as conflicts blocks this possibility when women are in the minority or oppressed status, which is what feminists argue is the case. Since realists believe that political problems can only be settled by winning through formal political procedures, it does not seem to make sense to treat the feminist struggle for women's rights against procedurally fair collective decisions as a legitimate political goal. Disagreement based on substantive considerations should not persist at all. However, this cannot be the case. For the feminist movement, the opposition to, say, anti-abortion laws passed in the legislature by the majority rule is the challenge to the very legitimacy of these laws based on substantive considerations of justice. Feminist political organizing makes sense as a legitimate political goal in liberal democracies only when disagreements based on substantive considerations of justice about the legitimacy of procedurally settled decisions make sense. As Cristina Lafont puts it, "[Citizens'] deliberative practices of disagreement, contestation, dissent, revision, and so on, suggest that citizens do not accept many political decisions as finally settled *until their views on the reasonableness or substantive merits of their outcomes are settled.*" (Lafont 2019: 42 ) In this sense, the realist picture of politics as conflicts fails to pass a feminist critique.

Therefore, the argument from conflicts for the rejection of the priority of morality fails. The inferences from 1 to 2, and from 1 to 3, are invalid. The problem of this picture of politics as conflicts lies in the realists' analysis of the circumstances of politics. By taking the political conflicts, or the less radical political disagreements, as the defining feature of the political, political realists see political conflicts and disagreement "not only as fixed, but as acting as *constraints on what is politically possible,*" (Finlayson 2017: 269, original emphasis) and therefore neglect an essential aspect of Waldron's discussion of the circumstances of politics. Waldron believes that "in the real world, even after deliberation, people will continue to disagree *in good faith* about the common good, and about the issues of policy, principle, justice, and right which we expect a legislature to deliberate upon." (Waldron 1999: 93, my emphasis) In his view, political disagreements are definitely a constant feature of the political, but this does not

entail that all political disagreements are equal in legitimacy. This in-good-faith constraint on political disagreement is significant in that it distinguishes reasonable political disagreements among reasonable members of society from those we deem unreasonable. Only in doing so could procedures within an accepted common political framework be possible, in Waldron's case, a sort of majoritarian process.

Another interpretation of politics as conflicts may emphasize the inevitability of political conflicts in terms of their unilaterality and potential for violence. Carlo Burrelli argues that political conflicts could emerge unilaterally if one of the actors decides to "carry out his/her views against those who do not share it." And "their targets find themselves in a conflict whether they like it or not." (Burrelli 2019: 6) Moreover, this unilaterality of conflict also comes with a potential for violence "since violence can be an effective tool to force others to conform to our preferences." (Burrelli 2019: 6) Because of these features, actors or parties in political conflicts would easily find themselves indifferent to content-based reasoning, which is ineffective and in an important sense unnecessary. Therefore, political conflicts are inevitable. (Burrelli 2019) On the contrary, the moral realm is commonly acknowledged as a realm of content-based reasoning. Moral deliberation, in its ideal form at least, tracks moral reasons and comes to actions based on the contents of these reasons. In this sense, moral reasoning could not provide normative grounding for the political, and, therefore, there is no (normative) priority of the moral over the political.

This interpretation of the inevitability of political conflicts does represent the often partisan situation in our politics, where parties seem to be so entrenched in the ideological grip that content-based reasoning would never take place. Admitting that there are situations where this is the case in politics does not, however, entail that this is necessarily the "nature" of politics.

More often, people, even partisans, put forward differing views in politics about our society, not quite as somewhat unreasonable expressions of the partisan identity, but rather as "proposals in the name of the whole." (White and Ypi 2011: 383) Even if public deliberation or justification has to come from disagreeing rival positions under the circumstances of politics, there is still this underlying feature that they are addressing the general public as a whole. As Jonathan White and Lea Ypi argue, "[justification] involves an attempt to move beyond a particularist viewpoint with an aim of demonstrating how a certain claim has public appeal." (White and Ypi 2011: 385) In an important way, the challenges from the rivals, if they are rivals, do not necessarily result in unilaterally emerging conflicts but active requests for the validity of one's political proposals and standpoint. This is far from being incompatible with content-based reasoning, as Burrelli suggests. Instead, this could be a "catalyst" for the ideal of political justification. (White and Ypi 2011)

Moreover, even partisan disagreement is a constant feature of the political, this does not rule out the possibility of content-based reasoning and agreement. Agreements must be in place about some things for disagreements to be possible. Disagreements would not even take off from the group if there is no agreement on some background conditions. As Lafont points out,

Disagreements on some rights (like disagreements on anything) are only meaningful against the background of massive agreement on other rights. Disagreement on whether marital rape counts as rape—to take one of Waldron's examples—would not make a lot of sense unless there is agreement on the right not to be raped in the first place (e.g. by strangers) as well as agreement upon

related rights such as the right to life and to bodily integrity (e.g. the right not to be killed by your partner, not to have your face burned with gasoline, not to be locked up in your home without consent, not to be burned on the stake, and so on.) (Lafont 2019: 61)

Recognizing this fact means that some disagreements can and are reasonably settled based on substantive considerations. And this is politically significant for the feminist movement. Conflicts might be inevitable, as Burelli describes. Therefore, feminists have to fight over and over again for women's rights because, realistically speaking, all it takes is some political actors unilaterally carry out their misogynist views. However, there is more to the feminist struggle to fight for these rights in that once they are gained, there is a legitimate sense that feminists should not have to fight over and over again for them. And this legitimate sense makes sense only when it is possible to reasonably settle political disagreements. "The prospect of having to fight for their fundamental rights over and over again (possibly under ever more unfavorable conditions) might be a realistic diagnosis but it can hardly be a normatively attractive political aim." (Lafont 2019: 64) Feminist achievements, then, should be able to be described as achievements of getting what women are owed, for the feminist movement to make sense as a legitimate movement.

### ***3.6 Distinctive political normativity***

Williams contrasts political realism against political moralism as political realism would give "a greater autonomy to distinctively political thought." (Williams 2005: 3) Besides suggesting a different approach to political theory, realists would argue that this also emphasizes the autonomy of politics. Galston describes "politics as opposed to war," and claims that "[t]he basic structure of political life is thus *unscripted sociality*." (Galston 2010: 309) As discussed above, realists reject the view that the political achieves coordination when facing this "unscripted sociality" through morality, which is doomed to fail. Then, the ground on which politics justifies its principles and practices must be distinct from morality. Since what grounds political principles must be normative, political normativity is distinct from moral normativity.

From what has been discussed, it is obvious that, for realists to reject the normative priority in question, a distinct normative grounding for the political would ultimately undermine such a normative priority claim. Here, political realists are not only arguing that the "content" in the political realm is different from that in the moral, but also that this difference reveals that the underlying sources of normativity differ. By emphasizing political values such as legitimacy, or the idea that might is not right, political realists believe that claims, reasons, situations, etc., in politics do have normative force in the sense that they provide norms, evaluative criteria, or prescriptive requirement for how people should act and how institutions should be designed in the political. This is not the same idea that the only appropriate job for political theory or philosophy is to record descriptively the realities of politics, although it might be inherently related. In this sense, realists argue for a distinct political normativity, which could provide the grounding needed for the political.

However, the argument from the distinct "content" of politics to the distinct political normativity is not sufficient. There are many social areas where the specificity in practices requires specified considerations and principles. Still, it is not very meaningful, except perhaps for verbal disputes, to claim that there are all these different and distinct forms or

sources of normativity. As Leader Maynard and Worsnip argue, the existence of specified principles for, say, sexual relations, academic research, or medical practice does not entail that there are substantive distinct sexual normativity, academic normativity, or medical normativity. Moral theorists commonly regard them as well within the realm of moral normativity. "... [T]o distinguish (in any deep sense) two different kinds of normativity, it is not enough to merely appeal to differences in content, that is, to differences in what they enjoin agents to do, which agents and situations they apply to, and which considerations they treat as relevant." (Leader Maynard and Worsnip 2018: 761-762)

Further on, in their paper, Leader Maynard and Worsnip identify and criticize five different arguments for a distinct political normativity: the argument from "the illegitimacy of enforcing (some) moral claims," the argument from "the need for politics to resolve disputes," the argument from "a metanormative difference," the argument from "a normative difference," and the argument from "the relative priority of politics and morality." (Leader Maynard and Worsnip 2018)

I will not discuss the argument from "the relative priority of politics and morality" because it is not very pertinent to our objective here. The argument from "a normative difference" concerns different legitimate political methods and political virtues, which we have already discussed in the previous sections. Also, I will only briefly reconstruct and discuss the argument from "the illegitimacy of enforcing (some) moral claims" and that from "a metanormative difference" because they do not bear much for a feminist concern. In the end, I will discuss the argument from "the need for politics to resolve disputes" in more detail.

#### *The argument from the illegitimacy of enforcing (some) moral claims*

This argument, accordingly, follows from the premise that it might be illegitimate to enforce some moral principles even though they are reasonable and true, and therefore concludes that "Morality underdetermines the justifiability or legitimacy of political action. Thus, political legitimacy is a normative concept that is not (purely) moral in character." (Leader Maynard and Worsnip 2018: 766) Leader Maynard and Worsnip attribute this argument to various political realists and reject the conclusion while accepting the premise. Of course, many morally sound principles are not permissible in politics; as Charles Larmore says, "the morally best may not be politically justifiable." (Larmore 2018: 42). This, however, does not entail that the impermissibility of enforcing such moral principles is not moral in itself. Forcing citizens to abide by such morally sound principles could be immoral and unjustifiable. If this is the case, then it does not follow that there is a distinct political normativity.

#### *The argument from a meta-normative difference*

Another argument for a distinctly political normativity starts from considering a more realistic approach to political theory, where realists emphasize a more "practice-dependent" or "institutionalist" nature of what ought to be done in politics. (Sangiovanni 2008) What politically ought to be done "depend[s] on our culture and institutions, our patterns of endorsement, and our volitional political activity." (Leader Maynard and Worsnip 2018: 773) This consideration gives rise to a constructivism about political normativity, that "[t]hrough our attitudes, volitions, and actions, we 'construct' normative reality within the domain of the

political.” (Leader Maynard and Worsnip 2018: 774). As Andrea Sangiovanni argues, the practical context “shapes the *reasons* we might have for endorsing specific principles of justice...,” (Sangiovanni 2008: 147), and therefore, the normative force derives from, or is constructed on, so to speak, the practical reality of the political. On the contrary, moralists believe that the normative force of political reasons derives directly from purely moral principles. In this sense, political normativity and moral normativity differ metanormatively.

The primary objection to this argument is that it presupposes the view that moral normativity is not and could not be constructed to establish a distinct political normativity in a metanormatively appropriate way. But it might be tough for realists to argue for such a presupposition convincingly. As Leader Maynard and Worsnip argue, first, realists seem to neglect the fact that in the debates of metaethics, constructivism of moral normativity is a prominent view. Secondly, and more importantly, “practice dependence” does not necessarily entail a constructivism about political normativity as realists claim. Non-constructivists and constructivists agree that applying any principles should be sensitive to particular contexts and circumstances. Applying the “practice independent” principles in politics is still required to be responsive to the practice-dependent factors. However, this requirement could still be explained by a “practice-independent” principle. That is to say, the reasons for a particular political action do rely on various factors, especially some practice-dependent factors. But why and how much these practice-dependent factors matter are “derived from or explained by principles that are not themselves practice dependent.” (Leader Maynard and Worsnip 2018: 775) Moreover, the political practices and processes themselves have to answer the question of their legitimacy. That is, there is always the need to provide justifications for actual political practices. However, this justification cannot be simply that they are the actual political practices. Rather, it requires a set of normative criteria somewhat transcendent to the actual political practices. (See Erman 2013)

### *The argument from the functional normativity of politics*

This argument arises from the concern that there are always deep disagreements over moral questions and that morality could never resolve political decisions. The need for politics is, at least partly, exactly “because of the ubiquity of moral disagreements about what we collectively should do, the ends to which political power should be put, and the moral principles and values that should underpin and regulate our shared political association.” (Rossi and Sleat 2014: 3) In this sense, morality could never resolve any political dispute and justify our political decisions as we need it. Hence, a distinctively political normativity.

This line of argument clearly connects with the realist conflictual view of politics discussed above. Not only does this recognize the fact of political conflict, but it also stipulates that the point or function of politics is to lead to a political decision or to resolve disputes in the fact of such deep disagreements, “where all the considerations that bear on political action... can come to one focus of decision.” (Williams 2005: 12) Morality and its normativity could not fulfill this political function.

One criticism of this argument is that while moral principles are deeply contested, political principles are also constantly disputed. Different political factions are sometimes stuck in a standoff over what political principles to follow. It is not helpful to conceptualize political principles as being normatively thinner as well, as they are “consequently less contentious, than moral principles.” Political principles accordingly only “impose constraints on political

processes, without directly mandating any particular outcome.” (Leader Maynard and Worsnip 2018: 768) Moral principles, however, could still be thin enough to meet this supposedly realist requirement. For example, a proceduralist form of moralism could argue that fundamental principles constrain political procedures rather than outcomes and help gain sufficient consensus, and they are nevertheless moral principles.

Another criticism from Leader Maynard and Worsnip is that realists confuse the different meanings of “resolve.” Realists argue that even proceduralist moral principles rely on agreement before application, while politics is the process of reaching agreements. In response, Leader Maynard and Worsnip argue that this line of argument misconstrues the role of principles in politics. These moral or political principles are not meant to replace the actual political processes for “reaching resolutions of disagreements in principles. Rather, they are offered as normative tools for evaluating such political processes and their outcomes in terms of their justice, rightness, and so on.” (Leader Maynard and Worsnip 2018: 769) Moralists do not deny that political disagreements need to be *de facto* resolved, “in the sense that there is actually agreement that this answer is correct.” (Leader Maynard and Worsnip 2018: 769) This is done one way or another through different political processes. On the other hand, moralists also emphasize a disagreement being resolved in a normative sense, that “a principle resolves a disagreement when it yields an answer as to which party or parties to the disagreement (if any) are right.” (Leader Maynard and Worsnip 2018: 769) That is, principles here provide criteria for how political disagreements ought to be resolved. Unless retreating to a purely descriptive view that denies correctness in politics, realists’ rejection of moral principles resolving political disputes does not hold, and it is unclear what distinguishes this political normativity from moral normativity in performing such function..

To further develop the idea of politics as resolving disagreement and issuing decisions, and to partially respond to Leader Maynard and Worsnip, Carlo Burelli argues that political normativity is a kind of functional normativity that is distinct from moral normativity. (Burelli 2020) Burelli first presents an etiological account of function which defines a function by two conditions: disposition and feedback. “In order for Z to count as a function of X, it must be true that (a) Xs tend to display Z, (b) Z contributed causally to the existence of Xs.” (Burelli 2020: 4) In his own example, pumping blood is a function of the heart, but emitting thumping sounds is not, because pumping blood fulfills both the disposition and feedback conditions, in that “hearts tend to pump blood” and “pumping blood contributed causally to the existence of hearts,” whereas emitting thumping sounds does not explain the existence of hearts, even though hearts tend to emit thumping sounds. Burelli then proposes “to identify politics as the way human groups select binding collective decisions under permanent disagreement.” (Burelli 2020: 11) That is to say, the point or function of politics is precisely to select and issue collective decisions that are binding when we are in disagreement. Not only “political institutions tend to select binding collective decisions,” but “selecting collective decisions plays a causal role in the existence of political institutions.” “Politics thus arises as the way human groups solve the vital problem that emerges from (1) the unlikelihood of individual survival and the resultant need for cooperation and (2) the instability of spontaneous cooperation.” (Burelli 2020: 11)

Understanding the function of politics as such, Burelli argues that political normativity is a distinct functional normativity. Functional normativity entails that “something counts as good if it performs its function well.” (Burelli 2020: 4) In the case of political normativity, what an actor should do and how political institutions should be designed depend on how it is to select binding collective decisions when facing political disputes. In this sense, a political

principle is politically good if it effects a stable and binding collective decision for social cooperation, even though it could still be contested as Leader Maynard and Worsnip suggest. Also, it is distinct and independent from moral normativity in that it provides a different dimension to evaluate political actions and institutions, and to generate political reasons that are not necessarily moral. In Burelli's example of an army being good as to perform well in "exerting organized violence," in an unjust war of invasion, an army could act in a morally unacceptable way but still "be qualified as a good *army* in its functional sense." (Burelli 2020: 9, my emphasis) In this sense, political principles could also be good at resolving disputes in the normative sense Leader Maynard and Worsnip discuss. "Good political institutions are those that can select and implement collective decisions within a group facilitating its persistence over time, regardless of their fairness, freedom or equality." (Burelli 2020: 13)

Burelli's functional account attempts to provide a minimal account of political normativity that does not necessarily overlap, and may conflict with moral normativity, so that moral and political reasons could be brought into consideration for political decisions as distinct factors, without one trumping normatively another. However, there are still criticisms we could make on this account. First, Burelli's account is grounded on the need for politics as a form of cooperation for human survival, and politics as such achieves this by issuing collective rules "that establish what the group should collectively do." (Burelli 2020: 12) However, this understanding of cooperation and collective conflates (mere) social coordination and cooperation. Undoubtedly, action in concert on a social scale is a great human achievement. But socially coordinated actions are quite different from social cooperation, in that the former only requires orders and rules from authority and some effective enforcement, while social cooperation additionally includes that those cooperating could reasonably, and sometimes ought to, accept these orders and rules, that is, the Rawlsian idea of fair terms of cooperation. (Rawls 2001) To think that social cooperation could be achieved by only issuing effective collective rules fails to recognize this aspect of how individual persons come to cooperate with each other, besides the fact that they do cooperate in one way or another. Understanding the function of politics as (only) selecting binding collective decisions grounds politics solely on (mere) social coordination rather than social cooperation.

This grounding by itself does not render this understanding of politics wrong, and this might be precisely what realists are trying to do: to reject political moralism. It is problematic when combined with other considerations, particularly the rejection of "might is right" and the insistence on the normative concept of legitimacy. It is easily conceivable that a political system is highly effective in issuing binding collective rules supported solely by systemic coercion, particularly systemic violence. Consider the former or current system of the gendered division of labor and the exclusion of women from politics, often backed with effective coercive violence. It might be hard to criticize this system from the functional political normativity, because it did and does perform well in keeping women in line in making collective decisions, given the long history of women's struggle. Therefore, this theory of functional political normativity fails to answer the Neglect question.

Also, it does not help to say that it is not politically good because it is not effectively binding. After all, there is precisely this long history of women's struggle against this system. Unless a binding rule means total, strict compliance with it, the fact that women are fighting against these rules does not necessarily make them unbinding, as long as the rules are implemented and followed by a sufficient majority of the people. Therefore, this theory of functional political normativity fails to answer the Status question.

Furthermore, it fails to answer the Justice question. It might be argued that a system of patriarchy might be legitimate or politically good provided that it is effectively enforced on a sufficient majority, and it becomes illegitimate or politically bad if enough people or women resist such a system. This argument, however, is circular and question-begging. What women resist against this system of gendered division of labor and their political exclusion is in fact the very legitimacy of it and its enforcement even though they might come to this resistance from different considerations, such as that it is unfair, or that it is harmful, as discussed above about political disagreement. Construing political legitimacy only in terms of its selecting and implementing collective decisions, “regardless of their fairness, freedom or equality,” (Burelli 2020: 13) is rendering the concept too narrow and too thin to capture the reality of how people come to deliberate political legitimacy and political goodness, and what political legitimacy is as a normative concept. The exclusion of women from political participation, for example, is illegitimate precisely because it is unfair, unequal, and oppressive. Even some realists, such as Williams, think that it is necessary to introduce an additional normative principle like the critical theory principle that “the acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified,” (Williams 2005: 6) to show political legitimacy entails more than simply being effectively binding.

It is also unhelpful to just bite the bullet and claim that the consideration of legitimacy does not arise from the (functional) political normativity. According to this functional account, this amounts to saying that these considerations are not proper political considerations, whether or not they are moral ones. The problem is, however, that the suffragette movement, for example, is very much a *political* movement in resisting the legitimacy of the system of exclusion, even when the system is at its peak in effective implementation. By retreating so much to “more explicitly vindicat[ing] the autonomy of politics from morality,” (Burelli 2020: 14) this account actually reduces politics into an unrealistic narrow field, and is unable to account for the real political realm. The attempt to establish a distinct political normativity fails.

#### **4. Conclusion: feminism and the normative constraints on politics**

So far, it seems safe to conclude that the realist picture of the political should be rejected and that feminism has more the reason to reject it. Realism as anti-moralism discussed in this chapter offers several arguments for a more normatively independent realm of politics from morality.

First, it argues that the first political question is that of securing the conditions of social order, and a moral answer cannot answer it. This argument fails, as we have seen, because it fails to see that securing the conditions of social order in any way still requires a normative justification for how the social order is established. Morality plays the role of providing normative ground for political decisions.

Secondly, realists argue that disagreements and conflicts are inevitable and perennial in politics. Political disagreements are constant and deep, including fundamental political principles and frameworks. They cannot be solved by appealing to morality whose primary goal is to achieve rational consensus. Instead, they can only be solved by political actors striving to win power and make decisive decisions. This, therefore, shows that the political is at least independent from, if not prior to, the moral. This argument fails as well. Conceiving

politics as perennial conflicts about every issue would, in fact, undermine the very conditions for politics by legitimizing all possible political views. Politics is possible only in circumstances of politics where there are disagreements and a felt need for a common framework to resolve these disagreements. By legitimizing every view as long as it can be analyzed as a pro or con position for a political issue, it risks legitimizing those views that advocate against a common framework for political decisions, extreme views, for example, that support the subjugation of a group through constant fear and threats instead of a political framework.

Thirdly, realists argue that there is a distinctive political normativity from moral normativity. In particular, realists argue that political normativity is a distinct functional normativity. Politics functions as a mechanism to select binding collective decisions when facing political disputes. Therefore, to evaluate a political principle or decision, we consider whether it is good by assessing whether it effects a stable and binding decision for social cooperation. This is a different normative dimension that generates political reasons that are not necessarily moral, hence a distinct political normativity from moral normativity, which is not about effecting a resolution for disputes. This argument, again, misconstrues the role morality plays in politics. Morality resolves disagreements when it outlines the criteria for how they ought to be resolved, yielding an answer as to which side of the dispute is right. It is resolution in the normative sense. Moralists do not deny that political disputes need some *de facto* resolution. Rather, they insist that they need to be resolved in both senses. It is the realists who do not see this need. Also, the functional political normativity argument conflicts with the realist insistence on the normative concept of legitimacy. A political system can effectively issue binding collective decisions supported by sheer systemic coercion and violence. According to this argument, it is almost politically perfect, while realists insist that this system cannot be legitimate if they believe that might is not right.

For feminism, political realism conceives the nature of the political in a way that is incompatible with the pursuit of women's rights as owed to women based on legitimate normative reasons. These arguments for realism all fail to answer the feminist critique questions. They neglect issues of women in their theorizing the content of the political, and fail to consider the status of women in the political as they consider it, both in practice and theory, in that they either consider women's severe subjugation as secondary to "real" political questions, or treat it as a legitimate political position in political conflicts, or are unable to offer criticism to political systems that perform well in keeping women in line by collective political decisions. Moreover, they fail to answer the Justice question not only by legitimizing the views advocating the subjection of women, but also by denying the opposition to their subjection as legitimate as long as the subjection of women is in fact the position that is enforced. Feminist political organizing cannot make sense in the realist picture of the political, since the realist picture does not admit substantive considerations of justice as legitimate constraints on political decisions as only *de facto* effective political decisions are, and feminist opposition appeals to precisely substantive justice considerations as its normative ground. As in the feminist critique of the private/public distinction, the principle of justice or other thick normative principles or values must be in place. For a feminist critique to be possible, therefore, we must be able to appeal to a solid normative foundation based on substantive reasons in the political. In this sense, feminism requires normative constraints on politics that are at least partly external to the actual political processes and practices. Feminists must reject the realist picture and seek an appropriate understanding of the political elsewhere.

In the following chapters, we will look at some different political issues and discuss the moral principles at work in the political. In the next chapter, we will discuss one of the paradigm cases of politics, voting. In particular, Chapter 3 will focus on the duty to vote in making collective political decisions in liberal democracies, and discern the principle of equal citizenship that justifies such a duty.

## Chapter 3: Being Political: Defending the Duty to Vote

### 1. Introduction

One of the most familiar political activities one may perform in modern society is voting in elections. However we understand the concept of the political, voting in elections will no doubt belong to it. It seems even inherently political in that in a very real sense voting formalizes a government and bestows it with legitimate political power. Voting belongs to the political structure. Since our goal is to understand better what the political is, we should then look closer at the political nature of voting and its various issues.

Voting is also what feels like the most personal issue in the political, in that, given the widespread universal suffrage in democracies, every individual citizen possesses the right to vote, and over some period of time, voting becomes frequent enough to feel intimately familiar, even a routine. Since it is also the goal for us to gain some understanding of what the personal is, and its relationship with the political, we have more reason to discuss voting.

Therefore, voting matters enormously. Voting in elections can change the quality and type of government with potentially drastically different consequences for people. Bad choices in elections lead us to bad governments and harmful laws. They may lead us into unnecessary and even unjust wars; they may implement ill-formulated policies that cost us hugely in the economy; they may wrongly criminalize innocent people through unjust laws and with authorized police brutality; they may react completely incompetently when a deadly pandemic occurs and leave many people to suffer and die. On the contrary, good governments elected by our voting in elections lead to good governance and just laws that benefit us. In this sense, how we vote matters. Our political act of voting affects our lives in significant ways, and therefore, to some extent, affects us personally.

If the political act of voting matters to us so much, should we not all vote? It seems at least a duty to ourselves that we vote so that we have a say in collective issues that concern us all. Moreover, the idea that we have a duty to vote fits well with the republican tradition in Western political thought that good citizens must actively participate in the political process of collective self-determination. Vote, then, is a form of civic duty.

However, this idea of a duty to vote is in a way out of fashion. Modern democracies see voting as a basic political right. If voting is a right, it seems natural to think that it is a form of freedom and that citizens, under their discretion, should be allowed to decide whether to exercise it. Since democracy aims to enable citizens to collectively decide on their lives, it seems unreasonable to dictate a politically active life for all citizens. As Jason Brennan comments, "For some people, heavy political participation is necessary for them to lead what they consider a full life. For many others, active political participation would inhibit them from leading the kind of lives they want to lead. The first kind of person is not inherently more noble or sophisticated than the second." (J. Brennan 2011: 8) If this is the currently popular wisdom about political participation, it does not seem that voting should be considered a duty.

This chapter aims to put forward a defense of the duty to vote. More precisely, the chapter aims to defend the thesis that within a functioning democracy, individual citizens who have

a right to vote also have a duty to vote in elections and a duty to vote well, provided that it is not too costly to them. In section 2, I will first briefly consider some challenges against the duty to vote that dominate in the literature on the ethics of voting. Then, I will focus on one challenge, the particularity problem, which questions the specialness of voting as a political action we perform. In section 3, I will argue that the particularity problem fails to challenge the duty to vote because it fails to capture the special nature of voting under the rules of democracy, which functions as the unique mechanism of legitimizing government and its political power.

In section 4, I will discuss a recent attempt to defend the duty to vote, namely, the Samaritan duty account where the duty to vote is established as a form of Samaritan duty to aid. I argue that although it is insightful in understanding the role of voting in bringing out good governance, it eventually fails to accommodate the particularity problem. In section 5, I will present my own defense for the duty to vote based on the specialness of voting, which, contrary to the Samaritan duty account, will effectively meet the particularity challenge. I will develop further this special nature of the right to vote as a joint power-right, and present the case of the duty to vote based on this idea of votes as powers. I will argue that, based on the rules of democracy, the right to vote as a *joint* power-right requires citizens to actually vote so that our fellow citizens' same right to vote could be meaningful, and the right to vote a joint *power*-right requires citizens to vote well. Finally, in section 5, I will further develop the idea of a duty to vote well. I will argue that the duty to vote well includes two requirements: to vote with minimum epistemic competence, and to vote with public reasonableness. That concludes the defense of the duty to vote presented in the chapter.

As we will see, this defense grounds the duty to vote on the principle of equal citizenship. It is because we stand equal to each other in the community as citizens that voting in elections cannot be construed as merely a personal decision that may affect others. Rather, voting becomes political because we enter the arena and act together as equal citizens. The status of equal citizenship generates normative justification and constraint on how we act in the political, marking the actions distinct from the personal ones. In this sense, paying close attention to how the principle of equal citizenship operates in the ethics of voting contributes to our understanding of the political.

Now, we first turn to the challenges against a duty to vote.

## **2. The libertarian challenges to the duty to vote**

In the literature on the ethics of voting, skeptics about the duty to vote for citizens have raised many challenges to this idea. In this section, I will first briefly look at these challenges and their potential resolutions, so that I can set them aside and focus on the particularity problem against the duty to vote. The particularity problem, as we will see, challenges the particularity, or specialness, of voting in discharging our duties in the political. In later sections, I will argue for the specialness of voting in representative democracy, and based on this specialness, I defend the idea that citizens have a duty to vote in a functioning representative democracy. Now, we first turn to challenges.

The libertarian view on the ethics of voting holds that voting is a right or freedom, and

citizens generally do not have a duty to vote.<sup>3</sup> Some libertarians believe that voting, in its current forms in most existing democracies, is an irrational action, because it bears an opportunity cost but does not generate much or enough benefit for individual voters. Some believe that citizens typically have the right to switch off from politics if and when they have a non-political life plan, especially when engaging with politics might bring about harm. (Freiman 2020b) Others believe that even the best arguments for political participation as a duty cannot prove that voting is special enough to constitute a duty. (J. Brennan 2011) We turn to these challenges one by one.

## *2.1 The irrationality of voting*

According to libertarians, voting is an irrational act for any individual who intends to change the electoral outcome by casting her vote. This argument does not necessarily challenge the duty to vote since it is not necessarily true that if an act is irrational for one to perform, it is not a duty for her to perform that act. However, it does strain any defense for a duty to vote if voting is, in fact, irrational.

Voting takes time and effort. When we vote, we typically need to spend time registering, going to the poll, reading the ballot, casting the ballot, paying at least some attention to the candidates or proposed policies, identifying issues, and gathering information concerning politics and the current state of affairs, etc. These voting activities require effort and time that we might spend on other things worth doing. In other words, voting has an opportunity cost, the opportunity to engage in other (more) beneficial activities.

On the other hand, libertarians argue that the probability for an individual vote to make a (pivotal) difference is so vanishingly small that the cost of voting is much larger than the benefit, if any, it might bring. Many economists and political scientists show that individual votes in an election do not change the outcome in any efficacious way, and the expected costs of voting always exceed the expected utility or benefit. “Since voters could always instead perform some action with positive overall utility, it is surprising that anyone votes.” (J. Brennan 2020)

How small is the probability? Luke Maring depicts how small it would be by summarizing the example from Jason Brennan:

In large nation-states, the effect of a single vote is negligible. Jason Brennan asks us to imagine that a particular candidate’s victory is worth \$33 billion to the common good (suppose she is a civic-minded, financial wizard), that there are 122,293,322 voters (as in the 2004 U.S. presidential election), and that the probability of any voter supporting our financial wizard is 50.5%. With the stakes artificially raised, one might expect that individual votes are impactful. But the expected value to the common good of one’s vote for the financial wizard is a mere  $\$4.77 \times 10^{-2560}$ . (Maring 2016: 245)

Indeed, given that the return for an individual vote is small, it is really just a drop in the ocean. (see also J. Brennan 2011, 2020) Because the probability for an individual vote to make a difference is extremely small, and as long as voting bears any costs, the overall utility of an

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<sup>3</sup> In this, I follow Julia Maskivker (2019) to only dub this view “libertarian” in a stipulative sense, since the term “libertarian” here does not imply that the proponents for this view about voting endorse a more comprehensive theory of libertarianism. It only concerns the liberty or right to vote.

individual vote is likely negative. Therefore, for any individual voter who tries to make a difference, it would be more rational for her to spend her time and effort doing virtually anything else with positive overall utility than voting itself. Voting, after all, is irrational.<sup>4</sup>

There are several ways this irrationality challenge can be met.

First of all, the libertarian calculates only the individual voter's own benefits or personal gains when calculating the overall utility of her vote. In her calculation, the individual voters are construed as rational consumers who spend to maximize their own gain, who "will spend their votes—or precisely, the time and energy required to weigh the alternatives and cast their votes—so as to strike the best bargain for themselves." (Dagger 1997: 105) This construal model, however, cannot adequately describe empirically the actual voter behavior. For example, in larger elections where the pivotal probability of one vote is considered lower, turnout tends to be higher, contrary to what the model would predict. This phenomenon can be explained, rather, by the fact that these elections are perceived as more significant and hence larger social benefits are at stake. That is, citizens do not merely vote for their individual benefit or personal gain. Empirical studies show that many voters vote in an altruistic way; that is, they vote for the perceived social benefit that the preferred candidate or party would bring about. (Edlin et al. 2007) Voting can be better explained as being motivated by the possibility of leading toward social benefit rather than instrumental benefit to the voter, similar to other political participation such as a small-dollar donation to national campaigns, declining response rates in opinion polls, etc. (Edlin et al. 2007: 301 - 302)

Moreover, the probability of an individual vote being pivotal in an election is not as small as the libertarian thinks, especially in this case of altruistic voting. Zach Barnett argues that, in real-world elections in functioning democracies, the probability of one's vote being pivotal is large enough to render the expected average utility larger than the cost of voting. As long as the probability is no less than  $1/M$ , where  $M$  is the number of people in the population affected by the election, voting is rational. Barnett argues, with proof, that this is often the case in real-world elections. (Barnett 2020)

Furthermore, the emphasis on the pivotality<sup>5</sup> of individual votes in changing the outcomes of elections when discussing voter rationality assumes that voters value only winning in elections. The irrationality challenge assumes that when an individual considers whether to vote, she only considers it under the line of whether her preferred candidate would win (or would not lose). But this is not the case. Voters also value the margin by which their preferred candidates win. They value how much their causes win by if they win, or how much they gain if they lose, to see how much advancement their causes make, and change their future goals accordingly. (Mackie 2015: 31) This margin translates into behavioral differences in elected representatives since the proportion of the votes they receive within a district determines their normative mandate in representing the voters. (Guerrero 2010) Individual votes, therefore, do make a difference in electoral outcome.<sup>6</sup>

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<sup>4</sup> For more detailed discussions on the irrationality of voting, see also Downs 1957, Guerrero 2010, about the paradox of voting; G. Brennan and Lomasky 1993, about the probability of a vote to be pivotal.

<sup>5</sup> For more on pivotality, see G. Brennan and Lomasky 1993; Mackie 2015; Tuck 2008. See also Kagan 2011 for discussion of a different but relevant case in consequentialist ethics.

<sup>6</sup> Some authors also argue that the conception of rationality employed in the irrationality challenge is problematic. This conception of rationality, for example, would deem it rational for citizens to forgo voting for the sake of temporary necessities. Lisa Hill argues that, in the end, the "rational" choice of abstaining from voting leads to low turnout of those who cannot afford time off

## 2.2 *The right not to vote and the harm of politics*

Another libertarian challenge to a duty to vote starts from the harm of politics. Engaging in politics, such as getting politically informed and involved or voting, might actually harm us individually and collectively. On the individual level, political engagement makes people miserable and even damages their epistemic competence. Staying informed about politics causes unhappiness in individuals and has become a significant source of stress for many. Christopher Freiman summarizes that, according to survey data, about 94 million Americans feel stressed from politics, 44 million lose sleep over it, and 28 million believe politics has caused harm to their physical health. (Freiman 2020b: 121) Political engagement also provides a ripe environment for our epistemic biases to thrive and disrupt. We already suffer from many epistemic biases, from confirmation bias to motivated reasoning, and from intergroup bias to subjection to peer pressure. (J. Brennan 2016: 61-62) Empirical studies show that real-life politics tends to undermine cooperation among groups rather than facilitate it, that people “use language in biased and manipulative ways,” that “group discussion tends to amplify intellectual biases rather than neutralize them,” etc. (J. Brennan 2016: 62-64) Also, political deliberation “tends to move people toward more extreme versions of their ideologies rather than toward more moderate versions”; “some groups get a greater voice than others, and leaders are often chosen in sexist or racially biased ways.” (J. Brennan 2016: 66)

On the citizenry level, overdoing politics, that is, bringing politics into every aspect of our lives, would harm democracy and push out other non-political goods, resulting in what Robert Talisse calls the political saturation of social space, where our social life is saturated by “activities and projects that are overtly organized around the categories and divisions of current politics.” And this in turn “dissolve[s] our capacity to do democracy well.” (Talisse 2019: 4) By requiring citizens to vote and to stay politically engaged, we actually forget that one of the reasons why democracy is so valuable is that, besides its potential intrinsic value, democracy provides opportunities and means for individuals to “pursue valuable life projects that are organized around nonpolitical objectives and consequently have some other point.” (Talisse 2019: 6)

Because of the harm of politics, the libertarian argues that the right to vote must entail a right to abstain from voting. Proponents of the duty to vote are violating a citizen’s freedom to opt out from politics, so to speak, not only from the very act of voting, but also from other activities around voting such as gathering political information, in order to pursue their own way of life. Citizens have a certain level of legitimate apathy about this. (Jones 1954) Therefore, there should not be a duty to vote.

To meet this challenge, we need to address the harm of politics. The idea that politics is harmful to citizens is hinged on the idea that it is always burdensome for citizens to engage with politics and get politically informed, especially when they do not want to. This, however, is not as straightforward as it is claimed. Political ignorance and the difficulty of getting citizens better informed are not problems external to the process of citizens getting to vote,

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to vote, and subsequently to unequal representation in politics, a result that is particularly problematic for those in hardship. Low turnout in elections already causes the decline of democratic equality (J. Brennan and Hill 2014). Helene Landemore (2020) also points out that the rationality calculation of the cost in the irrationality argument fails to acknowledge that the opportunity cost of voting, that is, the time and effort voters have to spend to be able to cast a legitimate ballot, is very much the result of the political systems we build.

but are caused by the election institutions grounded on the idea that citizens might not need to vote. I will address this further in section 5 when we discuss how to vote well.

Also, the right to vote does not necessarily entail the liberty not to vote. The right to vote within a functioning democracy is special and different from other rights. This specialness of the right to vote prevents it from being waived or inverted. We will discuss this more soon. Briefly, unlike other so-called negative freedoms, the right to vote is not (merely) an individual right. It is not only to serve personal ends but “a social right intended to serve the social condition of democracy.” (J. Brennan and Hill 2014) It is not entirely accurate to describe the right to vote as a form of negative freedom to express one’s preferences about political candidates, which one can withdraw from doing, as argued for the right to free expression. The right to vote, in this sense, cannot be guaranteed solely by the restraining of the state. (See also Waldron 2000) The individual right to vote is, so to speak, a result of the collective effort. It is a right only when the democratic rules are in effect so that one’s vote is to be counted and a collective decision from voting is given authority. We will explore this specialness of voting later. The idea here is briefly that the right to vote is never only a personal right that one can simply waive. It is a right that depends on the ends and rules of the democratic system. One cannot, for example, waive the right to equal protection and assent to servitude because the right to equal protection is a social right to, and a prerequisite of, a society free from slavery. In this way, the right to vote is a social right essential to the existence and perpetuation of representative democracy. Because of its special role, the right to vote is not waivable.

### *2.3 The particularity problem*

The third and last challenge to the duty to vote discussed here concerns the assumed specialness of voting in civic life. Jason Brennan (2011, 2020) argues that even the most plausible arguments for such a duty fail to establish a specific duty to vote among other activities that are acceptable as manifestations of civic virtue and promoting the common good. Brennan calls this the particularity problem:

To show that there is a duty to vote, it is not enough to appeal to some goal G that citizens plausibly have a duty to support, and then to argue that voting is one way they can support or help achieve G. Instead, proponents of a duty to vote need to show specifically that voting is the only way, or the required way, to support G. (J. Brennan 2020)

That is to say, even though we could successfully establish that we have a duty to certain goods or ends, it is still far from clear whether this entails a duty to vote in particular, as voting is more likely just one of many ways to discharge this duty. Brennan argues that even the most plausible arguments fail to solve the particularity problem, even if they provide convincing reasons for certain duties to act concerning the common good.

Brennan (J. Brennan 2011) presents three such plausible arguments for the duty to vote. First is the “Agency Argument”. As Brennan argues, proponents of the duty to vote might advocate a certain sense of civility among good citizens, or a sense of care, in that being a good citizen, it is not sufficient that other fellow citizens enjoy a reasonable level of just social order and social welfare. Because of civility and care, a good citizen also needs to be an agent of the existence and maintenance of this just social order and welfare. Being a good citizen entails certain causal responsibility for a just society. Voting is how citizens help bring about and uphold a just society in a functioning democracy. Therefore, in order to discharge that

responsibility, citizens must vote.

The second argument is the “Public Goods Argument,” which emphasizes the duty not to (unfairly) free-ride on others. To enjoy a decent life in society, we rely on each other to provide certain goods that we by our individual selves could not provide, whether through the division of labor and exchange, or through actively cooperating. Among these are some public goods shared and enjoyed by everyone, and the supply of which requires us to perform, or to refrain from performing, some activities, for example, paying taxes for infrastructure, avoiding littering, or keeping off the newly planted lawn. (J. Brennan 2011) The reason here is not about the causality of the public goods, but about fairness or reciprocity in the provision of these shared public goods. Our enjoyment of these goods relies on others performing these activities, and it would be unfair for one to abstain from doing so while enjoying them. That is, it would be unfair for one to free-ride on others. Accordingly, good governance, or a well-functioning democracy, is such a public good that, “under normal circumstances, it is immoral to free-ride on [its] provision.” (J. Brennan 2011) To avoid freeriding, citizens should reciprocate in bringing out and maintaining good governance. That is, citizens should avoid abstaining and vote.

The third argument concerns our civic virtue as citizens and is hence called the “Civic Virtue Argument.” Although it might be a consensus that civic virtue is important, or even essential, for being a good citizen, there are many different conceptions of what civic virtue includes. Some accounts of civic virtue, such as civic republicanism, hold that active political participation is part of civic virtue. Others, such as classical liberalism, hold that civic virtue requires only obeying (just) laws and refraining from harming others’ basic rights. Brennan claims that the core of all these different conceptions of civic virtue is “the disposition and ability to promote the common good (of the relevant community) over purely private ends” (J. Brennan 2011: 46) Voting, the argument goes, is necessary for exercising civic virtue in the sense of promoting the common good. Citizens ought to possess and exercise civic virtue, and therefore, vote.

Brennan argues that despite their seeming plausibility, they all fail to solve the particularity problem of voting. In other words, these arguments could not establish that voting is unique in discharging the relevant underlying duties, besides other problems they each face.

The Agency Argument, assuming that citizens do bear the responsibility to care for and cause (broadly construed) a just society, fails to show that voting is the only way to do so. There are many other ways individual citizens could contribute actively to the “just social order with adequate levels of welfare.”(J. Brennan 2011: 43) By obeying (just) laws and refusing to join in exploitative activities on our fellow citizens, we are also doing our part in maintaining a decent society. Furthermore, sometimes doing these other activities might be more effective in being the agent of justice, assuming that individual votes are not as efficacious as we thought. For example, participating in lobbying efforts for better policies might be more effective in helping our fellow citizens. Also, these other effective activities are not limited to typical political ones. By donating to a good cause, simply doing one’s part diligently at work to produce necessary goods of high quality, or raising one’s children well, one could contribute to the general welfare of the society in that we contribute to the extended system of social cooperation by generating positive externalities. Therefore, even if we do have a duty for a just society, voting is not the only way to discharge it. Hence, it is not the case that citizens have a duty to vote.

As for the Public Goods Argument, it presupposes that for citizens to “avoid free-riding on the provision of good governance” (J. Brennan 2011: 40) and a functioning democracy as public goods, they have to reciprocate in performing the same activity, that is, political participation and, essentially, voting. However, as Brennan argues, this presupposition is false in that there is a variety of activities other than political participation or voting that one could perform to contribute to these public goods and avoid free riding. In our society as an “extended system of social cooperation,” citizens receive and provide many different goods that are necessary for good governance and well-functioning democracy, assuming that democracy is a good thing. Some are political goods provided by citizens “voting, rallying, supporting causes, fighting in just wars, writing to senators, writing letters to editors, running for offices, and so on.” Some are nonpolitical goods that could indirectly contribute to good governance, such as “working at a productive job that provides goods and services others want,” or “raising one’s children well.” (J. Brennan 2011: 52) These goods are also necessary for good governance. Citizens do not have to vote to reciprocate the public goods others provide. In this way, voting is by no means the only way for citizens to avoid free-riding on the provision of public goods; therefore, they do not have a duty to vote.

Similarly, voting is not the only way citizens can exercise civic virtue to promote the common good. Suppose civic virtues are character traits, dispositions, or abilities in citizens that help promote the common good. In that case, it is then not true that citizens have to vote to express civic virtue. Being a good neighbor, supporting efforts to maintain the quality of the roads, or paying taxes, are all very good expressions of civic virtue. Therefore, the Civic Virtue Argument fails too to establish that citizens have a duty to vote, even if they do have a duty to exercise civic virtue.

The bottom line is that all these arguments and similar others cannot establish a particular link between some underlying obligation and voting as the only and required way to fulfill such an obligation. The particularity problem suggests that voting is not special, even if granted that it is one way of fulfilling an obligation we all should accept. Therefore, a defense of the duty to vote must prove that voting is special, either as a special way to fulfill some obligation, or special in its own right.

### **3. The specialness of voting**

To respond to the particularity problem of voting, I will argue that voting is actually special. First, voting plays a special role and, therefore, possesses special functions within a representative democracy. Second, voting, within the rules of representative democracy, is a prerequisite for other political activities to be possible. The particularity problem suggests that voting as a political or civic activity is on the same par with other activities with respect to importance. However, this is not the case.

Within the rules of representative democracy, citizens manifest their self-government and self-rule by electing representatives and the government to make decisions concerning the citizenry. That is to say, in the system of democracy, the rules set up a role for election to play, to fulfill its functions in this system. Unpacking this role, elections, in general, have several functions. First, elections function as the selection process to install a government to power.

In elections, citizens vote to choose the best representatives for positions of power and ultimately to form a government that could make collective decisions for the citizenry as a whole. Secondly, elections legitimize and authorize the chosen government to make these collective decisions and enact policies for the citizenry. Furthermore, elections function as the sanctioning process for citizens to renew a good government or remove a bad one from the position of power. (See Maskivker 2019)

These are the essential functions of elections in the system of democracy, and they together set up the role for elections to play. In this role, voting in elections is distinct from other political or civic activities which the libertarian assumes play the same role in terms of being the agents of just social order, reciprocating with fellow citizens, or exercising civic virtues. These other activities may exercise influence the government in power about their decisions, sometimes huge influence. Protests, rallies, or raising one's children well can all affect the actions and policies of the government in short or long terms, sometimes even contributing to the removal of the government from power. However, they do not legitimize and authorize a government. Within the rules of democracy, elections are the standard and only mechanism for legitimizing governments. Thus, it is the only collective action that could formally and legally install a government or remove them from power in a functioning democratic system inevitably and systematically. Other activities cannot do so in the same way. The rules of representative democracy inherently entail that elections give legitimacy to decisions that determine authority, leadership, and policies. The specialness of voting lies in this particular legitimizing function. A voter's political power, conferred by the democratic system, is exercised in selecting, legally authorizing, sanctioning, removing, and/or renewing the government and our representatives. (Maskivker 2019) In this sense, the specialness of voting is embedded in the rules of representative democracy, which underlie all political and legal power. What counts as (legitimate) political and legal consequences defers ultimately to this legitimizing function of voting.

To note, I am not here arguing specifically about the value of democracy, but rather pointing out the fact that it is the basic political system of democracy that confers this specialness to voting. If democracy is valuable, either because it is instrumental to other more fundamental values and the common good, or because it is valuable intrinsically, voting in election is inherently linked to this value of democracy and therefore special. The specialness entails that no other form of political activities, or any activities in general, could replace voting in promoting the common good in terms of democratic governance, no matter how effective or influential these activities are.

Moreover, in this sense, voting is a prerequisite for other political activities. The particularity problem assumes that voting is of the same significance and contribution to the common good as other political and non-political activities. This is incorrect. Even though, say, rallying in person or organizing online petition signing could be more effective in mobilizing people and achieving specific political or non-political goals, these activities rely on many political and legal decisions rendering them legitimate, and possible, to be effective. These decisions, in turn, depend on the legitimization of governments by voting in elections. Just like the rules in games that determine and specify the roles of players, the start or end of the game, and the eligible moves for players to take, etc., the rules of representative democracy determine and specify the roles of citizens and their representatives, the positions and powers they could hold, and the eligible/legitimate moves they could take. Ultimately, voting in elections within representative democracy is the essential procedure for determining and legitimizing governments and putting people in positions of power to make collective

decisions, such as “whether or not we will go to war, what levels of taxation we will have to pay, whether we are eligible for welfare benefits, and whether it is legal for us to march in a political demonstration.” (J. Brennan and Hill 2014)

It is in this sense that voting is a prerequisite for the possibility of other political and non-political activities. Of course, this is not to say that individuals could not perform other activities unless they vote first. Nor is the case that voting is superior to other activities in achieving well social order, public goods, or civic virtues. Rather, the legitimacy and legality of other activities depend ultimately on the outcomes of elections. As Lisa Hill notes, “[t]he idea that we can participate in self-governing activities in spheres other than (or instead of) legislative politics is flawed because it is the legislature that usually determines the democratic framework, that is, whether these other spheres ‘of collective choice and action’ will be allowed to exist.” (J. Brennan and Hill 2014: 129) The particularity problem is no longer a problem for defending a duty to vote. It falsely assumes that citizens as a collective could become agents of just social order, reciprocate with fellow citizens, exercise civic virtue, etc., without participating in elections.

#### **4. The Samaritan duty argument**

Before presenting my defense of the duty to vote, it is worth looking at the most recent defense of the duty to vote in the literature. In this section, we will examine Julia Maskivker’s Samaritan Duty argument for the duty to vote, assessing its merits and problems. I will argue that her account fails to solve the particularity problem. In contrast, my defense in the next section is superior in this regard.

In her book *The Duty to Vote* (Maskivker 2019), Maskivker puts forth a positive argument for the duty to vote based on the principle of Samaritan justice. According to Maskivker, the principle of Samaritan justice states that being a decent Samaritan requires one to aid others if such aid requires only a low cost to herself. As Maskivker argues, voting for the common good is the duty of Samaritan justice in that it contributes to a just society and reduces injustice at a low cost to oneself. (Maskivker 2019)

As it is already clear, voting when well-informed and public-spirited helps install governments and put competent candidates in positions of power to enact beneficial policies for the common good. In this case, the common good includes the various benefits from the enacted policies and, quite importantly, the good governance itself. Good governance is a significant public good that is not excludable, affecting everyone in the political community. Under good governance, citizens could enjoy fairly the benefits of the joint adventure of social cooperation, opportunities to flourish, and a just social order. Also, voting helps prevent bad governance from causing harm to us and others in society. When the wrong of bad governance presents itself to us, failure to vote “amounts to being indifferent when a situation presents itself in which we could intervene to assuage or prevent a wrong...” (Maskivker 2019: 49) Therefore, if voting can help get rid of bad and unjust governance and install good governance, it is the citizens’ duty to do so, to help each other.

Maskivker calls it the duty of Samaritan justice to vote. The basic idea of this Samaritan duty is that it is a duty to assist others in harm if it is not a huge cost to us. When we see

someone in distress on the street, and we are able to help without costing much to us, we are morally obligated to provide assistance. To use Maskivker's own example, if we see that some foreign tourist was robbed and now does not have her wallet in the city where she has no one to turn to. We might be in a hurry to work or something, but it is still obligatory for us to provide aid in this situation, perhaps to give her some change for a bus ride to the nearest consulate or embassy. "Doing something in this case would be easy since you are well equipped to offer aid: you happen to be right there and you have a wallet." (Maskivker 2019: 136) This Samaritan duty to assist is stringent on us because this is something we could easily do that will prevent or reduce harm to others.

Given that voting could help bring about good governance and remove or prevent bad ones, we ought to vote if it does not cost us much. Voting is not heroic, and it does not demand the citizen unreasonably. (We will discuss this in section 6.) On the contrary, voting is often made easy. The polls will be set up, the date will be marked and advertised, and the ballots will be counted. These are already frequent and familiar scenes in most functioning democracies. Different democracies may also deploy other measures to facilitate citizens' voting. Some of them are putting election days on weekends or public holidays, mailing brochures to households to explain the ballots, taking in early mail ballots, etc. Overall, voting is not unreasonably draining, and it helps remove unjust governments and install good ones. Therefore, according to Maskivker, voting in elections with our fellow citizens is a Samaritan duty. "... The duty of Samaritan justice to vote with care is rooted in a general duty to support just institutions and just social arrangements in one's community." (Maskivker 2019: 40)

Maskivker argues that the Samaritan duty to vote is not only an individual duty but also a collective one. It might not be obvious that an individual vote would install or remove a government by itself. But this does not diminish the value of single votes. Rather, the value of single votes lies in the fact that it is part of a concerted, collective activity—an election—that results in installing a good government or removing a bad one. Here, Maskivker resorts to a "two-tiered valuation scheme," under which "the value of our action derives from the value of the larger project of which it forms part—not from its power to make a difference." (Maskivker 2019: 51) To illustrate this, Maskivker invites us to consider a modified situation where the same tourist, who was robbed, now needs an expensive train ticket to get to the embassy far away. It might be too much for you alone to pay for the ticket. In this case, all the pedestrians present at the moment will have a duty to chip in together to pay for the ticket and help her. The duty to aid in this new scenario requires us to act together to provide assistance to those in need. In the case of voting, similarly, the value of our individual votes lies in their being part of the collective activity toward a common goal. Therefore, "the duty to aid calls us to join forces with others, in a common pursuit, by participating in elections when we would not incur high costs by doing so." (Maskivker 2019: 54) Therefore, citizens have a duty to vote with care with others with the purpose of achieving good governance or of ridding of an unjust one.

This argument in defense of the duty to vote differs from the ones discussed and challenged by the libertarian. (See section 2) It is grounded on a valuation scheme that the libertarian would agree upon. For example, in his defense of the duty to abstain from voting when one could not vote competently, Brennan appeals to the Clean Hands Principle, that "one has an obligation not to engage in collectively harmful activities when refraining from such activities imposes no significant personal costs." (J. Brennan 2011: 73) In the case of voting, according to Brennan, even though individual votes' input to the enactment of harmful policies is negligible, when it is overdetermined, individual voters who vote so are

still part of the group or collective that is responsible for their enactment. A similar line of logic applies to Maskivker's collective Samaritan duty to vote. Collective activities would confer certain normative characteristics to individual actions constituting these activities. Maskivker's defense of a duty to vote and her response to the libertarian challenge are strong.

However, as Christopher Freiman points out, although this is a new and strong defense, it still fails to solve the particularity problem. (Freiman 2020a) Recall the particularity problem discussed in section 2. It argues that even if we could identify some worthy and valuable objectives that should be brought about, and voting could help achieve them, it is still not by itself clear that we have a duty to vote in particular. Voting is very likely merely one of many ways to discharge the duty to achieve these objectives or goods.

The Samaritan argument for the duty to vote fails to solve this problem. The structure of the Samaritan argument grounds the duty to vote on the further duty to aid, in the case of voting, to aid our fellow citizens to install good governance and to remove unjust ones, or in her own words, "a general duty to support just institutions and just social arrangements in one's community." (Maskivker 2019: 40) However, this in itself does not entail that it is a duty to vote in particular, granted that voting does discharge this duty.

There are many alternative ways to discharge the duty to aid and to support just social arrangements. Donating to local food banks, volunteering in refuges and shelters, participating in the lobbying effort for better policies, writing to news outlets to raise awareness of the problems, refusing to join in exploitative activities, or obeying only just laws, are simply some of the actions and ways individual citizens could perform to provide aid to our fellow citizens and support for just social arrangements. By performing any of these and other actions, individual citizens still discharge the Samaritan duty to aid. The quality of governance does have an enormous influence on people subject to its rule. Sustaining good governance is no doubt a significant and worthy goal. However, since there are alternatives to achieve this goal, the duty to support just social arrangements cannot particularly entail a duty to vote. Going back to the modified example of the foreign tourist, if enough pedestrians already pool in enough money for the ticket fare, and there are other ways one could help her, it seems unreasonable to ask one to keep chipping in instead of, say, showing her the way to the station, or tending a wound from the robbery. The moral inescapability to help says nothing about helping with the same kind of action others are performing. In this sense, Maskivker's Samaritan argument fails the particularity problem.

This is why Maskivker needs a further story about how voting is special. In the following two sections, I will present my defense of the duty vote based on the specialness of voting, to avoid the particularity problem. From this specialness of voting in representative democracy, I will show that it is built into the right to vote that citizens must perform the same action in kind simply because it is the precise condition for voting to be effective. The duty to vote is not based on an external valuable goal that we have a duty to perform, which is how the Samaritan argument conceives it structurally. Instead, it is constitutive of the right to vote, conferred by the rules of democracy, that citizens vote together. We now turn to this defense.

## **5. Voting as a joint power-right and the duty to vote**

In the previous sections, we argued that the right to vote cannot be waived because of the special role voting plays in the system of a functioning democracy. This specialness of voting lies in its function as the only mechanism to legitimize a government and authorize it to make decisions for the citizenry as a whole. This also solves the particularity problem Brennan poses to any defense of the duty to vote, which we need to prove that voting is somewhat unique to a more general common good that we have an obligation to. Because of its role in a functional democracy, voting is uniquely special in achieving the value of democracy.

This specialness of the voting also points us to the special nature of the right to vote within the system of democracy. This section will discuss the special nature of the right to vote. More precisely, the right to vote is not a form of negative freedom. Instead, the right to vote is, at its core, a form of power. The right to vote is a power-right. Moreover, it is a joint power-right in that the effectiveness in making a change by exercising the right depends on other rightsholders exercising the same right. From these aspects of the nature of the right to vote, I will eventually argue that the duty to vote rises.

### ***5.1 The right to vote as a power-right***

The Hohfeldian analytical framework, named after the American legal theorist, is widely accepted in the analysis of rights, although details of it are still under debate. Within the Hohfeldian framework, a right is analyzed as having an internal structure consisting of an ordered arrangement of the basic elements, analogous to a molecule consisting of ordered arrangements of its basic elements. These basic elements of rights are known as “the Hohfeldian incidents”: privilege, claim, power, and immunity. (Wenar 2023; Hohfeld 1920)

Within the Hohfeldian framework, a privilege, or liberty as some would prefer, is such that A has a privilege to *phi* if and only if A has no duty not to *phi*. A driving license, for example, grants a person a privilege to drive in the sense that she has no duty not to drive (certain) vehicles. A claim is such that A has a claim against B that B *phi* if and only if B has a duty to A to *phi*. For example, under an employer contract, an employee has a claim against the employer that the employer pays the employee’s wages. (Wenar 2023)

While privileges and claims are about physical actions, powers and immunities are about Hohfeldian incidents. A power is such that A has a power if and only if A possesses the ability to change her own or another’s Hohfeldian incidents. (Wenar 2023) For example, one’s right to sell her (legal) possessions is a power-right. By selling a bike, say, the owner transfers her privilege to use the bike to the buyer, and waives her claim against others using it. In exercising this power, she changes her own and the other’s Hohfeldian incidents. Finally, an immunity is such that A has an immunity if and only if B lacks the ability to change A’s Hohfeldian incidents. For example, under the U.S. Constitution, the U.S. Congress cannot make laws to force citizens to believe in any religion; therefore, citizens have an immunity. (Wenar 2023)

With all the elements in place, all rights can be analyzed as having different arrangements of these elements, some at the core of a right while some more peripheral. Also, some rights are structurally complex, like those with different incidents arranged together, while others are structurally simpler, to the extent that one incident alone can be a right. For example, my right to my bike is complex within this analytical framework. It entails, for instance, my privilege-right to use it and my claim-right against others using it. It also entails my power-right to sell it and my immunity from others taking away my privilege to it.

Given this analytical framework, how should we understand the right to vote? Jeremy Waldron suggests that the right to vote should be understood not as a Hohfeldian liberty, but rather, first, a power-right, and second, a joint power-right. In this subsection and the next (5.2), I will present how and why the right to vote is a power-right, and how and why it is a *joint* power-right, respectively. And then, in 5.3, based on this understanding of voting as a joint power-right, I will argue that the right to vote entails a duty to vote.

To say that the right to vote is a power-right is to say that at its core is a Hohfeldian power that can change one's own or another's Hohfeldian incidents. "To exercise the right to vote is to exercise a Hohfeldian *power*: it is to perform an action which (if enough others also perform it) alters the assignment of rights and duties in the political community." (Waldron 2000: 48)

Political and civil rights, including the right to vote, are commonly understood as negative freedoms in the sense that they are secured by restraining the government's action. To use the Hohfeldian language, these rights are, at their core, privileges or liberties, even though these rights might entail other series of duties. For example, the right to free speech, at its core, is a privilege or liberty, while it also generates various claims against the government and others interfering, and, possibly, a duty on the government (and, perhaps, others) to facilitate one's free expression. Still, at its core, it is a form of privilege, a negative freedom. Can the right to vote be the same? Of course, the right to vote not only gives a citizen the entitlement to vote but also generates claims on others, including the state, not to interfere with her voting. Her right to vote would be violated when others prevent her from casting her ballot in elections, or when the state imposes obstacles for her to vote. Moreover, her right to vote also generates claims on others, especially the state or the system, to facilitate her giving a vote. For example, the right to vote to be meaningful requires that the polls are set up and secured, the ballots are counted fairly, the results are recognized, etc. Still, like the right to free speech, at its core, the right to vote is a privilege.

Such an understanding of the right to vote, however, is incorrect. Leaving aside whether such an analysis is correct on other political and civil rights, understanding the right to vote as a privilege misconstrues its nature and role in democracy. In the last section, we argued that the specialness of voting lies in its unique functions of authorizing and legitimizing a government or representative in a functioning democracy. Because of this function in the system of democracy, voting is not simply expressing one's preference for a favorite candidate, a privilege one has. Instead, it is the inherent purpose of voting to authorize and legitimize a government or representative, to put the elected candidates into public positions of power. "Votes determine the legal right of various politicians to occupy high office. And this is not an incidental aspect: it is the point of voting rules to give ordinary citizens this power." (Waldron 2000: 48) Rights generally give rise to plenty of claims and duties, and the right to vote is similar in this regard. Voting, however, also changes the privileges, claims, and powers of the voter and those of others. Within a democracy, representatives are elected or ejected from office by citizens voting. This exercise of their right to vote alters the rights and privileges and the powers of the elected candidates or the incumbents. Governments are formed and authorized to act. Laws are passed and put into effect by elected legislators. All these and other lower-level institutions can exercise the rule-conferred power because citizens vote. This power further affects and alters the rights and duties of all citizens within the same political community when they are subject to the executive acts and laws passed by the legislature. The right to vote, therefore, has the ability to effect changes in citizens' Hohfeldian incidents. That is, the right to vote is a power.

Furthermore, this power is inherent to the right to vote. In other words, this power is at its core. In setting up the system of democracy, voting is the mechanism to elect candidates to occupy these public positions and, subsequently, their rights, duties, and power. It is inherent to the act of voting and the right to vote to perform this function. Understanding the right to vote without this power would render it meaningless. The democratic rules specify and define this role for the right to vote. Other privileges or claims mentioned above that voting might have are tethered to this power, so to speak, and we should understand them through this structure. The claims against others not to interfere with a citizen's voting, for example, are to guarantee that she could exercise this power effectively. Ballots are counted fairly, and results are recognized, likewise, to secure the effectiveness of the right to vote. Voting, in essence, is specified to exercise this power when we set up the system of democratic rules. It is not one of the instruments for the common good. It is the mechanism defined and conferred with the power to take democracy off the ground. If democracy is to give citizens the power of collective self-rule, the right to vote, by design, at its core, is to give citizens equal power of control over their government.

Moreover, the power conferred by the rules of democracy to the right to vote is not unlike other powers exercised by public officials. Take Waldron's example of a police officer first. A police officer makes an arrest by performing a series of actions, including a speech act of uttering, "You are under arrest." Because of the officer's action, the citizen's duties and liberties are changed hugely compared to other citizens or herself before she is arrested. This is the power of a police officer, conferred by the public rules, the law, to this public position. It is the rules that determine the exercise of that power and its consequences. The same is the power of those high positions such as a president or a legislative representative. They exercise their executive or legislative power on the basis of the rules that determine the authority of these positions. As Waldron describes, "in each of these cases, a person or a group of people have the capacity to effect a change in their own or others' relations in public law by performing some action as defined in a power-conferring rule." (Waldron 2000: 51 - 52) The same is also true of the position of a citizen-voter. The rules of democracy set up the role for citizens to exercise their capacity to elect or remove legitimately a government. "[H]e has to satisfy certain qualifications; he has to be appointed to his 'office' or, as we say, registered as a voter; and on the basis of that he has certain powers that he can exercise." (Waldron 2000: 52) The power and authority of the president or a legislator rest on citizen-voters exercising their voting power to their favor. In this sense, a citizen as a voter is a public office with power and responsibilities conferred by the rules of democracy. The right to vote is a form of public power, and therefore is a power-right in the Hohfeldian sense.

This, however, does not seem to manifest in one citizen casting her single vote. Her single vote in isolation does not seem to bring out huge changes, such as removing a government, except, perhaps, when her vote is actually the tiebreaker in a close election. Also, the right to vote, being a power-right, does not in itself generate a duty to vote. How does a single vote as power effect changes in a collective action? And how does the power-right of voting generate a duty to vote? I will now turn to these two questions by discussing another key aspect of the right to vote, that it is a joint power-right.

## *5.2 The right to vote as a joint power*

So far we have discussed how the right to vote is a power in the Hohfeldian sense as to have the ability to alter the Hohfeldian incidents under democratic rules. Although we use

the Hohfeldian language, it does not limit the analysis of the right to vote as a power in the strictly legal sense. The analytical framework aims to understand the structure and form of rights. In applying this framework to the right to vote, the essence of the right is singled out, and we reach an explanation of the specialness of voting under democratic rules: it is to function to effect a change in the assignment of rights and duties, to use Waldron's phrase.

This power, however, is not an individualistic power, in the sense that it could effect the change by the individual right bearer's exercise of the power alone. On the contrary, the right to vote is a joint power, and it could only effect a change when others also exercise the same power-right. And this aspect of being a joint power is also core to the right to vote.

When one exercises her individualistic power-right, the performance of her action alone would normally be sufficient to bring about the consequences the right intends for, all things being equal. For example, my power-right to sell my bike is exercised by my own series of actions alone. I put up an ad to sell my bike online, accept an offer when provided, and deliver it to the buyer. Of course, the consequences are effective only when the surrounding conditions are fulfilled. Still, in terms of exercising the power-right, it is individualistic that the intended consequence is brought about by the rightholder's own action, other things being equal.

The right to vote, on the other hand, is a joint power. "What is crucial in the case of voting is that the legal consequence—the election of a given candidate—flows not as a result of one person's exercise of the voting power, but as a complicated result of millions of voters' exercise of that power," according to Waldron. (Waldron 2000: 54) The right to vote is in this sense a joint power, in that the effect it is to achieve is brought about by more than one single right bearer's exercise of their (same) right.

A joint power-right is not uncommon. Waldron discusses the example of a joint checking account. A joint checking account of two persons, for example, may require the signatures of both parties to effect a transfer higher than a certain amount of money. In this sense, the power to effect the transfer is a joint power of both. It is a power of each of them because each of them could initiate the change with the direct purpose of doing so, understanding power as the capacity to effect a change in privileges and claims. This is a joint power in that one's exercise of this power depends on the other's exercise of the same power as well. The bank would be authorized to make the transaction by one's signature on the condition that the other party also signs. This does not change the fact that the changes are the direct purpose of one party's exercise of that power. That is, it is the point of her signing for the transfer. By signing, she has done all she needs to do to bring about the change: authorizing the bank. It is still her power and her doing what she needs to do under the rules to effect that change. The bank's authorization of the transfer is "not just a further consequence of X's action." (Waldron 2000: 55) This will still be the case when we expand the number of account owners, a joint account of three, five, or seven. The same analysis could be applied.

A similar analysis could be applied to the right to vote. To understand voting as a joint power, we could first go to J. S. Mill's idea of voting as a trust.

The spirit of vote by ballot—the interpretation likely to be put on it in the mind of an elector, is that the suffrage is given to him for himself—for his particular use and benefit, and not as a trust for the public. ... Mr. Bright and his school of democrats think themselves greatly concerned in maintaining that the franchise is what they term a right, not a trust. Now this one idea, taking root in the general

mind, does a moral mischief outweighing all the good that the ballot could do, at the highest possible estimate of it. In whatever way we define or understand the idea of a right, no person can have a right (except in the purely legal sense) to power over others: every such power, which he is allowed to possess is morally, in the fullest force of the term, a trust. But the exercise of any political function, either as an elector or as a representative, is power over others. (Mill 2009: Chapter X)

According to Mill, the right to vote is more than a franchise, that is, a personal right, but a form of trust that we put on each other as fellow citizens. This trust captures the ethos of democracy as a form of collective self-determination, in that we together make decisions on things that affect each of us in the community. The trust we put in each other manifests in the fact that, under the democratic rules, we the citizens make decisions *together* in performing our role as voters. And because of this togetherness, the changes it is to effect must be the result of the joint effort of all the voters' exercise of the same right. It is only when our exercise of the power-right of voting is conditioned on others' exercise of capacity of change that democracy is functioning and we can adequately claim that it is a democratic collective decision, without one's power over another.

In this sense, one voter's right to vote is a power she possesses, understood as the capacity to effect a change. It is the direct intended consequence of her voting to elect a representative, authorize or sanction a government, or legitimize a proposed bill. Each voter casts their ballots with this as the point. On the other hand, the right to vote is a joint power in the sense that each voter's effective exercise of this power depends on the others' exercise of the same power. One's vote could elect a representative, authorize a government, or legitimize a proposed bill, only when others also vote and the election process is completed properly. This is what is required by the togetherness of democracy, and perhaps the underlying equality of one person one vote.

However, this togetherness requirement does not change the fact that it is still individual voters' power to effect the change. The individual voter possesses this capacity because it is she who performs the action with the purpose of making the change, on the condition that her fellow citizen voters also vote. This is distinct from citizens having a group power-right, in that the group is the holder of the right and exercises it. The equality of one person one vote under democratic rules requires that the right to vote is on the individual level, so that equality is achieved in that an individual citizen's power is equal to each of all her fellow citizens in terms of democratic control over their government. To cast one's ballot, to vote is all one needs to do to initiate the change. A similar case would be the right of assembly. Although it is not a power, the right of assembly is an individual right that it is the individuals who exercise this right but not the group/assembly itself. Still, it is also a joint right in that it requires more than one individual exercising this right to assemble. It is conditional on the fact that others are present that one can exercise her right to assemble, but it is also the case that she does it by her individual act of assembling with the others. (See Waldron 2000) In this way, the jointness is one aspect of an individual citizen's power-right to vote.

### ***5.3 From the right to vote to the duty to vote***

This analysis shows that, contrary to the libertarian view on voting, the right to vote is actually a joint power, which explains the specialness of voting in democracies. This aspect of

the right to vote explains how one individual's vote as power affects change in a collective action. In what follows, I will argue that voting as a joint power-right further entails a duty to vote and to vote well.

The jointness of the right to vote as a power entails a claim on us as citizen-voters to vote. As we have seen, the jointness of the power-right to vote is inherent under the democratic rules for citizens to make effective decisions together. This core aspect of the right to vote confers citizens the power so that each of us is capable of bringing about changes via elections. This capacity, however, would be pointless if it could never be brought into effect. This is very common under some regimes in the world, both in the present and the past, that grant their citizens only the formal right to vote without enabling them to realize it in actual change at all. Regimes might posit that citizens have the right to vote, but never set up accessible polls for citizens. They might not count the votes at all and declare the winner, often someone who is currently in power. These and similar practices frustrate the power of citizenship by rendering citizens' right to vote meaningless. It is not a capacity at all in practice if voting could never be exercised with prospective effect. Therefore, in a functioning democracy, one's right to vote generates claims on others to perform, or refrain from, some actions in order for the right to vote to be meaningful at all. And these claims in turn entail various duties. One of these claims is on the state, for example, that it ought to set up accessible polls and count the ballots fairly. The state has a duty to facilitate the fair process of elections.

In a similar sense, the joint power-right to vote also entails a claim on other citizens to actually vote, so that one's right to vote could be realized in actual effect. The right to vote as a power to effect a change in privileges and claims is dependent or conditional on the others' exercise of the same power as well, since the election of a representative and the authorization of a government come when citizens together exercise their own individual right to vote. In this way, therefore, in order for our fellow citizens to be able to exercise the right to vote as to effect a change, we need to also vote in the same elections. It is a claim on us so that we all could enjoy the same right and power together. This claim entails a duty or obligation on our part, so that we all could collectively fulfill our roles as citizen-voters in a functioning democracy as to make decisions together. This role is constitutive of the system of representative democracy. To fulfill this constitutive role, similar to the claims it generates on the state, it generates claims on citizens as a form of reciprocal obligation to vote to make democracy possible and sustainable.

Lisa Hill (J. Brennan and Hill 2014) notes another claim on us as citizens to vote: the claim from other members of one's social class. The apparent rational decision to abstain from voting and instead spend the effort and time on more immediate economic benefits would lead minority social classes to the entrenchment of unequal representation and further worsening of one's long-term well-being and the well-being of the social class she belongs to that is already in the minority. The "rational" move to abstain from voting for the poor will, in fact, in the long term, render their situation worse in that they lack the governmental power to improve their situation when forgoing voting leads to more unequal representation in policy-making. Therefore, for those already lacking in formal power, it seems imperative for them to exercise the power-right of voting so that together they can improve each other's situation in the long run. In cases like this, Hill argues, "I owe it to other members of my social class to cooperate so that we are enabled to shape, in our favor, the terms on which we face other classes and thereby derive the liberty and equality-enhancing benefits of voting." (J. Brennan and Hill 2014: 171) When we vote to shape the social terms of our coexistence, the jointness of this power manifests the collective self-determination, of the whole of the

community and in particular of our social collective class.

From the jointness of the power-right to vote, therefore, there is a duty on the citizen's part that citizens ought to vote in elections so that our fellow citizens can effectively exercise their same power-right to vote in a functioning democracy. And from the togetherness of the political community and class, there is a duty that we ought to vote so that we can exercise the power of collective self-determination. And hence, we the citizens have a duty to vote.

Now, we have seen that the right to vote as a joint power-right entails a claim, and hence a duty, on citizens to vote. Yet these are not all that are in the duty to vote. Recall the discussion above about the franchise as not only a privilege but also a trust we put on each other in determining the shape of our political community. Universal suffrage is this trust in our fellow citizens to effect an assignment of rights and duties within our community, precisely because the right to vote is a form of power over each other. In other words, in the system of democracy, we citizens put trust in each other in the way that we give each other a power over ourselves in making collective decisions that would affect our lives in the community. And precisely because of the trust put in us, citizens possessing this capacity to make a change should also take responsibility for the changes we vote for. The ballots we cast are input to the collective decision-making process to appoint public leaders and representatives, and ultimately, if indirectly, determine the terms of our public social structure. It is, therefore, a form of public responsibility for us to deliberate on how we cast our ballots. We then owe each other a duty to vote well.

The duty to vote well is to take the responsibility of participating in collective decision-making seriously. It requires that when we vote, we are not only voting for our personal interests but also for the interests of our fellow citizens. As mentioned, people generally vote for what they think is the common good of the community. To actually vote for the common good, we need to make sure that our perceived common good is at least justified. The duty to vote well requires that we avoid certain bad voting behaviors, such as what Brennan calls "unexcused harmful voting" and "fortuitous voting." (J. Brennan 2011) Unexcused harmful voting happens "when a person votes, without epistemic justification, for policies or for candidates likely to enact harmful policies," while fortuitous voting happens when she, without sufficient justification, votes for "in fact beneficial policies or candidates likely to enact beneficial policies." (J. Brennan 2011: 68) To avoid these behaviors, the citizen-voter needs to get herself politically informed, about the upcoming election and the different policy plans, and to build and develop their competence, including but not limited to the capability to deliberate on the policy plans, openness to evidence, etc. In the next section, we will return to how one should vote, and discuss whether this is too demanding to be a duty.

In conclusion, because voting is not just a personal privilege but a joint power over each other in the collective decision-making process under democracy, it entails claims on us as citizens, both from our fellow members of the same social class and all other fellow citizens within our political community, to vote well. We have a duty to vote because it is constitutive of citizen-voters' role in democracy and it is reciprocal so that we can each other meaningfully exercise our right to vote. We have a duty to vote well because we put trust in each other in the joint venture of self-determination of democracy, and we need to take responsibility for this trust. This duty to vote well is uniquely significant for the sustaining of democracy.

## 6. How one should vote

Now, we turn to the duty to vote well. The jointness of the power-right to vote entails not only that we have a duty to vote so that our fellow citizens could meaningfully exercise their right to vote, but also that we have a duty to vote well because the right to vote is a trust we put on each other to exercise the power that would affect us all. Voting, in this sense, is not an individual act of expression. It is rather a matter of choosing for everyone in a democracy. We impose our decisions on others in elections. Therefore, it requires us as citizen-voters to vote well so that we would not subject others to unnecessary harm resulting from our bad votes. In this section, I will argue that the duty to vote well includes two basic requirements: voting with minimum epistemic competence and voting with public reasonableness. Voting with public reasonableness might be an easier requirement since we have seen in previous sections that citizens mostly vote altruistically, whereas voting competently might seem more difficult. Especially, the libertarian puts forth many challenges in this respect. If it turns out that voting competently is unrealistically demanding, then there should not be a duty to vote, given what is at stake in politics and elections. To demonstrate that the duty to vote is feasible, we need first to discuss these challenges to voter competence.

### 6.1 *The challenge of political ignorance*

The first challenge to voter competence comes from the seeming fact that citizens are mostly politically ignorant. Ilya Somin straightforwardly claims that “the reality that most voters are often ignorant of even very basic political information is one of the better-established findings of social science. Decades of accumulated evidence reinforce this conclusion.” (Somin 2016: 17) Most citizens lack the basic political knowledge to cast a competent ballot in elections. If this is the case, the conclusion then will be that there should not be a duty to vote on the citizens’ part, since no one should subject others to unnecessary harm when they cannot vote competently.

Political knowledge, here and in the literature, refers primarily to the “awareness of factual matters related to politics and public policy.” (Somin 2016: 9) To say that most voters are politically ignorant is to say that they do not possess factual knowledge about politics and policies. Survey data show that most voters could not answer simple factual questions such as which party is currently in control of the House or Senate U.S. Congress [question for the American voters]. Citizens tend to do very poorly on political knowledge scales. Moreover, citizens are ignorant not only about individual facts about politics but also about structures and institutions of government. They do not know how the structure of government operates. This indicates that voters cannot decide between policies and evaluate policy outcomes and incumbent performance. (Somin 2016: 20-21) Somin also finds from the survey data that “voters often lack an ‘ideological’ view of politics capable of integrating multiple issues into a single analytical framework derived from a few basic principles.” (Somin 2016: 21) In other words, voters seldom reflect on the consistency or inconsistency of their political views. This further hinders their capacity to make competent decisions and evaluations of political issues and policies. (See also Caplan 2007; J. Brennan 2016)

Political ignorance among voters is not only pervasive but also rational. Acquiring political information has a cost, and the expected return is low. Getting oneself politically informed requires time and effort that could be spent elsewhere according to one’s goals.

When the expected return of politics is perceived as low, voters are only rational in remaining politically ignorant. Furthermore, if a political problem is informationally intense, because it requires a large amount of factual knowledge or technical expertise, ignorance concerning this problem will be more likely and more widespread. (See Guerrero 2014) In the end, “[m]ost voters aren’t stupid; they just don’t care.” (J. Brennan 2016: 30)

## 6.2 *The challenge of irrationality*

What makes things worse, the libertarian argues, is that voters are not only ignorant, but also irrational.

First of all, citizens are selectively ignorant. Even when we are politically underinformed, we do not seek to acquire information. In contrast, we are more likely to turn away from information and remain closed-minded. “We turn off our rational faculties on subjects where we don’t care about the truth.” (Caplan 2007: 2) And there is little motivation for citizens to change, given that in a democracy the bad outcomes do not fall on the individual alone, but are born mainly by other people. It is rational, therefore, for citizens to remain irrational and tune off from necessary information in politics.

Secondly, citizens suffer from multiple cognitive biases in politics. These biases prevent us from rationally acquiring and processing the information and evidence when making decisions about politics. Jason Brennan lists a wide range of cognitive biases we suffer in politics: (J. Brennan 2016: 43 - 48)

- Confirmation bias: we tend to only accept evidence that is favorable to our existing views and to discount unfavorable evidence.
- Availability bias: we tend to estimate the probability of events based on their vividness or salience rather than their actual frequency. Things that are easy to come to mind or reported more by the media are perceived as more common than they in fact are, while things that are not vivid are seen as uncommon.
- Affective contagion and prior attitude effect: our emotions about some issues affect our rational assessment based on evidence. “It leads to biased and motivated thinking.”
- Framing effects: “How people evaluate information depends heavily on how the information is presented.”
- Peer pressure and authority: we are likely biased in assessing testimonial evidence, irrationally influenced by the majority, the closeness of our peer group, and/or authority.

These cognitive biases render us irrational when deliberating on political issues.

Furthermore, we are more likely to be tribalists in politics. Research shows that voters in general do not cast their ballots based on considered beliefs on policies and candidates. Instead, citizens vote out of their social groupings. As Christopher Achen and Larry Bartels conclude, “voters, even the most informed voters, typically make choices not on the basis of policy preferences or ideology, but on the basis of who they are—their social identities.” (Achen and Bartels 2016: 4) Due to the effects of social sorting, that is, the social alignment of religious, racial, and partisan identities, citizens become more and more attached to the social groups they belong to, and their partisan identities grow more central, increasingly

encompassing their political beliefs. (Mason 2018) Partisan loyalty and social identities shape voters' political preferences, behaviors, and voting patterns out of this attachment. "Even in the context of hot button issues like race and abortion, it appears that most people make their party choices based on who they are rather than what they think." (Achen and Bartels 2016: 264) Election outcomes, therefore, are not results from rational deliberations on the part of the voters.

The consequence of both the challenge of political ignorance and irrationality is that citizens typically conduct bad voting in elections. Bad voting is normatively wrong because it results in unexcused harmful voting and fortuitous voting. Since citizens are typically unlikely to vote competently, and bad voting would result in bad consequences, harming others, there should not be a duty to vote at all.

### *6.3 Voting with competence: meeting the challenge of ignorance*

To meet these challenges and defend the duty to vote well, we must first look at the empirical findings about voter incompetence on which these challenges are grounded.

First, the findings from these empirical studies about political ignorance do not show that citizens cannot make competent decisions when voting. It is controversial within the literature about how to understand the empirical data concerning political knowledge. It is undoubtedly the case that everyone is ignorant about many things in politics, but this does not in itself demonstrate that citizens are unable to make competent decisions in elections. In reviewing the findings about the "citizens' information deficits," Martin Gilens concludes that "studies that show that most people lack solid information on most issues in fact tell us little about the ability of citizens for forming meaningful preferences on issues they care about when those issues become politically salient." (Gilens 2019: 44)

Lacking political information does not necessarily entail a lack of competence. And the requirement of voting with competence does not demand that voters know every piece of political information. It is unreasonable to expect that every citizen-voter consumes all the news and politically relevant materials. Competence should not be understood as such, but rather as relative to a goal or function. In terms of epistemic competence, different epistemic goals require different information. Information is valuable if it can lead to competence in achieving the goal in question. Competence in voting only requires that citizens make decisions consistent with relevant facts and values when voting. This does not entail that citizens have to be as knowledgeable as experts in various fields as libertarians would want us to believe. Even experts disagree about the facts and findings in their fields. Also, competence in voting does not demand that citizens are politically informed all the time. It requires only that citizens could form consistent opinions on the basis of relevant facts regarding the key issues in upcoming elections, and on the basis of the values they hold. The average voter may not be either Hobbits who are "mostly apathetic and ignorant about politics," or Hooligans who participate in politics enthusiastically but biasedly, as Brennan claims. (J. Brennan 2016) Rather, the average voter is likelier to be those that Maskivker calls moderately interested voters. For a moderately interested voter, politics is not a salient aspect, if it is an aspect at all, of her life. She might also be politically ignorant most of the time. But, because she recognizes the significance of elections, she is aware of this information deficit and willing to educate herself about the key issues in upcoming elections and develop her preference and decision accordingly. (Maskivker 2019) If this is the case, voting with

competence is compatible with the fact that most citizens lack the full political information.

Secondly, the empirical evidence is not without competitive interpretations, even though the libertarians presents them as consensus. Theorists such as Benjamin Page and Arthur Lupia, among others, dispute the conclusions from these findings advocated by the libertarians. Page, for example, claims that “Somin’s basic problem involves a fallacy of composition: the notion that the properties of a collectivity invariably reflect the properties of its parts. This is just not so.” (Page 2015: 376) Somin’s conclusion about the pervasiveness of political ignorance is based on individual-level evidence, but this kind of evidence does not demonstrate the same ignorance of the public as a whole. Individuals may suffer from ignorance and information deficits, but this does not entail that the collective public also suffers from systematic misinformation. (Page 2015)

Lupia casts doubt on the conclusion by analyzing the methodology used to reach it in the literature. By reviewing the data from the recall question surveys, which measure political knowledge by measuring respondents’ declarative memory in answering these questions, Lupia finds that many claims about citizens’ low level of political knowledge and competence are problematic. They are, including Somin’s evidence, either inaccurate because they are either “based on a misunderstanding of what recall questions actually measure,” or “inconsistent with the content of the questions on which they are based,” or are mistaken “about how grades of correct or incorrect were applied to recall questions answers,” or there is “a misunderstanding of why people respond ‘don’t know’ to recall questions. Experiments show that for certain types of people (e.g., women) and certain types of questions, respondents sometimes respond ‘don’t know’ even when they do have relevant knowledge.” (Lupia 2016: 199 - 200)

In general, when measuring the level of political knowledge or ignorance, these conclusions lack clearly defined criteria. The questions selected to measure political knowledge in these surveys are questions most likely to be interesting to scholars or journalists, rather than people outside of these specific fields. Practical knowledge such as that of the locations of the polls may be necessary for voting, but there is no criterion provided to explain why it is excluded as political knowledge necessary for voting competence. Lupia finds that “the types of recall questions asked on existing surveys and used in [political knowledge] scales have never been demonstrated to be necessary or sufficient conditions for the broader competences or important kinds of knowledge that writers commonly reference.” (Lupia 2016: 229) These broad claims about voter ignorance are in doubt because of the lack of criteria to determine the kinds of knowledge needed for political participation, such as voting. Without them, these surveys are actually making what Lupia calls an “elitist move.” They assume that these questions are of the same value to academics or journalists as to citizens. This renders the conclusions “speculative, at best.” (Lupia 2006: 239)

#### ***6.4 Political competence and state responsibility***

People could learn and improve epistemically. Voting competently does not require maximum political information or knowledge. Also, with the help of reliable heuristics or epistemic shortcuts, citizens could heavily reduce the burden, such as the time constraint on them to make a competent decision. Voting guides or election brochures issued by the state would be one example of reliable information heuristics that assist citizens in acquiring the necessary information about the candidates and the elections. Reliable opinion leaders in

one's community are another.

The libertarian would question the reliability of these shortcuts, just as she would question the voter competence. As it is difficult for citizens to be politically informed, it is difficult for citizens to know enough to distinguish reliable heuristics and shortcuts from unreliable ones. As Freiman says, "If you decide that you'll study hard to figure out which experts to trust as stand-ins, then you at least somewhat defeat the purpose of looking for a shortcut." (Freiman 2020b: 20)

Both the challenge of ignorance and this skepticism about heuristics presuppose that political ignorance is ultimately a personal problem; that is, it is the individual citizens who bear the responsibility for it. This, however, is a mistaken presupposition. Political ignorance or lack of political knowledge in voters is not exogenous to, or independent from, the political process in which voters participate. Individual citizens alone do not cause the problem of political ignorance, if there is one, and do not solely bear the responsibility to ameliorate it. In this sense, it is a political problem that requires a collective, political solution.

To illustrate how the libertarian challenge of ignorance treats the problem of ignorance wrongly, it is helpful to first look at the two conceptions of ignorance. In responding to the similar challenge of public ignorance against deliberative democracy, Robert Talisse distinguishes two conceptions of ignorance, belief ignorance and agent ignorance. (Talisse 2004) With regard to a relevant factual proposition  $p$ , person A might hold a somewhat opposite belief  $\text{non-}p$ . While it may make sense, to some extent, to say that A is in this case ignorant about the fact that  $p$ , there are at least two different senses in which A is ignorant. If A mistakenly holds the belief that  $\text{non-}p$  because she is misinformed by the media that are usually reliable about the (false) premises she infers from in reaching the conclusion that  $\text{non-}p$ , she is simply having a misinformed false belief with no fault of her own. This is a case of belief ignorance. (Talisse 2004) On the other hand, another person B might also hold the belief that  $\text{non-}p$ . But, unlike A, B believes that  $\text{non-}p$ , despite the fact that B is exposed to reliable sources and correct premises that would lead to  $p$ . In this case, B holds the false belief because she makes an invalid inference wishfully or carelessly. In this case, B is responsible for her false belief. This is a case of agent ignorance. (Talisse 2004) To put it more formally, belief ignorance is ignorance about relevant facts or possessing false beliefs due to factors external to cognitive competence, such as misinformation. Agent ignorance, on the other hand, is ignorance of relevant facts or possessing false beliefs due to a person's cognitive failure in thinking, such as wishful thinking.

While it is true that citizens are underinformed about politics, for the challenge of ignorance and the skepticism of heuristics to work, it needs to show that citizens are incapable of being informed. That is, the libertarian needs to demonstrate that it is not only belief ignorance that is widespread but also agent ignorance. This, however, is what the libertarian has yet to demonstrate.

On the contrary, political ignorance is at least partly endogenous to the political process in which citizens participate, voting in elections being one of them. Political institutions and arrangements heavily influence the citizenry's knowledge level. More generally, it seems a platitude that our epistemic environment affects our access to knowledge. In the case of political knowledge, our particular political epistemic environment affects how we, as citizens, gain access to necessary information and knowledge to complete the various political tasks.

To illustrate, let us consider the time constraints put on citizens in voting. Voters have to spend a long time in queues outside the polls in some places in the U.S., for example, due to a variety of political settings, such as the workday election date setup, fewer polling places, strict and unequal ID laws, etc. These factors are part of the political system we build and sustain, resulting in the time constraints. They are amenable since they are in the control of the state and the political institutions.

Similarly, voter ignorance, or broader voter incompetence, is subject to the influence of the factors within the political process. It is not an independent fact that is unchangeable. Voters develop the competence necessary to exercise their right to vote through various channels and resources under the state's control. Public education, public media and regulations on private media, state policies and laws about public speech and libel, and internet service providers and infrastructure either funded by the state or regulated by its laws, to name a few. (See Giavazzi and Kapelner: 5) Public education and its civic curricula are the main sources for most citizens to develop their political competence. Public media and regulations on private media affect citizens' competence by influencing what and how information circulates to and among citizens. The same could be said about laws concerning speech and the internet. In this sense, the state possesses great power in shaping voter competence, or the lack thereof, through shaping the epistemic environment where citizens make their choices.

Furthermore, the state can influence citizen competence through its own institutional procedural quality. As Nicolas Clark states, procedural quality is "the transparency, openness, and responsiveness of the governing structures of a political system." (Clark 2017: 62) These factors affect, or even determine partly, the opportunities citizens have to "articulate their preferences and to feel involved in the political process." (Clark 2017: 62) And they further affect the level of citizen competence. Summarizing the empirical data, Clark finds that

Increasing transparency, openness, and responsiveness in the political system corresponds with higher levels of political knowledge at the individual level. To summarize, transparency promotes greater knowledge by conveying more substantive political information to the public at a higher frequency than in more opaque systems. Openness encourages knowledge by allowing individuals more closely to observe the political process. Responsiveness bolsters knowledge by creating situations in which individuals interact with political actors and, through such interactions, learn more about the process. (Clark 2017: 65)

Other findings also include that with greater transparency and openness, the less educated could also develop the required competence as easily as the higher educated. Moreover, increasing the procedural quality would affect the "political efficacy to promote higher levels of political knowledge at the individual level." (Clark 2017: 65-66)

The challenge of ignorance against the duty to vote well presupposes as a fundamental and separate fact that citizens are uninformed. These findings, however, show that the problem of citizen ignorance or incompetence is not an independent fact from the political system itself. On the contrary, the citizenry's political knowledge level is heavily influenced by the quality of political processes in which citizens could participate. It is also shown that citizens can be better informed. Besides improving the procedural quality of the political process, epistemic heuristics and shortcuts are significant, even necessary, tools for citizens to better acquire information. Of course, as the libertarian challenges, heuristics and shortcuts do not always lead to competent decisions, but this is not a goal of using heuristics and

shortcuts at all. Epistemic heuristics are not expected to be infallible tools anyway. The real problem should be whether they are provided and used under conditions where citizens can gain the necessary information to vote competently. That is, whether the epistemic environments are well-maintained enough that sufficiently good heuristics, such as (factually) reliable opinion leaders, state-issued voting brochures, responsible media outlets, etc., could thrive and be accessible. (Consider the various rules and laws regulating political campaigns and media coverage of them in different democratic countries.)

Because of the power and authority of the state in creating and influencing the epistemic environments within the political community, the state also bears the responsibility to “rectify the situation and help citizens attain competence.” (Giavazzi and Kapelner 2022: 7) The state should at least improve and maintain a functional epistemic environment where citizens can become politically informed without a burdensome cost. (Giavazzi and Kapelner 2022)

The same could be said about the cognitive biases discussed in the challenge of irrationality. As mentioned above, the libertarian points out that citizens are not only ignorant but selectively so. (Caplan 2007) They also suffer a whole range of cognitive biases when engaging in politics. (J. Brennan 2016) These facts, the libertarian argues, showcase that citizens are generally irrational, even rationally so, and therefore incapable of voting competently. It is one thing, however, to point out these facts, and quite another to conclude from them that citizens are incapable. The same questions we ask regarding political ignorance could and should be asked regarding citizen irrationality, whether the scope of these cognitive biases is settled, and whether they are unchangeable and exogenous to the political process.

Therefore, the situation of voter incompetence is easier to ameliorate than the challenges suggest. Citizens can vote with competence.

### ***6.5 Voting with public reason***

This section will discuss the second, normative requirement of voting with public reasonableness. It concerns the reasons citizens vote.

Recall that one significant feature of voting as a power-right is that it is a form of trust. It is a trust because by voting and subsequently taking the result into account, the citizenry makes decisions together on things that affect each of us in the community. That is, exercising the right to vote, along with others doing the same, would alter the political structure, determining the assignment of rights and duties in our society. In the way, to use Mill’s phrase, we exercise “power over others.” (Mill 2009)

Since voting is a power in this sense, how one votes needs to be justified. If one’s action, together with others, would affect the rights and duties of others, it should be justified to those who would be affected. I consider it uncontroversial that political power requires justification to possess legitimacy in modern societies. (We will discuss again this liberal principle of legitimacy in later chapters.) Having the power by itself does not establish the permissibility of its exercise—might is not right. Especially when the exercise of that power would affect others. It must be justifiable to them that their acceptance is not a direct result of the coercive power itself. The basic principle of legitimacy is not controversial in that different political theories would adopt it. While political realists, for example, emphasize political conflicts and the “realpolitik,” they also insist that might is not right. (Williams 2005) Liberals, on the other

hand, believe that political power should be justifiable to free and equal citizens. (Rawls 2005) This is also true in the case of voting as a power-right. Under a functioning democracy, as discussed before, the power rests in individual citizen-voters. When our decisions via election affect the rights and duties of others, voting is exercising power over others. Therefore, the decision concerning how to vote needs to be justifiable to all that would be affected: our fellow citizens in the political community.

To be justified to those who would be affected in the case of voting, I contend, is to be publicly justified, that is, justified through public reason. Public justification is not merely reasoning publicly, but also providing arguments addressed to others. (See Rawls 2005: 465) And this requires not only that our reasoning is valid, but also that the reasons we provide are acceptable to others. That is, we need to provide reasons that we believe are sufficient for our choice of action, and that we believe others addressed would accept as reasonable. This is the basic idea of public reason.

The literature on public reason and public justification is huge and is outside of the scope of what is discussed here. We will then only briefly outline the basic ideas of public reason. Public justification is necessary only when there are disagreements among members of a political community. They might hold different beliefs and values, and therefore form different judgments concerning public matters such as justice, institutions, and policies. Hence political disagreements and conflicts. Political liberals and realists alike see this as a permanent fact in modern society. In this sense, to justify our political judgments to others of different beliefs and values would require us to appeal to reasons they could also acknowledge and endorse. These reasons need to come from some consensus, the public reasons. This consensus, accordingly, is based on our shared role as free and equal citizens. In this sense, “public reasons are reasons that reasonable persons as free and equal citizens, drawing on their favored reasonable political conception of justice as well as general rules of inquiry and reasoning, sincerely believe other reasonable citizens will share as reasons from the point of view of free and equal citizenship.” (Watson and Hartley 2018: 40) That is, we justify our political judgments to others in the community by appealing to what we all share—our equal citizenship status. What this entails for the concrete contents of public reason, of course, would depend on different specific theories of citizenship and what citizenship requires. But the basic notion is still that, if we are to convince our fellow citizens, we offer reasons that each of us would accept as citizens.

In the case of justifying publicly how we vote, we also need to provide reasons acceptable to our fellow citizen-voters. Besides voting competently in the epistemic sense, voters should also vote reasonably, in that we not only need to provide valid arguments for our votes, but also valid arguments from premises that are acceptable to others. That is, we should vote based on public reason. Our vote for one but not the other candidate or policy package should be supported (sufficiently) by reasons that are based on free and equal citizenship and what it requires or allows. Again, the concrete contents of these reasons would depend on specific theories of citizenship and what it entails. However, voting with public reason does provide guidance even in its broadest interpretation.

First, for example, voting with public reason would reject policies or laws that undermine the equal citizenship of individuals or groups, or candidates that advocate these policies or laws. Racist or sexist laws, for example, could not be justified by public reason because attempting to undermine the equal status of citizens. (We will discuss this more in Chapter 5.)

Also, voting with public reason requires not to vote out of self-interest at the expense of others or the common good. Voting for self-interest solely means that the voter is viewing her own interest as superior to the interest of others, and, to the extent of voting at the expense of others, it is undermining the equality of citizenship. Voting with public reason in this way requires a sense of impartiality or fair-mindedness in considering how one should vote. (Maskivker 2019) Reasons from self-interest, therefore, would be deemed insufficient from the perspective of public reason.

To answer the question of how one should vote, besides the requirement of voting competently in the epistemic sense, one also should vote in a way that is legitimate. In the sense that the power-right to vote is to make decisions about the political structure that determines the rights and duties of citizens, one therefore should vote in a way that is justified through public reason.

One main problem remains concerning the requirement of voting with public reason.<sup>7</sup> It is that it is not adequate to apply the idea of public reason to all the deliberation of individual citizen-voters. Instead, public reason should only apply to “questions of fundamental political justice.” (Rawls 2005: 442) According to Rawls, the subject of public reason is “questions of two kinds, constitutional essentials and matters of basic justice.” (Ibid) These questions include those about “the fundamental principles that specify the general structure of government and the political process,” the “equal basic rights and liberties of citizenship that legislative majorities are to respect” (constitutional essentials) (Rawls 2005: 227), and “questions of basic economic and social justice and other things not covered by a constitution” (matters of basic justice) (Rawls 2005: 442 / n 447) Because these are the proper subjects, or scope, of public reasons, “[c]itizens and legislators may properly vote their more comprehensive views when constitutional essentials and basic justice are not at stake; they need not justify by public reason why they vote as they do or make their grounds consistent and fit them into a coherent constitutional view over the whole range of their decisions.” (Rawls 2005: 235) If we agree with Rawls that this is the proper scope of public reason, the requirement that citizens should always vote with public reason would be too demanding, and inadequate.

To say that citizens should vote with public reason when possible, to use Jonathan Quong’s distinction, is to adopt the broad view of the scope of public reason rather than the narrow view. According to Quong, the broad view of public reason’s scope proposes that “the idea of public reason ought to apply, whenever possible, to all decisions where citizens exercise political power over one another,” in contrast to the narrow view where it “must apply to constitutional essentials and matters of basic justice, but need not apply beyond this domain.” (Quong 2011: 274) To defend the requirement of voting with public reason is to demonstrate reasons why we should adopt the broad view instead of the narrow one.<sup>8</sup>

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<sup>7</sup> There might be another problem of the inconclusiveness of voting with public reason. Since public reason is somewhat minimal, how could citizen voters make conclusive decisions on political and policy matters? This problem concerns the practicality public reason could provide to solve actual problems. See also (Maskivker 2019: 98-105)

But as this problem involves a large literature and an ongoing debate about the structure of public reason, I cannot fully discuss it here. (see also Watson and Hartley 2018; Quong 2011) But this does not pose a serious threat to my argument here, for, as discussed above, the argument only requires that citizens vote competently without demanding that they provide detailed policy proposals or solutions to problems. It is the responsibility of the state and the candidates to present proposals and solutions for citizens to consider and vote on.

<sup>8</sup> It is an ongoing debate about the scope of public reason in the literature, and it is outside the scope

One reason for adopting the broad view is that allowing nonpublic reason to ground political decisions would mean that there are decisions, laws, and policies that are not publicly justifiable to some citizens. The idea of public reason and justification ensures that political decisions, laws, and policies are not coerced on citizens legitimately. Public reason, as the sufficient justification for political power, ensures that citizens can reasonably accept the decisions made and are subject to these decisions. Grounding decisions on nonpublic reason means at least some citizens could reasonably reject these decisions, even though these decisions are about constitutional essentials or matters of basic justice. Nonessential political decisions, laws, or policies are still of political power. Exercising this power over citizens requires justification and legitimacy. The broad view is to ensure that all exercises of power meet the demand of public justification whenever possible. In the case of voting, citizens vote in elections where both essential and nonessential matters could be involved. In either case, citizens are nevertheless casting ballots and deciding matters for all of us in the community, which is a form of power over others. In this sense, our votes are also subject to the requirement of public justification, regardless of which kind of elections we are in, as long as it determines the use of political power.

Also, as we have argued before, the right to vote is a form of power. Exercising this power, citizen-voters play a role of authority under the rules of democracy. This role of authority is not dissimilar to public officials such as the representatives in the legislature or the president in that the decisions made out of this role, though jointly, should be recognized and enforced. That is, the citizen-voter role is a public role with public power. This public role, like others, should also be held accountable to the citizenry, which means that citizen-voters should be accountable to each other whenever they cast a ballot. And the only possible way is to require voting with public reason, as discussed. In this sense, voting with public reason is constitutive of the role of citizen-voter, no matter what kind of issues are on the ballot.

## 7. Conclusion

In this chapter, we have discussed the duty to vote. Living as a citizen in a democracy bestows us not only the right to vote in elections that choose our leaders and representatives in the legislature and, directly or indirectly, decide our political structure, but also the duty to do so. However, there are challenges to this idea. These challenges dominate the literature on the ethics of voting.

As we have seen, these challenges are either insufficient to pose a problem for the duty to vote or misinterpret the role voting in elections plays in a functional democracy. Citizens' votes make a difference in the political by winning elections and furthermore by attributing the normative mandate, as citizens' guidance, to the elected representatives in subsequently exercising their power in office. The right to vote is so essential to the existence and perpetuation of representative democracy that it cannot be waived.

In this sense, voting is also unique. It plays a special role in representative democracy that other forms of political participation could not replace. Voting alone, by the rules of

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of what is being discussed here. For more on this debate, see also Watson and Hartley 2018; Quong 2011.

democracy, determines who will occupy the offices of political power and the makeup of the government and authorizes them. Political decisions made on different levels of government ultimately owe legitimacy to voting in elections. No other form of political participation on the citizen's part could play this role.

This specialness of voting gives rise to the duty to vote. The function of voting to legitimize governments, and the subsequent political decisions, laws, and policies, entails that voting is not simply a right as privilege or liberty, but also a power-right. The power-right to vote is a power citizens hold against each other in collectively determining matters in the political community. We make decisions together and for each other. This joint power-right of voting entails a claim on each of us to actually vote so that our fellow citizens' right to vote could be realized in actual effect, and a claim on each of us to vote well so that our power over each other manifested in voting is justified. In short, because of the jointness of the power-right to vote, there is a citizen's duty to vote and vote well. As I have argued, this duty includes both that citizens ought to show up to cast the ballot, with assistance from the state, and that citizens ought to vote with epistemic competency and public reason.

Now returning to the main project of understanding the political. As we have seen, the case for a duty to vote defended in this chapter invokes the idea of equal citizenship in the political. In particular, what grounds our duty to vote is our equal status as citizens. The principle of equal citizenship requires that we actively facilitate the conditions for equal respect for each other and take responsibility to justify our public actions. In the case of voting, it requires that we vote together and vote well, for only by voting together can we stand as equals in making collective decisions with actual effect and for each other. This role and identity we are in as equal citizens explains, at least partly, the functional specialness of voting in a functioning democracy as the unique mechanism for legitimizing a government and its political power, and further determines the normativity of our action regarding voting in it.

In this sense, the duty to vote reveals a special relationship among each of us in the community that is built on not the identity of us as ourselves, but that of us as equal citizens. If, as said at the beginning of this chapter, voting is paradigmatically political, I contend that equal citizenship is what makes it so. Equal citizenship generates a relationship between you as a citizen and me as a citizen, and the principle of equal citizenship demarcates the normative sphere of how we should act. If this is the case, equal citizenship then underwrites the distinction between the personal and the political. To see further into this, we should turn to identity politics where the personal and the political get more tangled up, and where the principle of equal citizenship should play a role in explaining the political aspect of identity politics.

# Chapter 4: Being Personal: How to Do Politics with Identity Correctly

## 1. Introduction

Identity is undoubtedly one of the most popular buzzwords in politics. Across the political spectrum, activists and theorists alike, appeal to identity either to justify their own political claims and actions, or to criticize those of their opponents. From the women's liberation movement to trans rights activism, from Black Lives Matter to the alt-right, doing politics with identity has become a standard form of political strategy and political justification. However, are they doing it correctly? Not everyone thinks so, as identity politics, from its first being coined and developed as a political idea, has been under constant debate, although there is little doubt of the significance of identity.

On the other hand, identity is significant precisely because it is important for individuals as somewhat personal. One of the reasons why politics and political theories care about identity is that it matters personally in that a person's identities are linked and intertwined with how she thinks of herself: her identity is who she is. In this sense, identity in politics becomes the paradigm case of the political personal. For our project to gain a better understanding of the personal and the political, identity in politics naturally should be what we need to discuss.

The question, then, becomes: how should we do politics with identity correctly? This chapter aims to answer this question by arguing that only external identity rather than internal identity can provide solid normative ground for any political claim-making appealing to identity. In section 2, I will first trace the motivation of identity politics in the literature and articulate the two roles identity is supposed to play in identity politics, namely to motivate political actions and to normatively ground political claims. Based on these two roles, I will distinguish in section 3 two different conceptions of identity involved in the literature, internal identity and external identity. In section 4, I will argue that these two distinct conceptions of identity are commonly conflated and that only external identity could play the role of motivating action and justifying political claims. To further develop this argument, in section 5, I will argue that the conflation of these two conceptions and the appeal to internal identity face fatal problems, and rescuing identity politics lies in doing politics with external identity. Finally, in section 6, I will apply this lesson and show that the current politics of gender identity is not well grounded.

## 2. Motivating the politics of identity

Within the discussion of identity politics, either in academic literature or in popular debates, it is impossible to get an impression that there is a consensus on what identity politics actually is. Identity politics has been such a topic that is so popular but also so consuming that activists who organize movements based on different identities disagree with each other over whether they are identity politics. Therefore, in this section, I will go through some of the discussions in the literature, distinguish two different senses of identity politics by articulating

two different conceptions of identity involved in the discussions, and then show that the conflation of the two conceptions of identity is what causes confusion in the debate of identity politics.

In most of the discussion of identity politics, authors trace back to “A Black Feminist Statement” by the Combahee River Collective (CRC), a group of Black feminists who coined the term “identity politics” and gave it its meaning. CRC feminists argued that the then mainstream women’s liberation movement and the Black movement both failed to recognize the unique conditions of Black women’s oppression, and therefore failed to help black women. CRC demanded a new form of political movement that could focus on the particular way black women are oppressed. They believe that “the most profound and potentially the most radical politics come directly out of our own identity, as opposed to working to end somebody else’s oppression.” (CRC 2014: 273-274) They claim that “focusing upon the experience of the oppressed,” in this case, Black women, is a requirement of identity politics, and would better serve a liberatory movement. (CRC 2014) There are, however, two subsequent questions concerning this idea: why should we focus on the unique or distinct experience of the oppressed, and in what way is this a requirement of identity politics?

First, focusing on a group’s unique experience of oppression, as suggested, is necessary to understand the group’s oppression, and its unique needs (Nicholson 2008). The experience of the oppressed helps us gain access to the nature of the oppression the group faces and how it affects the group. As CRC claims, “the synthesis of these oppressions creates the conditions of our lives.” (CRC 2014: 271) The unique experience of the oppressed illustrates what the group has to face and how the oppression operates in reality. For a liberatory movement, this focus would provide at least a starting place against oppression by understanding what it is like to be oppressed.<sup>9</sup> By focusing on the experience of the oppressed, identity politics can aim to start from the perspective of the oppressed, better understand the specificity of oppression, and better serve the specific needs of an oppressed group. Furthermore, focusing on the distinct experience of the oppressed is necessary for a liberatory movement to “redefine the goals of a just society.” (Nicholson 2008: 3) Better understanding the nature of the oppression a group faces provides guidance on how to change the existing social conditions under which it is oppressed, and on what a just society should be.

As for the second question of why focusing on the distinct experience of the oppressed is a requirement of identity politics, the answer hinges on how we understand the concept of identity. However, the concept of identity in politics appealed to in the literature is as elusive as the concept of identity politics itself. Some understand identity as a self-understanding of who they fundamentally and uniquely are (Taylor 1994; Moran 2020); some understand it as “a psychological, internalized sense of attachment to a group” (Jardina 2019); or identity as “a meaningful membership of a particular group” (Moran 2020); or identity as social positionality (Alcoff 1988); or identity as a form of classificatory device (Moran 2020); or, as Anthony Appiah does, identity as a nominalist concept that contains multiple elements. (Appiah 2006) Different theories of identity politics endorse different understandings of what identity is, and this further depends on how they conceive what doing politics of identity is or should be, and what it is for, that is, the goals of identity politics.

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<sup>9</sup> There might be some epistemological implications of this idea, namely, whether this is to commit some form of epistemological standpoint theory. Since this is an ongoing debate and beyond the scope of this paper, I will not discuss it but note that the main arguments here do not depend on whether or not focusing on experience in politics entails an epistemological standpoint theory.

One approach to doing politics with identity, in particular, is to conceive identity as “a political point of departure” (Alcoff 1988). According to Linda Alcoff (1988), this means two things: “as a motivation for action,” and “as a delineation of one’s politics.” Both of these elements link identity with focusing on the experience of the oppressed.

On the one hand, identity in politics as a motivation for action concerns, as I understand it, the mobilization of a political movement. Identity politics is often referred to as a form of organizing a movement. (Whittier 2017; Heyes 2020; Gutmann 2003) It is suggested that identity politics mobilizes and organizes the movement around the specific perspective of the given group. Members of the group participate in identity movements because of the identity they share with other group members. In this sense, identity provides motivation for members to act and organize politically. This motivation tends to be stronger if such an identity is combined with the experience (actual or imagined) of oppression. Women, for example, organize themselves (in the feminist movement) and act politically because they share the identity of women and recognize their oppression as women. And social science seems to support this idea. As Lillianna Mason notes, social psychology finds that people are more likely to act politically on behalf of a group when they identify with others within a group, “especially when the group is under threat.” (Mason 2018: 107; see also Miller and Conover 2015; Huddy and Bankert 2017) In this sense, identity acts as a motivation for action in identity politics.

On the other hand, identity as a delineation of our politics concerns the articulation of the normative grounds for liberatory movements. The identity of a given group provides us with access to the nature of oppression and the normative grounding for the movement, as it is this identity that is oppressed. The women’s liberation movement, for example, if it is to be seen as an identity movement, is a movement against the oppression of women as a group since it is women who suffer sex-based discrimination and oppression. Or the Stop Asian Hate movement against violence against Asians on the grounds that Asians as a group have suffered increasing violence and discrimination since the COVID-19 pandemic outbreak. The concept of identity helps articulate the target of the oppression, and, by doing so, justifies the political claims on the fact that this identity group is oppressed in this or that way. This in turn requires us to focus on the specificity of the oppression in question, the ways this identity group is being treated unjustly. In this sense, identity is a device for us to identify the oppressed individuals and further specify and investigate the common injustice they encounter.

Other approaches to or definitions of identity politics are variations of the two elements of this approach of identity as a political point of departure.<sup>10</sup> Identity politics, therefore, is a form of politics that both mobilizes with the motivation of identity and grounds its political claims by appealing to identity.

This seems to be a neat enough definition of identity politics. However, there are, in fact, two different conceptions of identity involved in it. As I will argue in the following sections, they are conceptually distinct, and the confusion between them causes fatal problems for identity politics.

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<sup>10</sup> See, for example: (Whittier 2017; Jardina 2019; Ritchie 2021; Moran 2020; Táíwò 2022; Mason 2018; Heyes 2020; Gutmann 2003)

### 3. Two conceptions of identity

Identity politics, accordingly, is a form of politics that appeals to identity where it plays two main roles: (1) to motivate (and organize) people to act politically, and (2) to normatively ground the political claims. However, these two elements in identity politics do not appeal to the same conception of identity.

The motivation element in identity politics involves a somewhat subjective conception of identity, which I will call *internal identity*. In order to motivate action, one's identity needs to be part of her motivational set for her action in participating in politics or the political movement. In other words, her identity must be part of what drives her to act. In this sense, a person's identity must contain some psychological effect on her actions, and identity should be understood as part of her inner self, an aspect of her self-understanding. I call this conception "internal" to emphasize this aspect of inner understanding or awareness of one's self in that she *identifies* herself as something or someone.

Two parts of this internal identity are involved in the mainstream definition of identity politics. First, it involves an individual's "understanding of who they are, of their fundamental defining characteristics as a human being." (Taylor 1994: 25) This understanding of who one is provides meaning and a cognitive and emotive structure to make sense of her choices, desires, situations, goals, projects, etc.; that is, her life. Based on this understanding of who she is, an individual could experience herself as a unique person with distinctive characteristics (Moran 2020). The second part is that this self-identification is, at least partly, with a group membership that others might also have identification with. To motivate and mobilize different individuals together, it requires more than an individualistic identification but a mutual identification in that these individuals all self-identify with this group membership. It is to be an identification with a group that drives individuals to act on behalf of a group. With these two elements, internal identity explains how appealing to identity could provide motivation for action to individuals. It is the meaningful self-identification with the membership of a group of being an X, with which others also self-identify, that is capable of driving political action.

On the other hand, the grounding element in the common understanding of identity politics involves a different conception of identity, which I will call *external identity*. Recall how identity politics is motivated. The focus on the experience of the oppressed is necessary because it partly helps illustrate how oppression operates and provides access to the specificity of oppression. As seen in the Combahee River Collective Statement, the idea for them to organize a Black feminist movement is to focus on "our" oppression as Black women. That is, the individuals the movement focuses on are the individual Black women who are oppressed not as individuals, but by virtue of their membership in the group of Black women. As Black women, they suffer and struggle against racial and /or sexual oppression. In the cases of other identity movements, we can see the same idea involved. For feminism, women are oppressed qua women. For Black Lives Matter (BLM), Black people are oppressed because they are Black. For Anti-Asian Hate, Asians are oppressed by virtue of being Asian. (Even for White Power, white people are "oppressed" because they are white/Caucasian.) In this sense, identity acts as a device for us to identify the oppressed individuals, and to further specify and investigate the common injustice they encounter. It concerns how an oppressed group is

picked out.

External identity is distinct from internal identity in that external identity does not rely on being part of one's inner self-understanding. On the contrary, how a group is picked out and targeted with unjust treatment depends on, at least, some of the external conditions the group is under. These external conditions, the facts about the identity, are what provide the normative grounds for an identity movement by being at least part of the explanation of oppression. In the next section, I will detail how external identity provides the normative justification and then argue that the conceptions of identity (can) play completely different roles in the politics of identity.

#### **4. Oppression and solidarity: further separation of the conceptions**

So far, we can see two different conceptions of identity, internal identity and external identity, are involved in the common understanding of identity politics in the literature. In this section, I will first articulate how external identity justifies a movement by appealing to the conditions of oppression a group faces. Then I will argue that, although internal identity is often believed to play a normative role, namely, providing a reason for acting in solidarity, it is in fact external identity that plays such a role.

##### **4.1 *Oppression***

We first look at the explanation of oppression, which, as shown above, is part of what motivates identity politics in the first place. As discussed, the experience of the oppressed, the focus of identity politics as pointed out by the CRC, helps reveal the nature of the oppression the group faces. Instead of discussing all the theories of oppression in the vast literature, which is impossible to do fairly, I will focus primarily on Ann Cudd's account of oppression (Cudd 2006) here, because hers provides a detailed analysis of the nature of oppression and, related to the argument I will present below, its relationship with social groups.

For Cudd, oppression is always a form of social injustice that inflicts harm on social groups through institutions. This harm could be material or psychological, but it comes through social and political institutions. These institutions include, but are not limited to, the government, the law, schools, banks, social conventions, gender and racial norms and beliefs, etc. All these are socially structured to regulate behaviors. For any injustice to be oppression, the harm it brings about must "come out of an institutional practice" (Cudd 2006: 25) Additionally, institutional harm by itself is not sufficient to characterize oppression, for there are some forms of institutional harm that might be justifiable. Some forms of inequality, such as income inequality, assuming that it is a form of institutional harm, could be justified, as argued by John Rawls' difference principle under certain conditions of equal liberty. In this sense, the harm that oppression is should be inflicted through unjustified, or coercive, force. These are what Cudd calls the harm condition and the coercion condition. (Cudd 2006)

Furthermore, oppression is about social groups, in the sense that the harm of oppression is inflicted on a social group, and another social group benefits, if any, from it. (Cudd 2006; see also Young 1990) This is to mark out oppression as a distinct form of social injustice that

is “suffered by whole groups of persons.” (Cudd 2006: 23) There is a distinction between an injustice suffered by an individual as herself and an injustice suffered by her as a member of a group. A miscarriage of justice, for example, might put someone in jail because she is falsely accused, unfairly tried, and wrongfully convicted, because she is picked as a scapegoat based on her previous criminal records. It is intuitively different if it is because she is a member of a minority group that is associated with a stereotype of being untrustworthy. Additionally, for a form of social injustice to be oppression, there is a privileged group which enjoys the benefits from the oppression. The privilege group is not necessarily an oppressor group, since in some cases there might not be oppressors who actively design and implement the institutional practice that inflicts harm and intentionally gain from it. (Cudd 2006; see also Young 1990) These are what Cudd calls the social group condition and the privileged group condition. (Cudd 2006)

Key to the understanding and explanation of oppression, social groups are, first of all, non-accidental groups. Accidental groups are groups of persons who have only the specification of the group in question in common. (Cudd 2006) The group of passengers on a particular flight is one example. Furthermore, social groups are groups that are formed or sustained by social facts or social actions, which result from direct or indirect intentional human actions.<sup>11</sup> These social facts or actions are what the members of the group share in common as some social constraints, which are “facts that one does or ought to rationally consider in deciding how to act or how to plan one’s life, or facts that shape beliefs and attitudes about other persons” (Cudd 2006: 41) Because of this, these social facts or actions carry social significance. It also allows groups that might initially be naturally formed but become social, that is, when the constraints become social. For example, when some bodily features are perceived and treated as disabilities. These social facts that group members share are what external identity is. They are the external factors we appeal to in order to identify group members and detail their conditions.

There are two kinds of social groups. Voluntary social groups are groups that are formed by members intentionally deciding and joining together. In contrast, nonvoluntary social groups are groups that are socially determined solely by rules, norms, etc., and include individuals who might not consider themselves as members. Paradigms of voluntary social groups are social clubs, sports teams, or married couples. Paradigms of nonvoluntary groups are social classes, race groups, or gender groups. (Cudd 2006; see also the discussion of organized social groups and feature social groups in Ritchie 2020) Whether voluntary or nonvoluntary, however, social groups are groups whose members share in common a set of social constraints that are externally imposed:

What makes a person a member of a social group is not determined by any internal states of that person, but rather by objective facts about the world, including how others perceive and behave toward that person. This is not to deny that such facts tend to cause particular patterns of thoughts, feelings, and actions on the part of the persons who are subject to them, or that these thoughts, feelings, and actions can give rise to objective facts that reinforce group membership. The externalist account of social groups asserts that externally imposed constraints are necessary,

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<sup>11</sup> The definition of “social” is controversial within the literature. Cudd believes that what makes a fact or action social is that there is some intentional human action in bringing it about. However, there might be an objection to this definition that it involves a circularity because it is not clear we could define “intentional human action” without involving concepts such as society, human social behavior, etc. I will not join in this debate, as it is not essential to the discussion here. See also (Ritchie 2020).

and can be sufficient, for social group membership. The externalist account denies that all groups are voluntary, while allowing that voluntary actions by the members themselves can create the external constraint that compose social groups. (Cudd 2006: 37-38)

According to this account, social groups are the results of (complex) external social factors or social forces. They are formed “by the actions, beliefs, and attitudes of others, both in the group and out, that constrain [individuals’] choices in patterned and socially significant ways.” (Cudd 2006: 44)<sup>12</sup> Here, since these external factors are what external identity essential is, we can see that external identity plays an essential role in the explanation of oppression, and in articulating the conditions for an individual to be a member of a group that is the target of the oppression in question. How a group has come to be thusly labeled and identified, and later thusly oppressed, is explained by the external identifying facts of the group, that is, in this account, the external social forces. Although how the members of the group self-identify with other members, that is, internal identity, does have effects on their choices in life, it does not play a part, not an essential part at least, in the explanation of their group membership, and that of their oppression. In some sense, internal identity is consequent on the group member’s so being identified by her “marked” features, albeit not necessarily. Therefore, these two conceptions of identity play different roles at the explanatory level.

#### 4.2 Solidarity

We now turn to the idea of solidarity to see how the two conceptions of identity come further apart. The appeal to internal identity is supposed to motivate otherwise isolated individuals to participate in the movement against their oppression on a united front. So it is a movement about and for *us*. *The mutual identification between group members* drives them to act on behalf of the group as a group. That is, internal identity brings group cohesion and group solidarity. (See Moran 2020) Group members with mutual identification standing in solidarity can lead to some practical advantages in politics. They will be better at organizing politically, and more effective. (See Gutmann 2004) This is supposed to be even more so for minority groups when they are already in a more powerless position in society. Acting in solidarity with each other would be greatly more effective in fighting against their shared oppression. They show each other their commitment to the shared goal, readiness to bear the cost, and awareness of not undermining each other’s efforts. (See Sangiovanni 2015) Internal identity is meant to bring about these goods and to provide reasons for individual members to join each other in solidarity.

Will it, though? If we look closer, this claim that identification provides reasons for acting in solidarity is not as well-grounded as it initially seems. Consider the example of the feminist movement, supposing that it is a form of identity politics of and for women that appeals to the identity of women to motivate action and to ground its political claims. According to the internal identity-solidarity claim, the mutual identification of women as women within the feminist movement provides reasons for them to act in solidarity to struggle against and overcome the sexist oppression they face. That is, individual women join in the fight in solidarity for the reason that they identify as women. But what reason is this for solidarity?

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<sup>12</sup> There is a lot of overlap between Cudd’s account and the structuralist account about social groups, which I will not discuss here. See (Ritchie 2020, 2021; Dembroff and Saint-Croix 2019; Haslanger 2012).

Here I share the observation from Andrea Sangiovanni (Sangiovanni 2015) that mutual identification is necessary only in the sense that mutual identification is a necessary instrument for the goal of eliminating injustice, in this case, sexist oppression. That is to say, the mutual identification of women is only an effective means to the end. The same goes for the shared experience of the oppressed. The shared experience of oppression may simply be some assurance that others would be willing to take up some of the cost of the struggle. And if it no longer serves as an effective means to the end, the identification of being a woman does not provide any reason to fight sexist oppression anymore. Women, or perhaps everyone, have a reason already to fight against sexist oppression, and the internal identity of women only provides a more effective route for it. This could be said about other identity politics involving identification to motivate action. In these cases, internal identity itself does not provide a reason to act in solidarity *per se* to fight against oppression. Instead, it “just makes it easier to rally together once we have some other reason to overcome injustice or oppression (such as the oppression or injustice itself).” (Sangiovanni 2015: 351) Internal identity in itself, therefore, is not a reason to join together to act. It provides, at best, when it is a mutual identification, some confidence that other thus identified members would act for the same movement. The reason to act together remains that oppression exists and is targeting the group in question.

If our intuition above about the reasons for acting in solidarity is correct, that is, the reason to act together remains that oppression exists and is targeting the group in question, we can see that it is external identity that is playing a role in generating the reason to act in solidarity. It is the external facts about the social group, including the identifying conditions (facts) of the group, and that they are being oppressed, that provide, at least partly, the reason (for anyone) to act in solidarity against the oppression in question. And this is also, at least partly, the justifying reason for an identity movement. Furthermore, because the identifying conditions of the oppressed group explain and justify identity politics, they necessarily play a role in setting the goals of the movement. And these are not only reasons for the oppressed but also reasons for anyone to support the movement. The conception of internal identity does not play the same role, either in providing the justifying reason for the movement or in normatively grounding the goals. In this sense, these two conceptions occupy different positions in the normativity of identity politics, if they do at all. Internal identity, at best, provides a valuable tool for identity politics, while external identity justifies and guides it. The conflation of these two different roles played by these two different conceptions leads to many serious problems identity politics supposedly faces. In the next section, I will discuss some of these problems, and how identity politics could be rescued.

## **5. Rescuing identity politics?**

### ***5.1 Justification from politics of internal identity***

The conception of internal identity does not provide justifying reasons for a political movement about identity and its goals. This, however, does not mean that it brings no benefits in the articulation or the actual organization of the movement. On the contrary, internal identity brings many benefits to the movement. First of all, as the discussion of solidarity showed, internal identity could increase trust and confidence among participants, knowing

that each other, through their mutual identification, would be more likely to act in concert inside, commit to, and sacrifice for, if needed, the movement. This could be of great value, especially for a resistance movement seeking social changes. Secondly, internal identity could help the fight against the stigma associated with group membership through various tactics of visibility politics. One such tactic would be that of coming out. According to Whittier (2017), “[c]oming out entails the disclosure of silenced or politicized identities... in daily life or in public events such as speak-outs. Disclosing a stigmatized identity publicly can powerfully shift people’s identities both emotionally and cognitively, and can help change onlookers’ beliefs about the group. As an identity strategy, coming out aims to change how individuals perceive and feel about their identities, as well as changing cultural views of the group, or ultimately, changing institutions and policy.” (Whittier 2017: 385) Thirdly, internal identity is very powerful in motivating political action and participation. As noted above, social psychologists have discovered that when people identify with a group, they are more likely to take political action on behalf of their group, at least partly because their internalized identity makes the victories or failures personal to them. (Mason 2018; see also Huddy and Bankert 2017) Moreover, combined with the social sorting effect, where different internal identities are becoming more and more aligned, individuals become more active and willing to participate in political action “when they are well sorted, no matter what their issue positions happen to be.” “We are growing more politically engaged on behalf of our team spirit.” (Mason 2018: 111; see also Achen and Bartels 2016) There could be many more. Activism involving this kind of visibility of internal identity has achieved a lot.

Note, though, that these benefits are merely of instrumental value to identity politics, for internal identity is only involved here in the tactics of the movements. They are valuable by virtue of being effective means to the ends of the movement. This is, of course, not to deny that internal identities are valuable for individuals per se, for they are significant parts of our inner lives. But they are instrumentally valuable in terms of identity politics aiming to eliminate oppression.

Some theorists and activists, however, claim that internal identity could also serve as providing normative grounds for identity politics, playing a part in the “delineation of one’s politics.” That is, internal identity not only brings about the aforementioned instrumental benefits but also acts as providing justifying reasons for a political movement about identity and its goals, rather than external identity. This understanding of identity politics in terms of internal identity gives us the politics of internal identity, the goals of which are therefore grounded on the fact that it is the group members’ internal identity. Identity politics in the form of politics of internal identity, then, is conducted with goals such as identity visibility (Whittier 2017), or “the reclaiming, redescription, or transformation of previously stigmatized accounts of group membership” (Heyes 2020). It gives rise, furthermore, to a form of politics that demands political recognition of an internal identity in itself.

Why does internal identity demand recognition? That is because internal identity is an important part of how individuals understand themselves. It is part of the self that gives meaning to individual lives. Oppression, however, distorts the internal identity of the oppressed group members by imposing stigma on them. Individual members of the oppressed group suffer by internalizing a negative self-understanding, and an unhealthy, distorted identity of their own. Take the oppression of women as an example. Under sexist oppression, women are deemed inferior, submissive, irrational, and dependent on men, among other things. Because of these kinds of stigmatization, women with such a self-understanding as women would no doubt internalize a distorted, subordinated internal

identity with womanhood, which subsequently affects and guides their behavior and the role they play. From this perspective, the feminist movement as an identity politics for women should then aim to reclaim and change the identity meaning of womanhood. Therefore, more generally, this form of politics of recognition “aims to repair internal self-dislocation by contesting the dominant culture’s demeaning picture of the group” (Fraser 2000: 109-110; see also Taylor 1994)

This justification for identity politics from the demand for recognition of a group’s unique internal identity presupposes that there is a distinct culture of this identity and this distinctness is valuable in itself. The reclamation of identity is to reclaim this distinctively valuable identity and restore pride in so identifying. (See Moran 2020; also Dean 1996) This demand for recognition is grounded on the idea that “it is precisely this distinctness that has been ignored, glossed over, assimilated to a dominant or majority identity.” (Taylor 1994: 38) Without a distinct, and potentially substantive, culture attached to such an identity, the political claims of recognition and reclamation cannot take off the ground. This presupposition, however, as we shall see in the following, leads to the many problems identity politics faces.

## *5.2 Problems for politics of internal identity*

Critics of identity politics have raised many seemingly vital problems. In this section, I will discuss three of these problems, and argue that these are in fact problems not of identity politics in general, but of politics of internal identity.

### *Authenticity*

The first problem critics raise for identity politics concerns the notion of authenticity about identity. The ideal of authenticity underlies the modern politics of identity. (Taylor 1994; Heyes 2020) The emphasis on the internal identity, the true self, of individuals points to a politics that sees individual originality with political importance so that the articulation of the individuals’ particular lived experience provides legitimacy of one’s own way of life, and its political claims, norms, and/or differences. (See also Adams 1989 ; Appiah 1994) Because it is an authentic self or an authentic way of life for individuals, it grounds the right to be acknowledged publicly without unjustified interference. Plenty of the ongoing discrimination or oppression people face is due to the denial or omission of the legitimacy of one’s authenticity. Individuals, therefore, have valid political claims based on this idea of being, or discovering, the true, authentic self.

Identity politics makes a parallel argument for the legitimacy of the internal identity of a group. The focus of the lived experience of a group points to the ways of life that are authentic to the oppressed groups. These ways of life are part of selves of the members in terms of who they really are and how they want to or should live in the social world. This authenticity of group identity justifies the political claim of recognition of the group identity. Sonia Kruks characterizes this claim of recognition from identity politics like this:

What makes identity politics a significant departure from earlier, pre-identarian forms of the politics of recognition is its demand for recognition on the basis of the very groups on which recognition has previously been denied: it is qua women, qua black, qua lesbians that groups demand recognition. (Kruks 2001: 85)

Therefore, social groups have valid political claims based on the idea of being, or

discovering, the true, authentic group identity. We demand recognition as who we really are.

This ideal of authenticity, however, poses a serious problem for identity politics understood as politics of internal identity.

The justification from internal identity proposes that the distinctness of such an inner identity forms a unique culture or way of life that is valuable in itself and should be publicly recognized as such. Based on this, identity politics makes claims of recognition for the Black way of life, the women's way of life, or the gay way of life, etc., because they are the authentic ways of life for the groups. However, although what is a way of life or culture is hard to define, it includes various norms and expectations. In terms of group identity, members with the internal group identity would associate with it various norms, both negative and positive. Kwame Appiah calls them "norms of identification." These norms are norms of behavior for X's. "People don't only do and avoid doing things because they're X's; they are things that, as X's, they ought and ought not to do." (Appiah 2006: 16-17)

Of course, the mere existence of norms of identification does not entail the endorsement of the norms. However, the ideal of authenticity underlying internal identity politics makes it so, and imposes them on individual members. As long as there is an authentic way of life or identification, there is a second-order norm that to be a true X, one ought to act, broadly construed, in a set of ways. The appeal to authenticity commits to the idea that there is only one way, or only so limited ways, of identification to be a true group member, without which one ceases to be a real X. Even if the authentic norms of identification are reclaimed and positive, without oppressive distortion, they still pose some unwanted norms on individual members. Both Appiah and Jodi Dean talk about the coming-out narrative as the authentic or key narrative for gay and lesbian identity in the gay movement. Reclaiming the identity of being gay from the distorted image of homosexuality in society, the gay movement attempts to assert the identity of being gay with the slogan "Gay is good." Coming out, then, becomes the chief act to assert the identity because it is the act of reclaiming and taking pride in one's own authentic identity. We ought to be proud of it. While being able to assert one's identity is politically desirable, making it a "need" or "ought," because it is the true way of being, imposes a norm, though transformed and reclaimed, on individual members of the group, otherwise they are not the authentically gay: everyone needs to have a coming-out story. (Appiah 1994; Dean 1996) Obviously, not everyone wants to claim a gay identity. As Appiah describes, "The politics of recognition requires that one's skin color, one's sexual body, should be acknowledged politically in ways that make it hard for those who want to treat their skin and their sexual body as personal dimensions of the self." (Appiah 1994: 163) In this sense, the newly reclaimed internal identity with a group becomes a new social script that individuals have to follow or see themselves with, replacing the old one. This becomes "a kind of identity politics that does not just permit but *demand*s that I treat my skin color or my sexuality as central to my social life" and therefore oppressive. (Appiah 2006: 20-21)

Note that this problem from the ideal of authenticity does not rely on the fact that there is a core of self-identity to be discovered in our selves. Dembroff and Saint-Croix (2019) argue that, in contrast to the "true self" ideal, "self-identifying with a group entails using these [social] blueprints to read oneself as the sort of person who does (or should) have the social properties necessary to be part of that group." (Dembroff and Saint-Croix 2019: 579) But the problem remains that the norms of identification, or social blueprints of a group, are still in place as guidelines for what a real X is, no matter whether the norms are distorted or reclaimed, as long as they are the ones that give inner meaning to the identity. It is not so

obviously liberating if the politics of identity is to ask the individuals who have internalized the old norms in their internal identity to instead internalize another, supposedly better, set of norms of identification.

### *Reinforcement of oppression*

Another related problem for identity politics is that when the movement grounds its claims on the recognition of internal identity, it risks reinforcing the identities that are rooted in oppression. Katherine Ritchie calls this the Reinforcement Problem. (Ritchie 2021)

As discussed above, in the case of reclaiming identity, although the identity is the reclaimed or transformed one, it inevitably imposes norms on members so that they have to follow the norms to claim to be true members. Such a kind of reification of identity also causes problems in that the reclamation of identity would risk reclaiming the distorted internalized image of a marginalized group. First of all, since bias, discrimination, and oppression operate on the oppressed group and generate a distorted image of the group members, the internal identity of the group becomes distorted. By reclaiming this internal identity, identity politics then would be reclaiming and reinforcing the same oppressive norms of identification, the old social script of the group on the members. This problem might be more salient in the situation of women. If the movement demands to reclaim the identity of women, in that women should be proud of being a woman, and that women as women must be recognized as such. There, however, seems to be something confusing here. It is not the case that the internal identity of women represents some culture that has been under- or unappreciated and therefore demands recognition. Rather, as Susan Wolf says, “For clearly there is a sense in which women have been recognized as women—indeed, as ‘nothing but women’—for all too long.” (Wolf 1994: 76) To reclaim such an identity of women is actually to reclaim the idea that women are nothing but women in that they should constantly comply with the gender scripts, that is, to reclaim an identity that “is put to the service of oppression and exploitation.” (Wolf 1994: 76)

Moreover, this reclamation of an internal identity of the oppressed risks perpetuating a further self-identity of victimhood. Grounding politics on the internal identity as such creates a movement of the innocent: the marginalized identity is always the innocent oppressed defined by the wrongs done to them, hence a demand for recognition as such. (See both Brown 1995; Bickford 1997) In the case of feminism, this politics of internal identity means that women are organized and mobilized through sisterhood bonded over shared victimization as an identification. But hooks argues that this conception “directly reflects male supremacist thinking. Sexist ideology teaches women that to be female is to be a victim.” (hooks 1986: 128) A feminist movement that embraces such an idea would be excluding “assertive, self-affirming women [who] were often seen as having no place in feminist movement.” (ibid) Furthermore, this movement of the innocent promotes a politics where women, by “identifying as ‘victims,’” “could abdicate responsibility for their role in the maintenance and perpetuation of sexism, racism, and classism, which they did by insisting that only men were the enemy. They did not acknowledge and confront the enemy within.” (ibid) This amounts to censoring internal differences and leaves no space for criticism.

Katherine Ritchie (2021) argues that reinforcement is not necessarily a problem for identity politics. According to Ritchie, there are two types of aims of identity politics, the eliminativist aims and the valorizing aims. For the eliminativists, identity politics seeks to abolish the

identities that are rooted in oppression, instead of reinforcing groups, and the worry of reinforcement of oppression does not arise. On the other hand, for the proponents of valorizing identities, identity politics aims to transform the identity of the feature groups by renegotiating the identity involved. (Ritchie 2021) We will discuss the eliminativist aims later when we discuss the politics of external identity. The valorizing approach, which aims to affirm and celebrate the internal identity, might either take a metaphysical route that attempts to change the structure of the group so that it is no longer the same social group that is formed by oppression (which Ritchie argues for), or take the political route that attempts to transform the meaning of the internal identity for group members. However, they both fail.

The metaphysical route assumes that the reinforcement problem occurs only because the group is formed based on an internal identity that is dependent on oppression. By affirming the reformed internal identity, the structure of the group would change, and the internal identity of the group would no longer be shaped by oppression, hence avoiding reinforcement. (Ritchie 2021: 9) But this route will collapse into the eliminativist approach that seeks to abolish the original identity rooted in oppression. Even though the new group picks out the same individuals, since they do not share the same internal structure and same relationship with other groups, especially with the oppressor groups, it is hard to see how it is still the same social group when the social factors or constraints that form the group have already changed. The political route also fails because the new, transformed identity faces the problem of authenticity in terms of imposing the new norms of identification on the group members. Therefore, the problem remains for valorizing the meaning in internal identity.

### *Misled activism*

Another problem the politics of internal identity faces is that it results in misled activism. There are two forms of misled activism: over-expressivist politics and tribalist activism.

On the one hand, because the politics of internal identity emphasizes and valorizes the self-definition of identity, the activism it promotes retreats more to the expressive. Taking visibility as the goal of a movement as required by promoting internal identity, the movement can only achieve it by asking members to assert and express this self-identity proudly. Of course, there is nothing wrong *per se* in taking pride in a self-identity, other things equal. However, when it is taken to be the normative justification for a movement, it leads to a form of expressivist politics, where the expression of self-identity occupies the central role. Although initially, the expressivist form of politics is to regain agency for marginalized members for self-definition, taking it as the goal nevertheless reduces politics to merely the right of self-expression. Take again the example of the coming-out narrative in the gay movement. As Dean describes it, when the ultimate goal becomes that of self-expressing a homosexual identity, “the emphasis on coming out thus began to overshadow the importance of politics.” (Dean 1996: 57) This is a problem because expressing one’s own identity does not ground any action.

And, perhaps more fundamentally, if all of us are characterized by these unitary identities, it is not clear what speaking from one’s identity can accomplish. Speaking from an identity often takes on the character of an excuse: I cannot/will not be accountable to or for those who do not share my identity. It is as if the proper formulation of identity will somehow make hard political questions go away. (Dean 1996: 71)

More generally, the problem is that internal identity politics takes the expression of inner identity as sufficient for the success of the elimination of oppression while it is only necessary. It relies solely on individual empowerment to combat oppression, while oppression acts on the whole of the group. Consequently, the demand for collective action is now substituted by “the demand that they analyze and find significance in every moment of their lives.” (S. Phelan 1989: 48) It becomes a form of depoliticization because it sees all actions, public or private, as the same form of expression of the self. (See S. Phelan 1989; Dean 1996; Appiah 2006)

On the other hand, grounding identity politics on internal identity leads to activism for the wrong reasons. While group internal identity motivates increased participation in political action, especially under the effect of social sorting, it also motivates more and more tribalism-driven political action. (Mason 2018) Social psychologists have found that when the psychological attachment to a group, i.e., group internal identity, takes the center of a political movement, politics becomes more like sports played out in team spirit. It then intensifies group rivalries and anger toward the opposing party. (See Miller and Conover 2015; Huddy and Bankert 2017) First, it further entrenches the ingroup/outgroup biases that unjustifiably favor the ingroup and derogate the outgroup, resulting in the demonization of the opponents: they are the evil, untrustworthy enemies that could not offer any valid alternate proposals against oppression. (Miller and Conover 2015) Secondly, it also gives rise to increasingly irresponsible politics where political action is not based on reason but self-righteousness. Internal identity promotes political actions driven by the desire for victory of my/our team over opponents, rather than by the felt need to solve disagreements with a common framework of cooperation, which defines the circumstances of politics. (See Waldron 1999) Internal identity, in this sense, moves us “toward action without necessarily informing us about policy outcomes.” (Mason 2018: 125; see also Achen and Bartels 2016; Fukuyama 2018)

Faced with these problems<sup>13</sup>, we can see that the conception of internal identity cannot provide satisfactory justification for the claims of identity politics. Therefore, Identity politics should not take the form of internal identity politics. This, however, does not mean that identity politics is doomed. Suppose the project of identity politics is to eliminate the oppression of a marginalized group. In that case, the politics should appeal to the external identity of the group which explains how the oppression works.

### *5.3 Doing politics without internal identity*

Since politics of internal identity fails, rescuing identity politics means that we should instead appeal to the other conception of identity, namely, external identity, to seek normative justification for the political claim-making in terms of identity and oppression. Here, I sketch a politics of external identity with which we can better target identity-based oppression and avoid the problems the politics of external identity face.

The starting point of politics of external identity is the idea that the explanation of how oppression works must appeal to the external identity of a group. As discussed above, the explanation of oppression must look not at the inner identity group members may have with the group but at the external social factors that members of the group share in common as social constraints. Although complex, the articulation of these external social factors spells out

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<sup>13</sup> And there are potentially other problems that cannot be discussed here. See (Fukuyama 2018; Lilla 2018; Haider 2018; Táíwò 2022; Achen and Bartels 2016)

the necessary, and sometimes sufficient, conditions for group membership and how oppression picks out individuals and inflicts harm on them. Therefore, the politics of external identity, i.e., identity politics proper, should start with the recognition that groups are externally formed and core to the mechanism of oppression.

This recognition, in turn, provides us with a strong reason to struggle against oppression. Since oppression picks out a group of individuals and inflicts injustice on them based on this external identity, we resist oppression on the plain ground that social injustice should not be permissible. The social injustice of oppression inflicts both material and psychological harm on group members to the effect that whole groups of persons are subordinated in and through institutions. In this sense, the recognition becomes recognition of the social subordination of the oppressed group. This social subordination prevents oppressed group members from fully participating in our society as equals in various ways, such as the deprivation of necessary material means, and/or the internalization of such an inferior status, among others. As how Nancy Fraser describes this recognition, “what requires recognition is not group-specific [internal] identity but the status of individual group members as full partners in social interaction.” (Fraser 2000: 113) In this sense, the politics of external identity appeals to the demand for equality to justify its movement and claims. It is also what Iris Young claims to be grounds for political movements of recognition around identities.

The public political claims of such groups, however, rarely consist simply in the assertion of one identity as against others, or a simple claim that a group be recognized in its distinctiveness. Instead, claims for recognition usually function as part of or means to claims against discrimination, unequal opportunity, political marginalization, or unfair burdens. (Young 2000: 103-104)

Therefore, politics of identity must track the conditions a group is put under and see how they render group members subordinated and unequal status, and seek remedies to restore equal citizenship for them.

In this sense, the struggle to end oppression cannot succeed without identity, since there is no sensible way to articulate the political claims against oppression without naming any identity. Critics of identity politics propose that progressive politics should instead appeal to an overarching national identity that everyone in a territory would share. (See Fukuyama 2018; Lilla 2018) These critics, however, still focus on internal identity and merely try to shift what is identified with, rather than focusing on external identity. As we can see, they fail to see that identity politics in terms of external group identity does play an essential role in the explanation of oppression, and in pointing out approaches we could take to end such oppression.

By tracking the conditions under which group members are prevented from fully participating in society as equals, external identity politics can tackle and remedy the various unjustified social constraints coerced on them. Institutions should be changed if they take into their design the unfair appeal to group features, such as sex, race, or class, to the effect that these groups marked out by these features would be prevented from participating in the social, political, or economic life as equals. Therefore, doing politics with identity would start from the analysis of the forms, or different faces, of oppression, and their mechanism through social factors, instead of from the valorization of the inner identity of a group. This, of course, does not mean that there is no place for internal identity in identity politics proper. Among the social factors that constrain individual members of a group is the internalization of group stigma or repressive norms. If this constitutes some of the harm the group suffers, then

identity politics should tackle them. For example, if women's imposed internal identity prevents them from exercising their agency in political life, then part of the remedy might be to affirm their identity and agency. If the internal identity of being gay prevents gay people from entering the civil society, part of the remedy might be to reclaim that identity and express pride over it. But the justification for these remedies is not the mere fact that they are the internal identities of the groups, but that the negative effects of these internal identities contribute to the actual marginalization of these groups, and that alleviating those effects in the short-term would not lead to entrenching of the group's disadvantage, to avoid the reinforcement problem.

Finally, external identity politics does not face the three problems we discussed that politics of internal identity would face. First of all, politics of external identity would not require oppressed group members to adopt any social scripts of group membership, be they negative or positive, which leads to the problem of authenticity. Authenticity causes problems only when it requires certain social norms as the criteria of an authentic group member, a true X. Politics of external identity tracks only the external factors through which oppression marks out a group. It does not require that group members take these factors into their self-identity. Valorizing self-identity is not the goal of politics of external identity, albeit it might be in some cases a means to resist oppression.<sup>14</sup> Secondly, and relatedly, the politics of external identity does not reinforce oppression embedded in a group's internal identity since it aims to remove the social constraints on individual members. If, in some cases, abolition of identities of gender or race is the best way to achieve full participation for the oppressed, politics of external identity would take the eliminativist approach; if, in other cases, the liberalization of these identities to the degree that they do not possess political significance but retain personal importance for the oppressed individuals, politics of external identity would take the liberalization approach. This account of external identity politics is open to each approach, without endorsing the internal identity as the goal in itself. Lastly, since politics of external identity does not require group members to develop an identification with a group as the goal of its movement and its reason for action, it does not force the group members to look for political significance in their own self-understanding, which leads to the misled activism problem. It also opens up the space for criticism of political actions that are based solely on the psychological attachment to a group. The external account of group identity and identity politics requires normative grounding political actions on external facts about the oppression of a group.

To conclude, since appealing to internal identity as the normative ground for political movement fails, and since ending oppression cannot succeed without identity, rescuing identity politics requires us to do politics with external identity. External identity plays an essential role in explaining oppression and provides solid normative justification for the political claims to end oppression. Therefore, how to do politics with identity correctly is to track how external identity renders the oppressed group members subordinated in society, and seek remedies for them to restore equal citizenship.

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<sup>14</sup> This is relevant in the current debates about single-sex space and its justification. From this perspective, single-sex space is ultimately justified because in some areas it is necessary for women, due to the long history of marginalization and exclusion, to develop the required capabilities to fully participate in these areas, not because there is a need to valorize a distinct women's culture. This is an ongoing debate and is outside the scope here. See (Lawford-Smith 2023, 2022).

## 6. The politics of gender identity

The de-conflation of the two conceptions of identity, put in application, can also shed some light on the current heated discussion around the politics of gender identity. Gender identity is supposed to play an important role in the political struggle for the rights of trans people. It plays, for example, “a crucial definitional role” that explains what being trans is: “having a gender identity that is different from the gender one was assigned at birth.” (Jenkins 2018: 713) Also, the concept of gender identity is most often appealed to as the basis for various political claims made by campaigns for trans rights. “Campaigns for trans rights paradigmatically call for gender identity to be used as the basis for people’s access to, and treatment within, gendered social spaces.” (Jenkins 2018: 713) For these reasons, many advocate the replacement of the concept of gender with gender identity in the movement around gender. The lessons from our discussion of the politics of identity, about the grounding relationship between a form of politics and the concept of identity, naturally, apply here.<sup>15</sup>

### 6.1 Gender and gender identity

The emphasis on gender identity distinguishes the two main approaches to theorizing the nature of gender: the social position approach and the gender identity approach. (Barnes 2020; Rowland 2023) The social position approach, on the one hand, broadly, argues that gender is or should be explained by external and objective factors, negative and/or positive, that are imposed on individuals about their sexed bodies. These external factors concern how others in society treat individuals, and what roles others expect them to occupy based on their presumed sexed bodies. (See Barnes 2020; Jenkins 2016) Different social position accounts differ in details of these external factors and how they operate on individuals, and hence with different explanations of how gender works. The most well-known account in philosophy would be Sally Haslanger’s account of gender, which explains gender as the systematic treatment of individuals, that is, their social positions, based on their observed or imagined sexed bodily features. (Haslanger 2012)<sup>16</sup> According to Haslanger (2012), to be a woman, for example, is to be subordinated due to “one’s observed or imagined bodily features that are presumed to be evidence of a female’s biological role in reproduction.” (Haslanger 2012: 133) In this sense, gender is the (external) social constraints that disadvantage an individual, in the case of a woman, based on assumptions about sex.

On the other hand, the gender identity approach emphasizes the internal, subjective aspect of gender in what determines an individual’s gender. The concept of gender identity is supposed to capture the broad idea that it is the internal features of oneself, such as how one feels about oneself in terms of gender, that determine what one’s gender is. Different accounts

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<sup>15</sup> It is worth to note that there are theorists who have argued that movements and theories for trans rights should move away from the concept of gender identity to more refined concepts instead. See, for example, (Briggs and George 2023).

<sup>16</sup> Originally, Haslanger proposes this account as an ameliorative account of how we should adopt the concept of gender. But further discussions of this view, by Haslanger and others, sometimes treat it as also a metaphysical account of what gender is. For the purpose here, I will treat this account as an metaphysical account attempting to explain what gender is, which arguably is also the aim of an ameliorative account of gender. See also (Rowland 2023).

of gender identity offer different details about what gender identity is. Some campaigns define gender identity as the inner sense of one's gender (Stonewall); Susan Stryker defines gender identity as "... a subjective sense of fit (or lack of fit) with a particular gender category" (Stryker 2017); Talia Mae Bettcher argues that gender identity is rather the self-identification with a gender, and this self-identification, sincerely made, determines one's gender (Bettcher 2007, 2009). To have a female gender identity, according to this account, is to sincerely self-identify as a woman by asserting that "I am a woman" and to live as a woman in good faith. (Jenkins 2018; see also Barnes 2020); or more recently, Katharine Jenkins (2016) suggests that gender identity is to be understood as a form of "internal map": to have a female gender identity is to have an internal "map" formed to provide guidance in navigating the social world as a woman, and the guidance she takes from the map could be either norm-compliant or norm-violating, as long as she feels the relevancy of the norms. (Jenkins 2016)

These accounts of gender identity all see gender as determined by internal features such as one's inner or subjective sense, self-identification, or felt norm-relevancy. In this sense, these accounts commit to the idea that gender is, or should be, internally determined, the self-understanding of one's gender: gender identity. Gender identity is a form of internal identity: it involves an individual's understanding of who they are, and it is an identification with a group membership. Suppose the politics of gender identity is grounded on this understanding of gender as an internal identity, as it is thusly campaigned for. In that case, it faces similar serious problems of internal identity politics.

## ***6.2 Politics of gender identity: same problems***

The politics of gender identity is a politics about gender in terms of gender identity. It emphasizes the political importance of gender identity in solely determining gender categorization. It is motivated to account for the different experiences of gender, especially the experiences of trans and non-conforming, centering on gender identity rather than gendered social positions/constraints. It proposes a gender identity-first political framework in which gender identity is given normative priority, substituting gender as the foundation of justification for political claiming and relevant policies. It demands recognition of gender identity as of intrinsic value. This is mainly because only gender identity, rather than gender as social position, could explain the various political inequality and harm people face in terms of gender, such as misgendering, that is, the failure of treating individuals as members of the gender they self-identify with. (Jenkins 2018) Substituting gender with gender identity can also avoid perpetuating trans people's felt exclusion. For example, some transwomen might be treated by the society as men and not as women. The social position view of gender would then not categorize these transwomen as women, even though they identify as women. (Jenkins 2016; Barnes 2020) Furthermore, it is claimed that giving gender identity normative priority could confer more agency to individuals over their gender, in that it is only correct to categorize someone into a gender if they self-identify with such. (Briggs and George 2023) In this sense, grounding the political claims on gender social positions cannot do justice to the reality of gender, and, as politics of gender identity advocates, political claims about gender should be grounded and justified in terms of gender identity.

Although it might bring out these benefits, politics of gender identity faces the same three problems internal identity politics faces, that is, the problems of authenticity, reinforcing oppression, and misled activism.

### *Authenticity: gender identity*

The problem of authenticity occurs, to reiterate, when the demand for recognition for the oppressed group centers on the internal identity of the group, and seeks normative justification from the group's internal identity as its authentic way of life. However, the problem is that this justification from internal identity postulates a unique way of life that is valuable in itself and should be publicly recognized and valorized. In turn, it again imposes a set of norms of identification on the group members, be it negative or positive, in that if they are to be an authentic X, they need to live the true X's way of life. In other words, the recognized and reclaimed internal identity becomes a new social script that the oppressed individuals have to follow, another demand that is similarly oppressive as the old social script.

In the case of gender identity, emphasizing the internal aspect of gender, politics of gender identity postulates a unique way of being the gender one identifies with. According to Bettcher's account, for example, self-identification with womanhood means to *live as a woman* in a way that could shape one's attitude, values, and commitments. According to Jenkin's account, to identify as a woman is to possess an internal "map" that is the guidance and responses to being a woman. Both accounts posit some substantive way of being a woman, though there might be some leeway in interpretation. However, any specification of the "living as a woman" or of the female internal "map" would mean a restriction on how it is to be a woman. The guidance on how to live and respond to being a woman from gender identity, for both accounts, would then form a set of norms of identification that stipulates the expectations and roles of being a woman. The demand for recognition of gender identity, in turn, imposes these norms of identification on individual members. Recognition of gender identity becomes the recognition of this specific woman's way of life: that of those who share the self-identification of living as a woman or a female internal "map." Similarly, recognition of gender identity then dictates a new social script for women to be (true) women. Deliberate gender non-conforming women, for example, would be cast out as not real women if the internal meaning of being a woman is specified on the more traditional terms; or, on the other hand, tradition-conforming women would not be counted as women if the internal meaning is specified on the more progressive terms. The fundamental problem for the politics of gender identity, or maybe for the concept of gender identity itself, is that the public recognition of gender identity cannot, or should not, specify any internal meaning of gender that all women share. (See also Barnes 2020) It requires women to internalize another set of norms of identification.

### *Reinforcement of oppression: gender identity*

The problem of reinforcing oppression occurs when the reclamation of internal identity risks reclaiming the distorted internalized image of a marginalized group in the demand for recognition as of intrinsic value. In the case of gender, if the movement demands to reclaim and valorize an internal identity of woman, in this case, the gender identity of woman, it risks reinforcing the idea that women are nothing but women, a constant bias on women in the sexist history of our society. Furthermore, politics of gender identity, similar to identity politics, risks perpetuating a further self-identity of victimhood, as discussed previously. In both of these ways, politics of gender identity reinforces women's oppression in its demand

for recognition.

One response might be that the gender identity of woman does not necessarily mean the internalization of the traditional female gender norms. Take, for example, the norm-relevancy account of gender identity. According to Jenkins, having a female gender identity does not entail that a person has to internalize and endorse the norms of femininity. “Rather, what is important is that one takes those norms to be relevant to oneself; whether one feels at all moved actually to comply with the relevant norms is a distinct question.” (Jenkins 2016) That is to say, one has a female gender identity as long as she feels that the norms of femininity are somewhat relevant to her, no matter whether her responses to the norms are compliant or defiant. In this way, the norms are not being reinforced, and politics of gender identity does not necessarily reinforce the oppression by recognizing and valorizing the internal identity of woman.

This response, however, does not solve the problem. First of all, to say that having a female gender identity means only that one feels the relevancy of the norms of femininity is simply to pass the buck from norm internalization/endorsement to norm-relevancy. Still, this account cannot properly explain what the feeling of norm-relevancy is without either invoking an external account of gender or circling back to norm internalization. Jenkins does not fully articulate what this feeling of norm-relevancy is. She refers to this feeling as the “inner sense of their own ‘locatedness’ with regard to these norms” without further explanation. (Jenkins 2018) Dembroff & Saint-Croix (2019) explain norm-relevancy as experiencing the norms, at least a substantial subset of them, as applicable to oneself, based on one’s felt kinship with a group. And, to feel a kinship with a group is to “see oneself as relevantly similar to other members of the group, where one takes this similarity to mean that one does (or should) have properties that are sufficient for group membership.” (Dembroff and Saint-Croix 2019: 578) But what is this similarity based on? One answer would be that it is based on what one takes to be the *external factors* with which we identify a social group, the sufficiently large amount of which one takes oneself to share with other group members. However, this might not be acceptable to the advocates of gender identity politics since it amounts to grounding gender identity on an objective, external account of gender. In contrast, the other answer, then, is that this similarity or felt kinship is based on a shared inner sense of how being a group member is, that is, the internal identity of the group. In this case, the shared inner sense of how being a woman is, or the internal identity of woman. However, this is where the problem starts: it is either imposing new norms of identification on how a (true) woman should be or endorsing the old gender norms as defining how being a woman should be. This solution either hits again at the wall of the authenticity problem, or is stuck with the problem of reinforcing oppression. Either way, the problem remains for the politics of gender identity.

### *Misled activism: gender identity*

Finally, politics of gender identity also face the problem of misled activism in the form of over-expressivist politics. Politics of gender identity emphasizes and valorizes the self-definition of one’s gender, and advocates and attempts to justify policies and laws on the ground of the internal sense of gender identity. The expression of one’s gender identity takes center stage in both tactics and goals. As Cressida Heyes (2003) describes, “In the emerging genre of popular trans feminist polemic (as in much of popular feminist writing) the rhetorical emphasis is squarely on the right of individuals to express their gender as they choose or to

engage in free gender play.” (Heyes 2003: 1110) Gender identity politics, therefore, leads to a form of expressivist politics, where the expression of self-identity takes a central role. Understandably, this emphasis on the expression and definition of gender aims to empower individuals, in particular, transpeople, to regain agency, and to ground the right to express a gender identity that is not linked to one’s sex. (See Bettcher 2007) However, taking self-expression of gender identity as its goal reduces the movement to simply the right to self-expression. Leslie Feinberg, one of the most influential activists in the Trans Liberation movement, for example, asserts that “[p]eople don’t have to give up their individuality or their particular manner of gender expression in order to fight sex and gender oppression. It’s just the opposite.” (Feinberg 1999: 54) The right to self-expression of gender identity, then, should be the goal of the movement. “Gender freedom - isn’t that what we’re all fighting for with every breath we take?” Feinberg asks. (Feinberg 1999: 53) However, this reduction to the right to expression cannot ground a proper movement against gender oppression. It takes the expression of the internal gender identity as sufficient for the elimination of gender oppression while it is, at most, only necessary. It amounts to reducing the political solution to an individual, personal solution to the political problem. It offers only individual empowerment to stand against oppression, understanding gender as a property of individuals. As Heyes (2003) is concerned, “adopting the language of individual freedom of expression with regard to gender, then, will sidestep important ethicopolitical questions that arise from gender relations and the demand of community.” (Heyes 2003: 1095) In this sense, the demand for collective action in eliminating gender oppression is replaced by an individualist self-expressive politics, neglecting how gender expression and gender in general could have consequences for others.

Faced with these problems, we can now conclude that the concept of gender identity could not provide a satisfactory justification for gender politics with the aim of eliminating gender oppression. Gender politics should not take the form of gender identity politics. While advocates for gender identity politics do point out some significant aspects of how the internal sense of gender matters to individuals, gender politics should take the external, objective concept of gender as its ground for its movement and policy demand. Gender politics, or feminism, should struggle against gender oppression without gender identity. (See also, for example, Gheaus 2022; Barnes 2020, 2022)

## **7. Conclusion**

Identity is of great political significance since the common appeal to identity in politics requires identity to play two important roles: it is supposed to motivate political actions and to provide normative grounds for identity political claim-making. However, the common conflation in theories and practices alike of internal identity and external identity leads to serious problems of identity politics. Especially, as we have seen, the popular appeal to internal identity in doing politics fails to ground normatively various identity movements and their claims. Doing politics with identity correctly requires us to abandon this attempt and seek justification in external identity instead, by looking at the external factors and conditions of an identity group. By tracking how members of an identity group are prevented from

participating in society as equals, external identity provides reasons and remedies to tackle the various unjustified social constraints coerced on them, as well as an answer to the question of how to do politics correctly.

This also sheds some light on the distinction between the political and the personal. Politics of internal identity attempts to ground politics on a somewhat personal sense of the self. Therefore, the justification for the political claims made by a social group comes from the fact that they are how the group members understand themselves. As we have seen, the politics of internal identity faces serious problems, one of which is reducing political actions and political solutions to injustice to some individual, personal solutions. As it takes the personal expression of the self as the aim and justification for a political movement, the right to justice becomes the right to self-expression. However, this expressivist form of politics cannot eliminate the injustice the social group is suffering from because it only offers individual empowerment to struggle against oppression: reform or change how group members understand themselves. In this sense, it is a form of depoliticization. By conflating internal identity with external identity, it neglects the substantive conditions under which individual group members stand in relation to others in participating in social life: their political relationship. This omission renders internal identity remedies only personal ones, confused as political.

On the other hand, politics of external identity requires us to track the external factors and conditions of a group to grasp the injustice and oppression the group members are in. Only by doing this can we fully explain how the group members are treated unjustly by others, and can we offer and justify remedies for the injustice and oppression. This offers a political solution to a political problem because it takes the subordinated and unequal status of the group as its focus, and aims to restore equal citizenship for them. That is, it takes the political relationship as its core. As we have seen, this focus on the equal (or unequal) relationship among individuals in society also explains why voting is the paradigm example of the political. In this sense, external identity is political.

## Chapter 5: How Political Liberal Feminism Is Possible

### 1. Introduction

In the previous two chapters, we have discussed two cases of the political: voting and identity politics. In both discussions, equal citizenship plays a role in explaining their being political and the normative justification of their political claims. The principle of free and equal citizenship explains why voting is not only a right but a joint power of citizens, and, therefore, entails a duty to vote. It also explains why identity politics must appeal to external rather than internal identity: the subordinated and unequal external treatment and public relationship cause injustice. Equal citizenship, then, might be key to how we should understand the political.

In this chapter, I will first introduce the principle of equal citizenship by introducing the basic ideas of political liberalism against comprehensive or perfectionist liberalism. The principle of equal citizenship is one of the main ideas of political liberalism, and it explains, at least partly, why liberalism should take the *political* form rather than the *comprehensive* form.

Then, I will argue that political liberalism and the principle of equal citizenship have substantive feminist implications. These feminist implications point to a particular form of liberal feminism: political liberal feminism, which requires substantive equality for women in a political community. Furthermore, we will discuss the feminist critique of choice as an objection to political liberal feminism. Some feminists argue that since political liberals emphasize the importance of choice, it cannot account for some of the serious problems women face. I will argue that this objection is based on a common misunderstanding of political liberalism, and political liberal feminism does have resources to deal with those problems. Finally, we will discuss another objection from radical feminists that political liberal feminism is not properly feminist in that it lacks a fundamental feminist justification. In response, I will argue that this idea of a feminism proper with a distinct feminist justification is untenable.

In the end, I will conclude that political liberal feminism is feminism with teeth and resources to deal with sex inequality. It is solidly grounded as feminism, with a unique understanding of what the feminist political is. Political liberal feminism is not only possible but also desirable.

### 2. The political turn of liberalism

It is impossible to explain political liberalism without understanding liberalism more generally, so we will start there.

Liberalism is labeled as many things. As a political theory or philosophy, there seems to be no unique and common understanding of what liberalism is. However, although it is difficult to define liberalism in politics, it might not be as difficult to say what liberalism is

about and start from there. On this matter, I agree with Gerald Gaus that liberalism is, “first and foremost, about individual liberty.” (Gaus 2003: 1) This means two things. First, liberalism generally sees liberty as of primacy among political values, compared to other political theories. Secondly, within the liberal tradition, on the long list of liberal values, individual liberty could be seen as the chief value.

A bit of history can help us to see why. As Gaus notes, “liberalism emerged as a distinct political theory as a call for freedom of speech and of thought.” (Gaus 2003: 1) Early liberals in the West called for the freedom of thought and conscience, and later freedom of individuals to live their own lives, against the absolute authority of the state and custom. John Locke, for example, imagines the state of nature as a state of perfect freedom where individuals are equal to each other, not in Hobbes’ sense that they are of equal physical capacities, but in the sense that, morally, they are equal in being free. Based on this natural liberty individuals should enjoy, Locke argues that no one has the right to subordinate others. J.S. Mill, hundreds of years later, argues for the Liberty Principle that an individual’s liberty or freedom can only be justifiably limited if it is to prevent harm to another, by individuals or groups of individuals. This principle is best illustrated in Mill’s defense of freedom of thought, where he argues that unpopularity, falsehood, or customs are not proper reasons to curtail freedom of thought and discussion. John Rawls, the most prominent political philosopher in the twentieth century, sees as his first principle of justice 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 1999: 220) Liberals generally believe liberty should take primacy as a political value. Based on this primacy, any restriction on individual liberty by other individuals or the state must be justified.

There are many criticisms against liberalism throughout the literature, and it is impossible and beyond the purpose of this chapter to discuss them all. Instead, this section aims to articulate the basic ideas of political liberalism. Therefore, I will leave the general discussion and criticisms of liberalism aside. (I will turn to one such criticism from feminists later.)

Political liberalism is proposed, most famously by Rawls, in contrast to comprehensive liberalism. Comprehensive liberalism is a type of liberalism that grounds its liberal political principles on comprehensive doctrines, which, according to Rawls, include controversial philosophical, religious, or moral “conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform most of our nonpolitical conduct (in the limit our life as a whole).” (Rawls 2005: 175) These comprehensive doctrines are of a broad scope of subjects, fully or partially concerning values in and of human flourishing.

There are different types of comprehensive liberalism, as well as many different forms of comprehensive liberalism. According to Martha Nussbaum, most forms of comprehensive liberalism belong to the type of perfectionist liberalism, while the rest are not perfectionist. Perfectionist liberalism is a type of comprehensive liberalism that “spells out a set of controversial metaphysical and ethical doctrines concerning the nature of value and the good life, and then goes on to recommend political principles built upon these values.” (Nussbaum: 3) It justifies the liberal principles on the grounds that they are based on these values about what makes lives valuable in general.

One example of perfectionist liberalism is Mill’s liberalism. In *On Liberty*, Mill articulates a staunch defense of basic liberties of thought and expression. Mill argues not only that liberty of thought and expression is important because of its value as the most reliable means to tracking truth, but also that liberty of thought, as well as other basic liberties, are important

because they are necessary for individuals to exercise their higher capacities as opposed to those in other animals. These higher capacities include, for example, higher intellectual functions, capacities to deliberate about one's own plan of life, etc. A good human life is one in which an individual can exercise these higher capacities, to live their own individuality. Based on this, a liberal political principle should be established so that the state should not only refrain from imposing obstacles, including censorship of individuals experimenting with their lifestyles but also provide conditions for them to develop and exercise their higher capacities, such as providing education. (Mill 2003) Mill's liberalism is a form of perfectionist liberalism in that it grounds its liberal principles on a specific conception of a good human life as to exercise one's higher capacities.

Another example of perfectionist liberalism is, discussed by Nussbaum, Joseph Raz's liberalism based on autonomy. Raz argues that autonomy is a distinct value in and of human flourishing, in the sense that autonomy is the central moral ideal for human life. The value of autonomy is "the view that the fact that a person controls aspects of his life, and determines their shape, gives his life value." (Raz 1986: 144) According to Raz, this ideal of autonomy for an individual requires three conditions: "appropriate mental abilities, an adequate range of options, and independence." (Raz 1986: 373) Besides being able to make decisions (appropriate mental abilities), and not being subject to others' will in doing so (independence), an autonomous person, according to Raz, is not simply given options for her to choose from rationally, but given morally acceptable and a wide range of options in her life, short and long term. Raz's example of the Hounded Woman, where her every choice is to survive and avoid death, illustrates that autonomy requires more than just having options. "Autonomy requires a choice of goods." (Raz 1986: 379) Based on this, Raz's liberal political principles require that the state offer its people a range of genuine options to develop their autonomy, which in turn requires the state to determine and distinguish which options are genuinely valuable and worth pursuing for individuals. (See also Nussbaum 2011a) (We will return to this view later when we discuss the liberal feminist criticisms of political liberalism.)

Nussbaum suggests that there are non-perfectionist types of comprehensive liberalism that appeal to some comprehensive doctrine about human life in general without a specific conception or ideal of a good life. Besides comprehensive doctrines that are deterministic but not perfectionist, such as astrology, she lists the comprehensive liberalism proposed by Ronald Dworkin as an example, where Dworkin defends explicitly a comprehensive form of liberalism without a specific conception or ideal of the good life, while nonetheless remaining comprehensive in that it commits to some substantive ethical individualism. Dworkin's theory argues for the equality of resources for any individual to pursue their choice of a life plan while remaining neutral about the goodness of the life plans. At the same time, to account for substantive equality, it appeals to two principles of ethical individualism: "the principle of equal importance" and "the principle of special responsibility." The principle of equal importance requires that, objectively speaking, "human lives be successful rather than wasted, and this is equally important, ..., for each human life." The principle of special responsibility requires that "though we must all recognize the equal objective importance of the success of a human life, one person has a special and final responsibility for that success—the person whose life it is." (Dworkin 2000: 5) Dworkin's theory, therefore, is not perfectionist in that it does not commit to any particular ideal of the good life, but comprehensive nonetheless in that it commits to a specific value of human life, that it should be successful rather than not, and individuals have a special responsibility to their own lives.

Political liberalism, on the other hand, unlike comprehensive liberalism, does not appeal

to any comprehensive doctrine about human life in general in grounding and defending its liberal political principles. For Rawls, political liberalism only offers a political conception of liberal principles and justice that does not extend to nonpolitical conduct. "It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself." (Rawls 2005: 10) Therefore, it aims for the political conception of justice as a freestanding view embedded "in the public political culture of a democratic society" that covers only "a specific kind of subject, namely, for political, social, and economic institutions." (Rawls 2005: 11-13) As a freestanding view, political liberalism must not appeal to any comprehensive doctrine in its justification of liberal principles, which is the case with comprehensive liberalism.

For Rawls, this "political turn" of his liberalism is to address what he calls the problem of stability: "How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incomplete religious, philosophical, and moral doctrine?" (Rawls 2005: xviii) This problem arises as soon as we consider the fact of reasonable pluralism in a modern constitutional democracy. The fact of reasonable pluralism is that there is a "pluralism of incompatible yet reasonable comprehensive doctrines" in any modern democratic society. It results from the exercise of human reason under what he calls the burdens of judgment, a series of non-mistake constraints on human reasoning. It is also a permanent feature in modern democratic societies, in that no one of these incompatible comprehensive doctrines "is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens." (Rawls 2005: xvi) In this sense, appealing to any specific comprehensive doctrine in justifying the liberal political principles would be appealing to a normative foundation for these principles that only a portion of the citizenry would accept. This is, however, unacceptable for political liberals. To appeal to any one specific comprehensive doctrine as the normative ground for political principles is to affirm it as the shared understanding for the whole political community. Rawls believes that the stability of such a shared understanding can only be maintained by the oppressive state power, given the fact of reasonable pluralism of incompatible yet reasonable comprehensive doctrines. Any such attempt is to coerce some citizens to affirm a comprehensive doctrine that is reasonably incompatible with their own.

This leads us to another core idea of political liberalism besides the one of the fact of reasonable pluralism, which is the liberal principle of legitimacy:

our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideas acceptable to them as reasonable and rational. (Rawls 2005: 217)

The principle of legitimacy asserts that political power, being coercive by nature, requires justification in its exercise. It also affirms that within a democracy, political power is always the power of the public, that is, the power of the citizenry as a collective body. Therefore, the exercise of political power must be justifiable to the public. Furthermore, the liberal principle of legitimacy also requires that we respect our fellow citizens as free and equal. Citizens are free and equal in forming and pursuing their own life plans as they see fit according to their conceptions of a good life. The free exercise of reason in equal citizens is what gives rise to reasonable pluralism of comprehensive doctrines concerning value, conceptions of the good, and ideals of human life, etc. It is the free and equal citizenship that demands that coercive

political power be justifiable with reasons that all citizens can be expected to endorse. Appealing to particular comprehensive doctrines to justify political principles, therefore, violates the liberal principle of legitimacy because it demands citizens to endorse a doctrine that they may reasonably reject.

To satisfy the liberal principle of legitimacy, given the fact of reasonable pluralism, political liberalism demands that political principles and policies be justified publicly with reasons restricted to those that all citizens could reasonably accept; that is, they be justified with public reasons. According to Rawls, public reason is “the reason of free and equal citizens.” (Rawls 2005: 442) That is, public reasons are reasons that are shared and endorsed from the point of view of free and equal citizenship. Public reason must appeal to the role and needs of citizens as free and equal citizens, not as the particular person with a specific comprehensive doctrine herself. In general, political liberalism argues that political principles and policies should be publicly justified with public reason that is acceptable to free and equal citizens to meet the liberal principle of legitimacy.

The requirement of public reason applies not only to the justification of institutional political power, but also to the relationship between citizens as citizens in proposing terms of fair cooperation in society. It requires that citizens “be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason,” and be willing to listen to each other and be fair-minded in making their decisions. (Rawls 2005: 217) This is what Rawls called the duty of civility. This requirement partly comes from the idea that citizenship is not merely a personal identity but a public, political role in a democracy bearing a political relationship with other citizens, as argued in the previous chapter on citizen’s duty to vote. When citizens share the political power as a collective and vote on principles and policies that will affect other citizens, it requires citizens to be able to provide a justification that they think would be fair and reasonable to other citizens as equal citizens.<sup>17</sup> This duty of civility comes from what Rawls sometimes also refers to as the criterion of reciprocity,

The criterion of reciprocity requires that when those terms [of social cooperation] are proposed as the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position. (Rawls 2005: 446)

Rawls suggests that the liberal principle of legitimacy is based on the criterion of reciprocity which expresses the basic respect for free and equal citizenship in political liberalism. (Rawls 2005; see also Watson and Hartley 2018)

To briefly recap the basic ideas discussed so far of political liberalism. First of all, political liberalism disagrees with comprehensive liberalism, that political principles should be grounded on comprehensive doctrines about the conception of a good life, the ideal of humanity in the exercise of higher capacities in Mill’s case, or the ideal of autonomy in Raz’s. Political liberalism emphasizes the fact of reasonable pluralism endorsed in modern democratic societies, and grounding liberal principles on any particular comprehensive doctrine would require at least some citizens to affirm a doctrine that they reasonably reject.

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<sup>17</sup> See also (Rawls 2005) where he argues that “ideally citizens are to think of themselves *as if they were legislators* and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact.” (Rawls 2005: 444-445) For the discussion of the criterion of reciprocity, see also (Watson and Hartley 2018).

Secondly, political liberalism commits to the liberal principle of legitimacy which requires that all (coercive) political power be justifiable to citizens as reasonable and rational in a democracy. This principle explains the objection of political liberalism against comprehensive liberalism in basing liberal political principles (and policies) on any comprehensive doctrines. What lies at the core of the liberal principle of legitimacy is the respect for free and equal citizenship. Thirdly, the liberal principle of legitimacy gives rise to the idea of public reason, which restricts the reasons for justifying political power to those citizens as citizens could reasonably be expected to endorse and share. Public reason applies both to state political power and the relationship between citizens as citizens (the criterion of reciprocity).

What lies in the center of political liberalism, then, is the respect for free and equal citizenship. Political liberalism, construed in this way, starts not with no value commitment at all but with an ideal of “society as a fair system of cooperation” among “citizens as free and free and equal persons”(Rawls 2005: 450)and the values implied in such an ideal. It is expressed in the commitment to the liberal principle of legitimacy and the criterion of reciprocity. Justification for political principles and policies based on these sharable public reasons, in turn, provides the stability that reasonable pluralism threatens.

### **3. The feminist case for political liberalism**

Now that the basic ideas of political liberalism are in place, we can start articulating how political liberal feminism is possible. The first step of this articulation is to make a feminist case for political liberalism, which argues that political liberalism has significant feminist implications in that resources from political liberalism are instrumental to feminist objectives.

#### ***3.1 Political liberalism and the principle of equal citizenship***

In the last section, we saw that at the core of political liberalism’s commitment to public reason is the respect for free and equal citizenship. It should be noted that multiple elements in this phrase of “respect for free and equal citizenship” need to be unpacked. First of all, there is an ambiguity about the meaning of respect. Stephen Darwall famously distinguishes two kinds of respect in our ethical discourse. Appraisal respect is such an attitude of appraisal or admiration attributed to the persons or features of persons judged to manifest excellence according to some evaluative standard worth pursuing. On the other hand, recognition respect does not involve excellence but consists in giving appropriate consideration owed to other persons when deliberating about what to do. That is, to show recognition respect for a person or a feature is to give them proper weight in deliberation, regarding them as “placing restrictions on what it is permissible for one to do.” (Darwall 1977) The commitment to the respect for free and equal citizenship refers to recognition respect rather than appraisal respect. Our fellow citizens are entitled to appropriate treatment as free and equal in our deliberation about what to do in virtue of their status as citizens.

Secondly, citizenship is a complex concept that involves different elements or dimensions. There are two main conceptions of citizenship in the literature, each emphasizing a different dimension of citizenship. The liberal conception of citizenship, on the one hand, understands citizenship “as a status, an entitlement, a right or set of rights passively enjoyed.” (Walzer

1989) These include various liberties and rights that citizens should enjoy and have claims for protection by law. The republican conception, on the other hand, understands citizenship “as an office, a responsibility, a burden proudly assumed.” (Walzer 1989) It takes citizens to be active political agents participating in the functioning of our political institutions. (See also Leydet 2023) In the discussion of citizenship, these two conceptions of citizenship are generally seen as alternatives to each other, in that the citizen is either primarily a private person passively enjoying their rights and protections as the liberal conception envisages, or primarily an active political actor exercising their political agency as the republican conception suggests. A full discussion of the conceptions of citizenship will no doubt be beyond the scope here. Still, I believe that these conceptions of citizenship should not be understood on this disjunctive either/or, and the accurate understanding of the concept of citizenship lies in between. In defending the duty to vote, I argued that understanding citizens’ basic rights as simply liberties and protections cannot account for the core of some of these rights as a form of power. These power-rights in turn generate certain duties on the citizens’ part. For example, the right to vote as a form of joint power-right entails a duty to vote, because our fellow citizens’ effective exercise of the same right depends on it within a liberal democracy. This, in a way, challenges the liberal conception of citizenship as the passive private person. On the other hand, the changed conditions of most modern states do not support the republican idea of citizens as primarily active political actors/agents. The sheer scale of modern states and the diversity and heterogeneity of individual interests render the republican conception difficult, if not impossible, to realize. Therefore, a proper understanding of citizenship should include both dimensions and take citizenship as both legal status and political agency.

The political liberal commitment to the respect for free and equal citizenship, understood as such, imposes both negative and positive restrictions on legitimate political principles and interventions by putting requirements on their justification through the liberal principle of legitimacy and criterion of reciprocity. Political liberalism, as Lori Watson and Christie Hartley (2018) say, commits to the idea of the normative priority of citizenship. First, this normative priority of citizenship is a priority of citizenship over other identities of individuals. According to Watson and Hartley (2018), from both the perspectives of the state and the individuals, a person’s identity as a citizen gives her “a certain standing and rights, liberties, and responsibilities.” This means that a citizen as a citizen, regardless of her other identities, should enjoy these rights and liberties without unjustified interference, and that her equal status as a citizen should not be undermined. (Watson and Hartley 2018) Another overlapping but distinct aspect of the normative priority of citizenship, which Watson and Hartley do not explicitly discuss, is a priority of citizenship over other reasons in public justification of the exercise of political power in public justification. This means that in public justification of principles and policies concerning citizens as citizens, free and equal citizenship as a reason takes normative priority over other reasons. Free and equal citizenship should be seen as the basic criterion in the sense that other considerations must be in accordance with free and equal citizenship. In this sense, it takes normative priority as the most fundamental.

To respect citizens as free and equal, there should be, for example, protection of citizens’ basic liberties and rights, so that citizens can lead their lives freely. These act as limits on political intervention from the state into their lives. There should also be protection against domination and discrimination based on irrelevant features of groups of individuals that curtail their enjoyment of these basic rights and liberties. These might be seen as negative restrictions. Positively, respect for free and equal citizenship requires that there is the

facilitation of conditions for citizens to develop the necessary capacities or capabilities as free citizens, such as providing adequate and accessible education for citizens, or creating appropriate social conditions for exercising their rights and liberties, and the facilitation of conditions for citizens to enjoy equal standing with their fellows. In general, the restrictions on the justification aim to, negatively, eliminate the social conditions that undermine citizens as free and equal, and, positively, create and facilitate social conditions that are necessary for free and equal citizenship. (Watson and Hartley 2018; Schouten 2019)

### 3.2 *Feminist aims*

The second step in the feminist case for political liberalism is to argue that the resources from political liberalism can yield substantive feminist implications. The core commitment to the respect for free and equal citizenship in political liberalism requires that political principles and interventions satisfy the liberal principle of legitimacy and the more general criterion of reciprocity in public justification addressed to citizens as free and equal, as discussed above. This requirement, in turn, demands substantive equality for women, who as a group have historically suffered from denial of equal treatment. The feminist case for political liberalism comes from this requirement.

To call this a feminist case, I have presumed a broad understanding of what feminism is in terms of its basic claims as a political theory. Normatively, feminism claims that women ought to be treated equally in society. Empirically, feminism claims that women have been treated unequally in society. Although there are different interpretations of what equality should be according to different feminist theories, these two claims mark the fundamental goals of feminism not only as an intellectual discipline but also as a political movement, since they provide reasons for actions to change how things are for women. In this sense, if political liberalism demands equal treatment for women in society and explains that they are unfairly treated, it is feminist.

Watson and Hartley (2018) develop their own detailed feminist case for political liberalism in this sense. They aim to show that political liberalism can be feminist and offer solutions to feminist problems. That is, they aim to defend a *feminist* political liberalism. However, this chapter, mentioned above, goes beyond this goal and argues for *political liberal* feminism in the sense that not only does political liberalism have feminist implications, but feminism should also take the political liberal form. The projects overlap, obviously. Here, we first articulate Watson and Hartley's account and show how political liberalism is feminist (3.2). Then, in the remainder of this section, I will further strengthen the feminist defense of political liberalism by responding to a strong objection to the political liberal form of feminism from other liberal feminists. (3.3 & 3.4) In the next section (4), I will further argue that feminism should take the political liberal form.

Watson and Hartley argue that political liberalism not only has the potential to accommodate feminist content but also demands it in itself. More precisely, they argue that the core commitments of political liberalism require that any reasonable political principles of justice should provide "genuine equality for women along various dimensions of social life central to equal citizenship." (Watson and Hartley 2018: 137) There are two parts to their argument: first, the criterion of reciprocity demands the elimination of "social conditions of domination and subordination relevant to reasonable democratic deliberation among equal citizens"; second, the criterion of reciprocity demands that society must facilitate "the social

conditions necessary for recognition respect among persons as equal citizens.” (Watson and Hartley 2018: 137)

Common to all political liberals, Watson and Hartley follow Rawls and argue that any reasonable conception of justice should include a list of basic liberties and rights that can be overridden only by other basic liberties. These basic liberties and rights form the basic protections for citizens as free and equal. Political principles and doctrines would be excluded as unreasonable if they contain ideas of unequal treatment of women, or any (group of) individuals, in terms of denial of basic liberties and rights, such as the denial of suffrage to women. These principles and doctrines would not be acceptable to citizens seen as free and equal, and hence fail the public justification test.

The criterion of reciprocity demands more substantive equality beyond the formal basic protections above. First, negatively, the criterion of reciprocity demands political intervention to eliminate pervasive social conditions of domination and subordination in society. Social conditions of domination of one group over another, or those of subordination of some groups in social life, although they do not deny them basic liberties, would erode the equal standing of citizens in the dominated or subordinated group in that they are prevented from the “give and take of public reasons among equal citizens,”(Watson and Hartley 2018: 145) either because they are not seen as reasonable equal citizens, or because they are unable to see themselves as equal citizens among their other identities. Since these social conditions would erode free and equal citizenship, political principles and social institutions that give rise to and maintain them would not be justifiable to reasonable citizens.

Secondly, besides the negative aim of eliminating social domination and subordination, the criterion of reciprocity also demands that society ought to facilitate social conditions necessary for citizens standing free and equal to each other. This concerns the recognition respect for equal citizenship. As discussed above, both dimensions of citizenship as legal status and political agency are necessary, and they extend beyond negative protections from frustration to positive accommodation and intervention that are key to the exercise of citizenship. These are necessary measures to the essential interests of citizenship, and the omission of which, when it does not harm other citizenship interests, is not acceptable to reasonable citizens. (Schouten 2019) Watson and Hartley identify two that are necessary for equal recognition respect: a relation of equal authority and the “ability to advance a claim of justice.”

Equal authority concerns the relationship among citizens in a democratic society. Citizens are coauthors under a democracy who collectively determine our social structures and institutions and their functioning. For them to act as such, citizens should be recognized as equal in authority to each other so that they would take up the responsibility to justify their actions by principles that are acceptable to each other and seek mutual recognition. If a group of individuals is generally viewed as lacking authority in the collective decisions of our society, other groups of individuals would very unlikely to take up such a burden of justifying to them. Equal authority, in this sense, is essential to equal citizenship.

The ability to advance a claim of justice has two aspects. It requires, first, that citizens see themselves as “self-authenticating sources of valid claims” with self-worth and self-respect; and, second, that “others not only recognize the equal authority of citizen claim-makers but that they give proper hearing to the claims of other citizens.” (Watson and Hartley 2018: 153; see also Rawls 2005) Only when a citizen is able to advance a claim of justice and reasonably expect others to recognize such that she is able to exercise her political agency as a free and

equal citizen in participating in society. A person who sees herself and is seen as only a second-class citizen is unlikely to regard her interests and needs as a warrant for a claim of justice, and to expect others to listen, and hence loses her political agency, or at least the substantial part of her political agency.

Based on the significance of these aspects for the recognition respect for equal citizenship, coercive political interventions and measures must be implemented to ensure that citizenship interests and abilities are promoted and developed. Without these measures, equal recognition respect for citizenship is at stake, and it would not be acceptable to reasonable citizens.

Social conditions of domination and subordination include various forms of social conventions, institutions, norms, roles, or expectations around gender. These social conditions might not be supported by outright sexist comprehensive doctrines that deny women basic liberties and rights as citizens, which political liberalism can exclude as unreasonable. Still, they constitute the social environment where women's equal standing as citizens is undermined through, for example, pervasive gender norms and expectations, or existing institutional incentives. Per these demands from reciprocity, the political liberal framework is able to provide justification for political intervention in this kind of social environment. Firstly, the political liberal framework requires that reasons for and against any intervention or regulation, or more generally, any exercise of political power, be based on citizenship interests and acceptable to reasonable citizens as free and equal. Therefore, in public justification, we must appeal to only public reasons not based on any specific conception of the good. Secondly, political liberalism would exclude sexist doctrines that would deny the basic rights and liberties of women as unreasonable since they deny the basic political equality of women. Laws and practices that are based on these sexist doctrines are therefore deemed unreasonable, and demands from and compliance to them are illegitimate. For gender norms and practices that do not outright deny women of basic rights, if they constitute the social environment where women as a group are subordinated or treated unequally in society, the criterion of reciprocity demands interventions to eliminate these gender norms and practices, and therefore, certain coercive political measures are justified. Furthermore, if certain gender norms and practices cause the omission of social conditions necessary for women to participate fully in society as free and equal citizens, the criterion of reciprocity demands interventions that facilitate or create such social conditions, on the condition that they do not harm other citizenship interests. These negative and positive demands reflect a political liberal commitment to substantive sex equality.

Note that the argument above is for the feminist potential of political liberalism in general, and different particular theories within political liberalism would have further details depending on their interpretation and understanding of citizenship interest and how to realize it. For example, Martha Nussbaum proposes that her capabilities approach to justice is such a political liberal theory of great feminist potential. She argues that, instead of welfare and preferences, basic political principles and the measure of the quality of life should be grounded on a list of central human capabilities. These central capabilities provide a basis for a minimum flourishing life for a citizen that the state must help fulfill and be assessed accordingly. If women as a group are systematically prevented from developing these capabilities to a threshold level, state interventions would be justified, even required, so that they are protected and promoted. (Nussbaum 2000a) This is only one form of political liberalism, and the argument in the chapter does not entail any particular form.

### *3.3 Feminist critique of choice*

Now we see how political liberal feminism is possible in that it aims to eliminate sex inequality by ensuring that women enjoy their equal standing as citizens to exercise the rights and liberties to lead a life of their choice. Feminists committed to political liberal ideas strive for an egalitarian society where women can be free to live the life they choose instead of being coerced into any particular form of life, which is the ultimate goal of liberalism, to protect individual freedom.

Other feminists, however, often criticize this brand of feminism for its lack of teeth in solving problems of gender inequality that are of core concern for feminism. In particular, these feminists believe that this aim for protecting individual freedom for women is not well suited for a feminist project, because they see it as an emphasis on choice as the determiner of justice that a free choice made by individuals who are not under coercion should be seen as just by default and hence the state should not intervene. This emphasis on choice leaves many women worse off in society because the gender hierarchy is maintained partly by women making certain choices according to some social norms that are not coercive, and the state is not justified to intervene for this reason. In this and the following subsections, I will first discuss the feminist critique of choice and the criticism of political liberalism. Then, I will argue that this criticism of political liberalism is based on a misunderstanding of political liberalism in its commitment to equal citizenship. Political liberal feminism could, and should, take a critical stance toward cases of gender inequality even when they are partly maintained by the choices women seemingly freely make.

Some feminists believe that since political liberalism makes its central premise the fact of reasonable pluralism, it entails a form of state neutrality of value in the sense that the state should refrain from making judgments on whether one conception of a good life is superior to others through its laws and policies. Because of this commitment to state neutrality of value, according to these feminists, political liberalism cannot provide resources for feminists to account for the injustice of cases where women make choices that would lead to their own exploitation and subordination. Clare Chambers, for example, argues that political liberalism is, in this sense, ill-equipped to deal with injustice resulting from choices made by women influenced by social norms.

Chambers first distinguishes two orders of autonomy. First-order autonomy concerns “the attitude one has to the rules and norms that are a part of life,” where “a person is first-order autonomous if she critically examines rules and norms and follows only those she endorses.” Second-order autonomy concerns “the way that one comes to lead a particular way of life writ large,” where “a person is second-order autonomous if she chooses or endorses the overall conception of the good that she follows.” (Chambers 2008: 162) An example of this distinction would be illustrative. Consider a nun who freely chooses the life of a convent where she would follow the teachings and guidance in her daily life uncritically. A life such as this would lack first-order autonomy because the nun lacks the reflective endorsement of the teachings and guidance for her daily life. On the other hand, this is a life she chooses autonomously in the second-order sense according to her own conception of a good life.

Because political liberalism insists on the neutrality among conceptions of a good life, Chambers argues, political liberalism must emphasize the political, but not the ethical, value of autonomy, and it leads political liberalism to the idea that “second-order autonomy is

sufficient for justice,”(Chambers 2008: 176) in the sense that as long as an individual exercises their second-order autonomy in making a choice, the state shouldn't intervene, even if that choice results in nonautonomous life in the first-order sense. This is the neutrality requirement from political liberalism regarding comprehensive conceptions of the good/comprehensive doctrines. Therefore, for political liberalism, the lack of autonomy in the first-order sense would not be problematic as long as second-order autonomy is present when individual citizens choose their conception of a good life.

Then, Chambers argues that this political liberal neutrality is unable to account for cases where women make choices that are harmful and exploitative to themselves, although they make them under conditions of second-order autonomy. She invites us to consider an imaginary extreme case where women might voluntarily undergo female genital mutilation (FGM) because of their commitment to their culture that practices FGM as part of marriage. In this case, Chambers argues, political liberalism cannot make objections to the practice of FGM and women's choice to perform it, since they are exercising their second-order autonomy. However, the practice of FGM, according to Chambers, must be wrong and therefore banned *tout court* since FGM is an essential part of the sexual subordination and control of women and their sexual autonomy, and therefore harmful and exploitative to women. Even though women in this case might consent to undergo FGM, their choice is influenced by the harmful social norms about gender. This is an example of the social formation of preferences where “social interaction has a crucial role to play in forming our attitudes to the world, and indeed our own opinions of those attitudes. If we live within a gendered society, for example, we will experience the world and our own desires according to gendered norms.” (Chambers 2008: 168) This example of voluntary FGM seems bizarre because FGM is such a severe case of harm and subordination performed on women, and it isn't easy to imagine otherwise. However, the general point made by Chambers would stand if we consider other cases of social formation of preference where women make life choices under the influence of gendered social norms. As a result, even though individual women make this choice freely and exercise their second-order autonomy, they are still under the influence of harmful gendered social norms, and this choice should not be seen as unproblematic. This challenges the idea that second-order autonomy is sufficient for justice. According to Chambers, political liberalism is not well-equipped to deal with this injustice. Instead, liberal feminists must go beyond political liberalism and critically assess first-order autonomy.

Kimberly Yuracko (2003) offers another feminist critique of choice and further criticism of political liberalism. Yuracko argues that political liberalism commits to the similar idea that choice is what ultimately determines justice. As a result, the liberal discussion of cases such as sex work depends on whether the choices women make to become sex workers are freely made. Pro-sex work liberals argue that their “choices are freely made and are made from an adequate range of options.”(Yuracko 2003: 12) On the other hand, anti-sex-work liberals argue that these choices are not freely made, under variously different conditions of being coerced. Yuracko believes that this is an inaccurate way to look at the choices women make. Under pervasive gender norms, women make choices that cannot be accounted for by coercion, because “these choices are generally not, however, made in response to threatened right violations and are not coerced in the traditional sense.” (Yuracko 2003: 64) They are made through the influence of gender norms as seductive offers, where different options are put together by the norms as the options for women without coercion. Liberals who focus on choice cannot account for the wrongness of these seductive offers. This is true in cases where

women freely choose to become sex workers, sex objects, or full-time homemakers.

A typical seductive offer takes the form of “do X and you will get Y,” although Yuracko allows forms of “do X or I will do Y to you,” as long as “Y does not involve a threatened rights violation,” which could be converted to the typical form. (Yuracko 2003: 66) In the cases of women’s choice under the influence of gendered social norms, examples of seductive offers include “stay home and you will be thought of as a good mother,” “have sex with me and you will receive an A,” or “Don’t act like a prude and people will think that you are cool.” Yuracko argues that these seductive offers and the gender norms behind them are problematic not because they present some coercion that undermines the free conditions of women’s choices. Traditional accounts of coercion cannot explain the wrongness behind these seductive offers because the women who choose to become full-time homemakers, sex objects, or even sex workers do not get their rights or entitlements threatened, since women are not entitled to being perceived as good mothers, to receiving an A, or being regarded as cool. Instead, the problem with these choices under seductive offers is, according to Yuracko, that they put two options together as prongs for women to choose, offering one as the reason for choosing the other, but in fact, it should not be the case. This is wrong because “certain choices should not be made for certain reasons, regardless of whether the options are paired against each other in the form of a threat or an offer.” (Ibid) Yuracko writes:

The theory of seductive offers is that certain goods or services simply should not be compared because one option cannot be a legitimate reason for performing or giving the other option. Merely being presented with the choice set and the trade-off possibility of the two options does harm to the individual by changing the way she thinks about the goods or attributes involved. (Yuracko 2003: 67)

It is in this sense that Yuracko believes that feminists criticize some of women’s choices as problematic. The potentially larger financial prospect should not be presented as the reason for the commercialization of women’s sexuality in the case of women choosing to be sex workers; the higher social status should not be presented as the reason for the sexual (self-)objectification of women in the case of women choosing to be sex objects; and being regarded by others as a good mother should not be presented as the reason for women to give up paid employment in the case of women choosing to be full-time homemakers. In these cases, the analysis of the conditions of choice cannot explain the oppressiveness or wrongness of these seductive offers from gender norms. Instead, it lies in the inappropriateness and harm in the choice sets presented by the norms. Political liberalism, therefore, cannot account for the wrongness of gender norms that influence women’s choices.

With both of these critiques of choice, some feminists suggest that liberal feminism with teeth in dealing with problems of gender inequality should go beyond political liberalism and appeal to a more comprehensive form of liberalism. Gender inequality or gender hierarchy in society is not only maintained by sexists who deny women’s basic rights or sexist social institutions and their coercive force but also by men’s and women’s choices resulting from their compliance to gendered social norms, either in their crucial role of influencing and constructing our preferences or in nudging our behaviors because of the cost of deviation from them. (See also Schouten 2019) To criticize these choices, especially women’s choices, liberal feminism should appeal to more comprehensive or perfectionist values such as (first-order) autonomy in Raz’s liberalism, or, as Yuracko suggests, appeal to more specific feminist perfectionist principles such as the principle of sexual noncommodification.

### *3.4 Response: how political liberal feminism is possible*

These are no doubt important critiques of choice, and they reveal the complexity of the mechanism of gender inequality, the analysis of which cannot be reduced to only choice. Social institutions, norms, and individual choices all play a role in setting up and upholding the system. However, the political liberal framework does have resources to accommodate these problems, and the critiques of choice do not pose fatal objections to political liberal feminism.

Political liberalism, as a form of liberalism, does commit to the idea of the primacy of liberty as the chief value. This, however, does not entail that political liberalism must also commit to the notion that individual choice is the determiner of justice in all situations, as both of the critiques of choice assume. Since liberty is the chief value, political liberalism also emphasizes the conditions under which individual citizens can exercise their liberties. It includes a condition of equality in that citizens should be able to stand equal to each other in terms of both authority and opportunity. Otherwise, liberty as such would be overridden not only by liberty itself but by other considerations. The liberal principle of legitimacy and the criterion of reciprocity both require that political justification of coercive power must be public and acceptable to every citizen as reasonable. This reflects the political liberal idea that only when citizens stand equal to each other can liberty be protected and held as the chief value, since otherwise attributes of a group of individuals other than liberty would have provided extra reasons over the liberties of another group of individuals. Free and equal citizenship, in this sense, is of fundamental significance in political liberalism, and ultimately provides the reasons for public justification. The neutrality of political liberalism is then about what reasons could be introduced into and accepted in the public deliberation and justification of political power, in that only public, “neutral,” reasons can justify coercive political intervention, not “private” reasons from comprehensive doctrines and conceptions of a good life. Therefore, it does not by default exclude political intervention in lifestyles as unjustifiable.

To respond to Chambers, political liberalism can support political intervention into women’s choices within their lives under their own conceptions of a good life if a public justification could be provided that such choices would undermine their status of free and equal citizenship, especially when these choices are made under the influence of harmful gender social norms. In cases like these, the state can, or even ought to, intervene, even though their choices are the results of the conception of a good life they endorse. (See also Watson and Hartley 2018) Political liberals like Nussbaum admit that individuals’ preferences and choices are influenced and constructed at least partly by our social environments. She discusses at length cases of adaptive preferences, where “individuals adjust their desires to the way of life they know,” and argues against welfarism that sets the social goals in terms of satisfying actual preferences since individuals’ preferences might have been adaptive ones and are not the assumed results of free rational deliberation, but of social manipulation by tradition and intimidation. (Nussbaum 2000a; see also Nussbaum 2011b) In cases where women consent to practices such as FGM that undermine women’s equal standing in society as citizens both by severely harming women’s basic capabilities and by subjecting women to men’s sexual gratification, political liberalism would strongly support the intervention into these practices, even a ban *tout court* as Chambers prefers. In cases where women choose to undergo seriously harmful cosmetic surgeries or other harmful medical procedures to conform to beauty norms, political liberal feminism could support political intervention if reasons could be provided that these surgeries and procedures are harmful to the status of

women as a group as free and equal citizens.<sup>18</sup> Similar arguments could be made about cases such as women choosing to become sex workers or full-time homemakers.

Chambers argues that we should appeal to the value of equality in dealing with problems of women's choices under the influence of harmful social norms, and this appeal would undermine political liberalism. However, it would not, and political liberalism commits to the idea of equality so that individual citizens can "make autonomous choices about their way of life in conditions of equality." (Chambers 2008: 195) The distinction between comprehensive and political liberalism does not rely on the normative priority of second-order autonomy in terms of justice. Instead, as noted above, political liberalism commits to the normative priority of free and equal citizenship over other identities and over other reasons in public justification.

As for Yuracko's critique of choice through the idea of seductive offer, a political liberal feminist would agree that there is something wrong in pairing the options as a choice set for women, and this wrongness does not lie in whether these choices are freely made or not, but in setting up one option as contingent on the other. However, in contrast to Yuracko's own analysis where she argues that it is because the nature of the options prevents them from being seen in certain ways, political liberal feminists would argue that pairing these options in a choice set and rendering choosing one for the reason of the other would be harmful to women in that it threatened their free and equal citizenship.

Consider the case of women choosing to become sex workers. Typically, a seductive offer in this case would be "sell sex and you will receive a larger financial gain." Yuracko believes that we must appeal to the idea that sexuality is noncommodifiable because of its essential and integral role in one's being to explain the wrongness of this seductive offer of the commodification of sex. (See also Pateman 1988) But this is not necessarily so. Debra Satz, for example, argues that the wrongness of the market of prostitution lies in its harm to the equal standing of women. Commercialized sex plays a role "in sustaining a social world in which women form a subordinated social group." For Satz, given the fact that the overwhelming majority of persons in prostitution are women and girls, and their clients are almost exclusively men, prostitution "represents women as the sexual servants of men. It supports and embodies the widely held belief that men have strong sex drives that must be satisfied, largely by gaining access to some woman's body. This belief underlies the mistaken idea that prostitution is the oldest profession, a necessary consequence of human (i.e., male) nature." (Satz 2010: 146) Because of this, prostitution shapes the social image of the class of women as inferior to men. Therefore, prostitution not only harms individual women but also women as a whole, undermining their equal standing as citizens in our society. The explanation of the wrongness of the seductive offer "sell sex and you will receive a larger financial gain," according to the political liberal framework, is that a larger financial gain as a reason cannot publicly justify allowing the commercialization of sex because it undermines women's equal standing in society and free and equal citizenship must take normative priority as a reason over reasons as such. The state is allowed, and should, intervene in women's choice to sell sex when the current market of prostitution is threatening the status of women as free and equal citizens, and this choice acts as part of the mechanism in maintaining this gender inequality. Watson and Hartley (2018) offer another argument from political liberalism for the elimination of prostitution. They argue that sex work cannot be seen as work like another job because of "the centrality of the right to bodily integrity."

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<sup>18</sup> For a more detailed discussion about beauty norms and their harm and/or benefits, see (Widdows 2018; Rhode 2010, 2014)

What is unique about sex is that the exercising control over the conditions, manner, and persons with whom one has sex is central to one's ability to maintain one's bodily integrity. Securing the conditions for control over one's bodily integrity is necessarily prior to, and required for, the exercise and enjoyment of any other rights. (Watson and Hartley 2018: 180)

This is the reason why selling sex cannot be treated the same as other jobs or services, since it harms one of the basic rights or capacities necessary for women to be free and equal citizens in our society. Based on these citizenship interests, political intervention can be allowed, and the state could make an evaluation of women's choice to become sex workers.

Although they offer different reasons and arguments against the current market of prostitution, their arguments adhere to the political liberal framework that we appeal to public reasons in deliberation about the exercise of political power in either preventing the harm or violation of free and equal citizenship or positively facilitating the enabling conditions for free and equal citizenship. Political liberal feminism is not as toothless as many critics would think, offering only passive allowance of any choices women make and refraining from passing any evaluative judgment. This is a misunderstanding of the basic commitment of political liberal feminism.

#### **4. The feminist case for feminism**

In the last section, we discussed one kind of objection to political liberal feminism through the critique of choice. They argue that political liberalism with neutrality as one of its core commitments cannot account for some important cases of feminist concern, and hence suggest that liberal feminism must appeal to more substantive, and perfectionist normative principles. This objection might be considered an internal objection from liberal feminists concerning whether political liberalism can provide resources for liberal feminist goals. In this section, we will discuss another kind of objection, an external objection, to political liberal feminism and liberal feminism in general. This objection, from a strand of radical feminism, questions whether liberal feminism can be counted as feminism at all. This strand of radical feminism believes that feminism, both as a theory and as a movement, must appeal to some distinct feminist principles or feminist justification, to be "feminism unmodified." In what follows, I will discuss this radical feminist requirement of a distinct feminist justification and argue that the requirement is misguided and risks rendering feminism normatively groundless.

In discussing the method for feminism and its politics, Catherine MacKinnon asserts that "feminism, ..., is the theory of women's point of view." Because of this, feminism must start from women's experience, and in turn, "women's experience of politics, of life as sex object, gives rise to its own method of appropriating that reality: feminist method." Therefore, MacKinnon believes that "feminism does not appropriate an existing method—such as a scientific method—and apply it to a different sphere of society and reveal its preexisting political aspect." (MacKinnon 1982: 535) In a different place, MacKinnon further claims that radical feminism, different from other brands of feminism such as socialist or liberal feminism, is "feminism unmodified." She reasons that "just as socialist feminism has often amounted to traditional marxism [sic]—usually Engels, applied to women—liberal feminism has been

liberalism applied to women. Radical feminism is feminism.” (MacKinnon, 1989: 117)

MacKinnon’s theory of radical feminism is as influential as it is complex. It is not the purpose here to present a definite reconstruction of her theory, nor is it possible. Instead, from the argument, MacKinnon seems to suggest that there is something special to what is feminism unmodified—radical feminism—that makes it distinctively feminist, while other brands of feminism are not, which, I contend, generates an objection from radical feminism to political liberal feminism. If we limit MacKinnon’s claim about feminism to political theories and movements, as her claim may very well be applied to feminist epistemology, sociology, or studies of the law, her claim can be understood as to claim that feminist political movement and its political claims should be justified on distinct feminist grounds other than on liberal or Marxist grounds, for them to be feminist. This is a claim about the normative structure of a feminist political theory that there must be some distinct feminist ground or feminist principles on the fundamental level in its justification for a theory to be counted as properly feminist. I will call this the distinct justification requirement.

According to the distinct justification requirement, political liberal feminism, then, is not properly feminist. Despite its egalitarian potential for women, political liberal feminism is mainly concerned that everyone should be treated properly, or equally, according to the political liberal principles as some universal normative principles. Because women happen to be part of everyone, women should be treated properly as well. In this sense, political liberal feminism is not a theory of women’s point of view, and therefore, there is nothing distinctly feminist in it. Rather, it is just an extension or application of political liberalism. It lacks a proper feminist justification to be counted as feminism.

What is, however, a distinct feminist justification? What is the criterion for a distinct feminist justification? Even if a feminist justification should start from a women’s point of view, there are still multiple possibilities of interpretation here of what the women’s point of view is. In this section, I will discuss two main possibilities for an answer. A distinct feminist justification is either a justification grounded on attributes or facts that are characteristically female, or a justification that appeals to fundamental feminist principles.<sup>19</sup>

The first possibility for a criterion for a distinct feminist justification is that it must be grounded on some attributes or facts that are characteristically female. If feminism is to be a theory of women’s point of view, it will be natural to see that a feminist theory should appeal to what is of women.

One kind of attribute or fact that is characteristically female is the basic facts about being female, facts of the female biological sex, including its physical features and the potential corresponding mental ones, such as pain and pressure resulting from menstruation and pregnancy. These facts are supposedly discovered and possibly contestable within science, but they are basic once sufficiently established. For a theory to be feminist, it must take these basic facts as of political importance and ground its feminist political claims on them. This requirement, however, does not generate an objection to political liberal feminism. As discussed in the previous sections, one of the core commitments of political liberalism is that in public deliberation we must appeal only to public reason, and public reason includes basic

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<sup>19</sup> Janet Radcliffe Richards (1994) discusses two main possibilities: in virtue of being essentially female in origin and in virtue of having a feminist justification. I believe that we are carving out similar logical spaces although with some differences, especially in the second possibility. As it will be clear later, for example, normativity from future success of the feminist movement is excluded by Richards as possible feminist justification at all while it is included in my discussion. See (Richards 1994)

facts of science, since, ideally, facts of science should be part of the reasonable consensus among diverging comprehensive doctrines. Facts about the female biological sex are facts of science, and therefore, should be included in public reason, and form the normative ground for political claims when relevant.

The other kind of attribute or fact that is characteristically female is the different ways women think and do things. It may supposedly include typical women's different patterns of behavior, modes of feeling and thoughts, or the general meanings of being a woman. Difference feminism, for example, takes this approach. Difference feminists argue that one of the harms that has been done to women is that women's distinct ways of thinking and action are negated and devalued, and the solution should be to revalue women's differences from men. Because these patterns of behavior and thoughts are women's own, a feminist theory of women's point of view should then start from them. Carol Gilligan's ethics of care is the most famous theory in this strand of feminism. In her book *In A Different Voice*, Gilligan argues for a unique women's ethical framework, ethics of care, different from the typical male framework of right and justice. According to Gilligan, in the deliberation of ethical problems, women tend to think in terms of personal relationships and care, instead of impartial rights and justice. (Gilligan 1993) A feminist theory, then, should replace ethics of justice with ethics of care because it is the women's mode of moral reasoning. This difference approach to the criterion of a distinct feminist justification, however, is problematic. This approach amounts to the reclamation approach to identity politics in that it aims to reevaluate the meaning of the gender of women. Similarly, then, it risks reinforcing the oppression of women by reclaiming and emphasizing the distorted meaning of womanhood, the oppressive social script of how it is to be a woman. By appealing to these supposedly female patterns of behavior or thoughts, a theory in fact appeals to the feminine gendered patterns and social norms. This not only does not render a theory feminist, but also demonstrates its ineffectiveness in dealing with problematic gender norms, at best, and its anti-feminism at worst. MacKinnon herself argues that this approach is only reifying sexism into difference: "the affirmative rather than the negative valuation of that which has accurately distinguished women from men, by making it seem as though those attributes, with their consequences, really are somehow ours, rather than what male supremacy has attributed to us for its own use. For women to affirm difference, when difference means dominance, as it does with gender, means to affirm the qualities and characteristics of powerlessness." (MacKinnon 1987)

The second possibility as an answer to what a distinct feminist justification is is that it must appeal only to fundamental feminist principles. The criticism states that since liberal feminism is merely liberalism applied to women, it is not feminism in itself, and the same goes for Marxist feminism. It suggests that a proper feminist theory should not appeal to other theories or principles on a fundamental level, for otherwise, it is still an application of theories that are not feminist. Furthermore, this requirement for theories to appeal only to feminist principles is not only a requirement for the explanatory or descriptive, in the sense that a theory should explain or describe women's situation in feminist terms, but also a requirement for the normative, in the sense that a theory should invoke fundamental feminist normative principles in proposing how women should be treated and criticizing what is wrong in the current situation. Putting sex or sexuality in the center stage, as radical feminism suggests, in the explanation of women's situation, of how they are subordinated, oppressed, and excluded from public life, is quite compatible with, say, a liberal normative principle that individuals, including women, should not be prevented from exercising their liberties because of irrelevant features such as sex, race, or class, when a theory is developing its normative claims.

(See also Lawford-Smith 2022: 47-50) Therefore, a distinct feminist justification should appeal to fundamental feminist normative principles that specify the proper normative treatment of women.

This is, however, immediately question-begging. The reason a feminist theory needs a justification is to ground its conclusion of how women should be treated, and perhaps subsequently how things should change. To do so by appealing to a normative principle, as a premise, of how women should be properly treated, is to prove the conclusion by itself. If this is the only way for a feminist theory with normative implications to have a feminist justification, feminism would not be sound. Janet Radcliffe Richards says,

To give a feminist justification of some conclusion is presumably to show that it is required by proper attitudes to women. But in order to reach such a conclusion you need to appeal to some criterion that specifies what proper attitudes would be; and that in turn means that at the most fundamental levels feminist justifications are impossible. Basic ideas about values, standards, principles, about both ethics and rationality, must be in place for a morally motivated feminism to get off the ground at all. ... What it implies is that any argument to positive conclusions about the way women or anybody should be thought of or treated will turn out, when pressed, to depend on premisses [sic.] more fundamental than feminism. (Richards 1994: 406)

In other words, seeking a distinct feminist justification for a feminist theory with normative implications ends up in circularity, and therefore groundless.

Perhaps there is another way of grounding a theory on a distinct feminist justification: to seek normativity from the (future) success of the feminist movement. To see how this forms a distinct feminist justification, we first turn to the idea that feminism is an epic theory.

Kate Phelan (2022) argues that feminism should be understood not as a form of “normal” political theory that “explain[s] the as-yet-unexplained behaviour of phenomena within an already theorized world, filling in an already existing theory,” but rather as a form of epic theory that “explain[s] the world anew.” (K. M. Phelan 2022: 1227) Proposed by Sheldon Wolin, an epic theory is a form of political theories similar to the revolutionary theories in natural science in Thomas Kuhn’s framework. According to Kuhn, theories in the revolutionary phase of science would diverge from the paradigm established in the previous normal science phase and start to put forward new paradigms through which scientists see the world anew. Similarly, an epic theory seeks to put forward new ways or paradigms of seeing and explaining the whole social world. And feminism is such a theory. According to Phelan, MacKinnon’s criticism of Marxist feminism (and liberal feminism) points out that feminism should not be understood as reducing “gender hierarchy to a part of an already theorized whole.” Instead, MacKinnon’s feminism is to center sexuality as “what organizes the social world and organizes it as gender hierarchy.” (K. M. Phelan 2022: 1229) In other words, her theory proposes a new way of seeing the social world. As MacKinnon herself says, “Feminism revolutionizes politics.” (MacKinnon 1982: 544) In this way, feminism is an epic theory.

Moreover, according to Phelan, an epic theory offers a new way to see the world in order to change it, and because of this, although it seems to be describing the world, the truth of its description does not rely on mapping facts as they are in the world. Rather, “its description succeeds not insofar as it corresponds to the world but insofar as it transforms it. It thus awaits

its truth." And since feminism is an epic theory, we should say the same of feminism: "it seeks to stir the imagination to a unified grasp of what is really significant, where what is really significant is what, when it transforms the world, will prove to be." (K. M. Phelan 2022: 1230) Although she talks about feminism's description of the world, Phelan explicitly rejects treating it as an empirical theory. Instead, feminism is producing its own truth by successfully changing the world according to its point of view. "Feminism distinctively as such comprehends that what counts as truth is produced in the interest of those with power to shape reality, and that this process is as pervasive as it is necessary as it is changeable." (MacKinnon 1989: 118)

If this is how feminism should be, the grounding of feminism must lie in what feminism is attempting to achieve: the world transformed accordingly. This amounts to saying that justification for a feminist theory does not come from the correctness or wrongness of a principle but from a pragmatically successful one, the winning one. In this sense, the normativity needed for the positive feminist conclusion comes not from a fundamental feminist normative principle but from the success of the feminist movement in changing the world, although this will happen only in the future. This echoes a political realist idea discussed in previous chapters. This realist idea envisages that at the center of politics is the inevitability of conflict. Because of this conflictual nature in politics, there will be no final resolution once and for all as a recognized result of a rational discussion. Rather, different actors from different positions strive constantly to win, as us against them, in the antagonism between hegemonies. As Williams says, a political decision "does not in itself announce that the other party was morally wrong or, indeed, wrong at all. What it immediately announces is that *they have lost*." (Williams 2005: 13) MacKinnon seems to share the same view. In discussing the proper approach to sex equality, that is, the dominance approach, she asserts that an equality question of the sexes is "a question of the distribution of power", unlike the other approaches which believe that "any attempt to change the way the world actually is looks like a moral question requiring a separate judgment of how things ought to be." Feminism proper, according to MacKinnon, exposes sex inequality as a naked power question, and therefore "there is no separable question of what ought to be." (MacKinnon 1987: 43) Therefore, there is no circularity anymore in finding a uniquely feminist justification, because feminism does not need a moralistic justification. Feminism emerges as a hegemony from women's point of view, and succeeds by changing the power distribution in the world.

However, this is a problematic position, especially for feminism, as shown in Chapter 2. Briefly, there are several reasons why this is problematic. First of all, this position reduces the justification of feminism and the legitimacy of its achievements to the ultimate success of imposing women's self-interest. It is very well true that, as MacKinnon says, the question of equality concerns the distribution of power. But the mere fact that there is a differential distribution of power in society and its institutions does not, by itself, tell us what we ought to do with it. For any normative implication from feminism to be possible, there must be a normative principle that could provide any criterion for evaluation of the situation. Without such a normative criterion, it is even impossible to say that the male-centered distribution of power is problematic in the first place. In turn, this renders the demand for redistribution of power a power grab by women wanting more power, a hegemony aiming for stronger dominance. This amounts to accepting that might is right. It is one thing that equality concerns power, and the power structure is changeable. It is quite another other that we ought to change it. Feminism proper, as MacKinnon understands it, different from other approaches, sees sex inequality as the brute male dominance in origin which subsequently creates

differences, and therefore seeks to eliminate such dominance. (MacKinnon 1987) However, it is a noble and right approach only when a reason is provided that the original male dominance is wrong based on an evaluative criterion, a normative standard. Without it, it becomes a movement on the basis that women need power too, and only when feminism wins in the perennial conflict, and only when it wins again and again, can we claim that it is the right position, and that sexism is wrong. This is problematic even for feminism proper, in that it cannot legitimately condemn the male dominance as wrong, and claim that women have suffered oppression, as long as oppression means a form of injustice as we discussed in previous chapters. Seeking normativity from the future success of feminism, therefore, reduces its justification to the self-interest of the ground, and disregards a criterion of legitimacy.

Furthermore, feminism proper envisaged in this way risks politically alienating those who disagree, within and without the movement, by denying the need for principle-based reasoning. One is politically alienated when coerced into blindly obeying laws and rules that one cannot reasonably endorse. In this case of blind obedience, “a permanent *disconnect* between the interests, reasons, and ideas of citizens and the actual laws and policies that they are bound to obey would alienate them from the political community.” (Lafont 2019: 19) Political alienation may take place in different ways. One might be politically alienated by being denied equality in the procedure of making collective decisions, for example, when members of the other groups are afforded more weight in their votes. In this case, one is coerced into blind obedience by subjecting to a procedurally unfair decision. One might also be politically alienated by being refused substantive reasons to compromise, especially when one is in the minority. If the legitimacy or normativity of a political movement comes only from the success of having the power to implement its claims, it offers no reason to listen to the reasons for dissent. Therefore, if the movement or a view is already a majority that would outvote any other views, there is no reason for it to listen to those in the minority, let alone to modify their view based on the reasons from the minority views; if the movement or a view is already in power, there would be no reason to care about other views, perhaps except for prudential considerations. It then denies the need to provide substantive reasons of principle to those who disagree for them to reasonably endorse, or at least consider, the winning position, beyond the fact that they are politically successful. Hence, political alienation. However, feminism is supposed to be against such a political vision, especially in MacKinnon’s view, since feminism opposes laws and institutions that are designed and implemented by virtue of the unequal distribution of power in favor of men, and that do not give proper consideration to women. It will be disorienting to imagine a feminist utopia where minority views would be cast aside for simply that they are minority views. Even within the feminist movement, feminists will continue to disagree in good faith. It will be alienating if the dissents are not met with reasons from the view in power. For these reasons, a distinct feminist justification cannot be found in the normativity from the future success of feminism.

To sum up, the objection from a radical feminist position that political liberal feminism could not be properly feminist is misguided. It is based on a vision of feminism that is distinctly, or unmodifiedly, feminist. However, as shown above, it is either accommodatable by political liberal feminism, or it is unfounded either because it risks reinforcing gender oppression, or because it is question-begging in seeking a distinct feminist principle, or because it is self-defeating in making feminism a movement simply for power. A justifiable movement of feminism, then, needs to appeal to universal fundamental principles in its justification, such as a principle of universal equality. This should not be considered a failure

to achieve proper feminism, but rather a necessary foundation for a solidly grounded feminist movement.

## 5. Marking the feminist political

Political liberal feminism is feminism that appeals to the political liberal principles as its normative foundation. It is feminist in that it is a theory oriented to evaluating women's situation and tackling problems of sexual inequality, with resources partly from political liberalism. From the discussion above, we see that political liberal feminism is possible in that the liberal idea of free and equal citizenship, core to political liberalism, demands substantive equality for women, among other things, beyond the formal protection of basic liberties and rights. It requires that political interventions, negative and positive, be implemented to ensure that citizens can stand equally to each other. Women, of course, must be able to enjoy equal standing in society.

Compared to the comprehensive forms of liberal feminism, political liberal feminism appeals to political principles and values that are acceptable to citizens as citizens, without resorting to the more comprehensive, and hence more controversial, principles and values. At the same time, political liberal feminism can account for the problems other liberal feminists try to account for by appealing to more comprehensive doctrines. Therefore, political liberal feminism has a more solid normative ground by facing a less justificatory burden in this way.

Although some radical feminists may be unsatisfied that political liberal feminism is not uniquely feminist in that it only appeals to normative principles in the political liberal tradition, rather than to some distinct feminist principles, so that feminism could put women at its center. This complaint, however, is unfounded. On the one hand, a distinct feminist justification by appealing to a distinct feminist principle is untenable, as shown. On the other hand, political liberal feminism is feminism in the proper sense as long as it is a feminist theory that aims at providing analyses of and solutions to problems of sex inequality women face. In other words, it puts women at its center. Political liberal feminism is normatively well-grounded feminism with teeth.

The defense of political liberal feminism by appealing to the principle of equal citizenship also reveals the way to mark the feminist political properly.

The principle of equal citizenship, a core idea of political liberalism, explains the fundamental distinction between the political form and the comprehensive form of liberalism, and offers the main reason for accepting the former. Equal citizenship as a principle justifies a more secure personal sphere that should not be encroached on by others' controversial, comprehensive, personal values. Equal citizenship requires that individuals should be able to exercise their liberties and rights to the mutually most extensive range. It also allows a political sphere where individuals and groups with competing comprehensive doctrines can advocate and justify their preferred visions of the community. This is only possible when individual citizens can stand equally with each other. Competing comprehensive doctrines are deemed reasonable and worth listening to only because they are held by equal citizens, who we respect as equally reasonable, capable of offering reasons and justification for their preferred visions in public terms. Otherwise, the community ceases being political since the implementation of

one's or one group's vision of the community hinges solely on successfully holding the power to implement. It is not political because, without equal citizenship, it is impossible to legitimize any common framework for collective decision in the face of deep disagreement in the community. That is, without equal citizenship, the circumstances of politics do not exist. As we have argued throughout the thesis, political power and practices must be offered normative justification for their legitimacy (Chapter 2), and their justification must be offered in mutually acceptable terms for reasonable citizens that are free and equal, that is, in terms of public reason (Chapter 3, and Chapter 5). Equal citizenship as a core principle, therefore, underwrites the possibility of the political.

Equal citizenship, in this way, makes sense of the feminist political in the slogan "the personal is political" for the current feminist movement, a problem set out in Chapter 1.

On the one hand, the principle of equal citizenship, in particular, equal citizenship for women, helps explain why some of the issues women face that are deemed personal are actually political. It is because these issues concern the (un)equal status of women as citizens. We have mentioned and discussed many of these problems, for example, the problem of sex work, especially the problem of women choosing to be sex workers, the choice of FGM in conforming to cultural norms, the sexual self-objectification of women, or the gendered division of labor with the family and women opting to be full-time homemakers. These problems are misconstrued as personal and offered only personal solutions because they involve apparent personal choice. As we have seen, choice does not make these problems immune from the scrutiny of justice. They are political problems because they are caused by, and/or further entrenching, the inequality of women as citizens, as we have argued in this chapter. And because of this, solutions to these problems should be political remedies to restore equal citizenship for women.

On the other hand, the principle of equal citizenship helps maintain the distinction between the political and the personal for feminists, and avoid collapsing the political into the personal, a risk from third-wave feminism. As we mentioned in Chapter 1, the overemphasis on personal narratives as the core of third-wave feminism's approach to feminist issues risks construing all personal issues as political, and encouraging women to only dwell within the personal and ignore the political. It results in (wrongly) claiming girl power in every personal story and personal identity, and legitimizing every desire and action. One significant example of this problem is the conflation of internal identity with external identity in identity politics. As argued in Chapter 4, the proper justification for identity politics must appeal to the external factors that constitute and constrain an identity group, and track how these factors affect the equal status of individuals, women in particular, as citizens. Suppose the feminist movement is a form of identity politics for women as women. In that case, it avoids the fatal problems for internal identity politics and gains proper normative grounding only by appealing to equal citizenship for women. Maintaining this distinction between the personal and the political then offers genuine political solutions to political problems for women.

Therefore, the principle of equal citizenship marks the feminist political.

## Chapter 6: Conclusion

### **Equal citizenship and feminism**

We set out the research project in this thesis with a problem: how to make sense again the once dominating feminist slogan, “the personal is political.” It is a problem because, despite its popularity, the personal is either collapsing into the political, in the case of third-wave feminism which overemphasizes the personal and treats every personal story as political, or completely detached from the political, in the case of young women who sees only the formal processes such as voting and parliament affairs as political. As a result, women are either implicitly encouraged to dwell only in the traditional personal seeking only personal empowerment, or told that they should not seek political significance at all in their personal life. The once fundamental feminist slogan might not make sense anymore. If feminists are to resist this, the problem has to be solved, and seek a better understanding of the political for the feminist movement, or of the feminist political. What is the political for feminism?

Throughout this project to gain a better understanding of the political for the feminist movement, we have delved into various topics that might seem quite independent from each other.

In Chapter 2, I have discussed and argued against the anti-moralism brand of political realism, and suggested that an adequate feminist political theory must reject the realist picture of the political. Feminism seeks justice and equality for women. This requires then a normative justification for its many political claims, which cannot be recognized in the realist political since it only recognizes at best procedural effectiveness and fairness but not substantive considerations about justice. Feminism has more reason to reject realism and seek a proper understanding of the political elsewhere.

In the next two chapters, we have looked at two concrete cases in the political.

In Chapter 3, I have discussed and defended the idea that in a functioning democracy, individual citizens have a duty to vote and to vote well. Instead of understanding voting as merely a liberty, we should see voting as a joint power-right that plays a unique function in a representative democracy to legitimize a government. Because of this specialness of voting in a democracy, citizens are bestowed not only the liberty to vote but a power and hence a responsibility to make collective decisions for each other that would affect everyone within the community. Citizens have a duty to vote because only by doing so, citizens can stand as equals with each other in effecting this change of legitimizing a government. They have a duty to vote well because we owe our respect to other equal citizens.

In Chapter 4, I turned to the concept of identity and criticized the mainstream form of identity politics that appeals to the more subjective or internal aspect of identity as the normative ground for a political movement. Internal identity politics fails to recognize the external factors that cause and condition the injustice a group suffers from, and leads to serious problems for any identity movement. It either offers only personal solutions such as seeking authenticity for self-identification, or depoliticizes a political movement by taking self-expression as its goal, or worse risks reinforcing traditional oppression by reclaiming harmful self-understandings. Doing politics with identity must then appeal to external

identity that tracks these external factors and aims to restore equal status for the marginalized group members. Their unequal status in society marks their unequal political relationship with others. Only by struggling toward equal citizenship can the identity movement gain proper grounding.

What lies at the center of these cases is the principle of equal citizenship. Equal citizenship requires that we respect our fellow citizens as free and equal, as I explain in Chapter 5, and it gives rise to many other political values that underlie the political realm. For example, it leads us to the principle of liberal legitimacy, which demands political power to be justifiable publicly. Or the value of public reason, which requires citizens to be able to explain to each other their political actions and decisions in mutually acceptable terms, and be willing to listen to each other and be fair-minded. The principle of equal citizenship also acts as the normative benchmark against which to evaluate social and political institutions and practices. There must be something wrong if equal citizenship is violated.

In the discussion of political realism, we see that the anti-moralism realists fail to provide an adequate normative grounding for their picture of politics, and to do so we resort to substantive normative principles such as equal citizenship. These principles function as the source of justification for the political. And, feminists who aim for a normatively well-grounded political movement must reject political realism and appeal to universal fundamental principles, such as that of equal citizenship.

I have discussed these ideas from the principle of equal citizenship in Chapter 5. It is the core idea of a particular brand of liberalism—political liberalism. Against the more comprehensive form, political liberalism aims at justifying political values through the core commitment to equal citizenship. It makes it political because equal citizenship marks off a normative sphere where citizens can share their reasons in terms acceptable to each other and where citizens stand with each other as citizens and equal citizenship defines how we should act as citizens. Without this, the circumstances of politics do not exist, as it is hardly possible for any common framework for collective courses of action to be acceptable to all with different comprehensive doctrines.

The discussion of equal citizenship, in the end, lands on a political liberal feminism, which takes the value of equal citizenship at its core and justifies substantive feminist demands and policies. The core commitment to equal citizenship demands substantive equality for all, and this requires both negative and positive political protection and interventions to secure equality for women as a group, either to remove the social conditions of subordination of women, and to facilitate conditions of equal participation in society for women. Political liberal feminism is not as toothless as many critics would think, offering only passive allowance of any choices women make and refraining from passing any evaluative judgment. Rather, it is feminism that is normatively solid and can bite. It is a theory of feminism that is political powerful and normatively well-grounded.

In this sense, by detailing how political liberal feminism is possible, we have found that equal citizenship not only underwrites the possibility of the political but also justifies the feminist political by distinguishing the political from the personal and hence making sense of the feminist slogan, “the personal is political.” I believe the goal of the project set out in the beginning is achieved.

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