

ESSAYS ON
LIBERALISM AND
FEMINISM

FREEDOM
& EQUALITY

CLARE
CHAMBERS

OXFORD

Freedom and Equality

Freedom and Equality

Essays on Liberalism and Feminism

CLARE CHAMBERS

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© Clare Chambers 2024

The moral rights of the author have been asserted

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2023947799

ISBN 9780192897909

DOI: 10.1093/9780191919480.001.0001

Printed and bound in the UK by
Clays Ltd, Elcograf S.p.A.

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

Contents

<i>Acknowledgements</i>	vii
Introduction: A Feminist Liberalism	1
PART I FEMINISM & LIBERALISM	
1. Feminism	19
2. Feminism on Liberalism	43
3. Respect, Religion, and Feminism: Political Liberalism as Feminist Liberalism?	58
PART II THE FAMILY	
4. ‘The Family as a Basic Institution’: A Feminist Analysis of the Basic Structure as Subject	75
5. Liberalism, Feminism, and the Gendered Division of Labour	99
6. The Marriage-Free State	123
PART III THE LIMITS OF LIBERALISM	
7. Should the Liberal State Recognise Gender?	143
8. Reasonable Disagreement and the Neutralist Dilemma: Abortion and Circumcision in Matthew Kramer’s <i>Liberalism with Excellence</i>	171
PART IV EQUALITY OF OPPORTUNITY	
9. Each Outcome Is Another Opportunity: Problems with the Moment of Equal Opportunity	203
10. Equality of Opportunity and Three Justifications for Women’s Sport: Fair Competition, Anti-Sexism, and Identity	234

PART V CHOICE

11. Choice and Female Genital Cosmetic Surgery	265
12. Judging Women: 25 Years Further <i>Toward a Feminist Theory of the State</i>	279
13. Ideology and Normativity	301
<i>References</i>	321
<i>Index</i>	339

Acknowledgements

The chapters in this book were written over a span of nearly twenty years, meaning that I have acquired many debts along the way. Rather than attempt to collate all my thanks in one place I have given separate acknowledgments in each chapter.

Here I should like to record my hearty thanks to Peter Momtchiloff, Philosophy Editor at Oxford University Press, for his support of this volume. I first worked with Peter on my book *Against Marriage: An Egalitarian Defence of the Marriage-Free State* (OUP, 2017) and it has been a pleasure to work with him again now. I am also grateful to the anonymous referees commissioned by OUP for their insights and constructive suggestions. Ronja Griep and Sam Cole provided excellent research assistance. The Leverhulme Trust granted me a Major Research Fellowship which I held, with great appreciation, during the time I worked on putting this volume together and writing some of the new material. And I must record once again my deep gratitude for my partner Phil, and my children Harley and Caspar, for their ongoing support and love.

Several of the chapters in this book have been previously published elsewhere. They have been lightly edited for this volume. I am grateful for permission to reprint the following:

Chapter 1: ‘Feminism’ was originally published in *The Oxford Handbook of Political Ideologies*, edited by Michael Freeden, Lyman Tower Sargent, and Marc Stears (Oxford University Press, 2013).

Chapter 2: ‘Feminism on Liberalism’ was originally published in Ann Garry, Serene J. Khader and Alison Stone (eds), *The Routledge Companion to Feminist Philosophy* (Routledge, 2017).

Chapter 3: ‘Respect, Religion, and Feminism: Political Liberalism as Feminist Liberalism?’ is newly extended for this volume: the original paper was published in *Journal of Applied Philosophy* (September 2020).

Chapter 4: “‘The Family as a Basic Institution’: A Feminist Analysis of the Basic Structure as Subject’ was originally published in Ruth Abbey (ed.), *Feminist Interpretations of Rawls* (Penn State University Press, 2013). Reprinted with permission from The Pennsylvania State University Press © 2013.

- Chapter 6: ‘The Marriage-Free State’ was originally published in *Proceedings of the Aristotelian Society* 113(2) (July 2013). Reprinted by courtesy of the Aristotelian Society © 2013.
- Chapter 8: ‘Reasonable Disagreement and the Neutralist Dilemma: Abortion and Circumcision in Matthew Kramer’s *Liberalism with Excellence*’ was originally published in *The American Journal of Jurisprudence* (2018).
- Chapter 9: ‘Each Outcome is Another Opportunity: Problems with the Moment of Equal Opportunity’ was originally published in *Politics, Philosophy and Economics (PPE)* 8(4) (2009).
- Chapter 11: ‘Choice and Female Genital Cosmetic Surgery’ was originally published in Sarah Creighton and Lih-Mei Liao, *Female Genital Cosmetic Surgery: Interdisciplinary Analysis & Solution* (Cambridge University Press, 2019).
- Chapter 12: ‘Judging Women: 25 Years Further Toward a Feminist Theory of the State’ was originally published in *Feminist Philosophy Quarterly* 3(2) (2017).
- Chapter 13: ‘Ideology and Normativity’ was originally published in *Aristotelian Society Supplementary Volume* 91(1) (2017). Reprinted by courtesy of the Aristotelian Society © 2017.

Introduction

A Feminist Liberalism

What is feminism? Consider the views of four prominent feminists:

Feminism is just another word for equality. It means equality.

Malala Yousafzai¹

Feminism is a deeply uncomfortable politics, because what we're having to do is say to men: "We don't need your approval."

Julie Bindel²

We should all be feminists.

Chimamanda Ngozi Adiche³

I'm a radical feminist, not the fun kind.

Andrea Dworkin⁴

Almost every year since 2006 I have given a series of lectures on feminism to students at the University of Cambridge. In the first lecture I ask students to raise their hands if they would call themselves a feminist. In the early years of lecturing, only about half of the students would raise their hands. Nowadays, virtually everyone does. One year, a woman who did raise her hand was sat next to a man who didn't. She gasped, her eyes wide in shock, and turned to him aghast. "Why not?!" she asked, in a voice loud enough for the room to hear. "It just means equality!"

Another anecdote, this one from my own student days. I was a DPhil student at the University of Oxford and had the pleasure of taking a seminar series taught by two highly eminent political philosophers: David Miller and G. A. Cohen. This week, the topic was feminism. Cohen, one of the

¹ Malala Yousafzai, Interview at Open Forum Davos 2018, available at <https://www.youtube.com/watch?v=wfxLLyM8iGI>.

² Julie Bindel, *Feminism for Women: The Real Route to Liberation* (London: Constable, 2021).

³ Chimamanda Ngozi Adiche, *We Should All Be Feminists* (London: Fourth Estate, 2014).

⁴ Andrea Dworkin, 'Dworkin on Dworkin', in Diane Bell and Renate Klein (eds), *Radically Speaking: Feminism Reclaimed* (London: Zed Books, 1996).

discipline's most incisive thinkers and most principled egalitarians, was impatient. "Feminism", he said, "is intellectually uninteresting." That phrase I remember word-for-word. The explanation I paraphrase from memory. "Obviously there should be equality between women and men", Cohen continued. "Every egalitarian agrees that. So there's no philosophical question here. It's just about implementation."

Now, Cohen has always been one of my intellectual role models. As an undergraduate, reading his work and seeing him speak was a large part of the reason I wanted to do political philosophy. As a graduate student I was excited to be able to work with him more closely, and hoped to impress him. But I didn't feel I could let this one pass. "I think", I said to the room, "that the intellectual interest in feminism is this: if everyone agrees with equality between women and men in principle, why are we still so far from it? For example," I carried on, "if feminism is so uncontroversial, why I am I the only woman in this room?"

This collection of essays investigates the contours of feminist liberalism: a philosophical approach that is appealing but elusive. My aim is to show that feminist liberalism is both possible and necessary. It is possible because the two doctrines of feminism and liberalism are compatible, their fundamental values aligned. At its heart, feminism is just about equality, as Malala Yousafzai puts it; and it is also about freedom or women's liberation, as the radical feminist 'women's libbers' of the second wave put it. So a feminist liberalism is clearly possible. But is it necessary? In a way, Cohen was endorsing Chimamanda Ngozi Adiche's view: 'we', if we are egalitarians, should all agree on equality between women and men. But Cohen did not think that meant that we needed to be feminists, specifically—on his view, egalitarianism was enough on its own. But feminism *is* necessary, because liberalism has shown that it is simply not up to the task of securing gender equality and women's liberation. As Julie Bindel points out, feminism means telling men that we are not looking for their approval, and that means refusing the idea that feminism is easy to accommodate. It is not 'just' about anything. Feminism, as Andrea Dworkin points out, may not always be fun.

Liberalism is not necessary to feminism. There are varieties of feminism that are not defined by being liberal (which is not to say they are illiberal), including radical feminism, socialist feminism, post-structuralist feminism, and ecofeminism. These varieties of feminism are urgent and insightful, and I discuss them favourably in other works.⁵ My argument, instead, is that *feminism*

⁵ I discuss other varieties of feminism in Clare Chambers, *Sex, Culture, and Justice: The Limits of Choice* (University Park, PA: Penn State University Press, 2008); Clare Chambers, 'Judith Butler's Gender Trouble', in Jacob T. Levy (ed.), *Oxford Handbook of Classics in Contemporary Political Theory*

is necessary to *liberalism*: that liberalism without feminism cannot hope to achieve its aims or stay true to its deepest commitments.

Feminism may not be the only thing that liberalism requires. Liberal political philosophy has many omissions; another glaring one is race. Theorists such as Charles Mills, Tommie Shelby, and Serene Khader have shown that contemporary liberal political theory has ignored racial inequality in a way that exacerbates it.⁶ Even in the liberal multiculturalism debates of 1990s, which grappled with the question of how liberal states could ensure equality in the context of cultural diversity, race and racism were not foregrounded—sometimes, they were barely acknowledged.

The topic of this volume, though, is the specific intersection between feminism and liberalism. I defend feminist liberalism. Its hallmark is a liberalism that prioritises equality and individual autonomy while offering a rigorous critique of using individuals' choices as the sole measure of justice. Liberalism *simpliciter* prioritises individual choice, a strategy that has played a crucial role in the liberal defence of freedom against authoritarianism and conformity. However, as feminism shows, relying on individual choice is insufficient to render an outcome just, because people often choose things that harm or disadvantage themselves. Often, these changes are made in response to social norms, including unjust, unequal, or harmful norms. It follows that relying on individual choice as a measure of justice actually leaves unjust social structures intact. Any defender of autonomy and equality must be prepared to criticise individuals' choices while prioritising individual choosers.

This nuanced perspective on choice means, as I argue in these essays, that feminist liberalism must go beyond political liberalism. Political liberalism is the form of liberalism defended by John Rawls in his work of the same name, and by many Rawlsians after him. It is characterised by a commitment to choice understood as what I call second-order autonomy. *First-order autonomy* refers to the amount of choice and control we have over the actions we take in our everyday lives. We have first-order autonomy to the extent that we actively choose how to act, deciding which rules and norms to follow and which to reject. *Second-order autonomy*, in contrast, applies to the choice we make about our way of life understood more broadly. We have second-order

(Oxford: Oxford University Press, 2017, online first); and Clare Chambers, *Intact: A Defence of the Unmodified Body* (London: Allen Lane, 2022).

⁶ Charles Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Oxford: Oxford University Press, 2017); Tommie Shelby, 'Race and Social Justice: Rawlsian Considerations', *Fordham Law Review* 72(5) (2004); Serene Khader, *Decolonizing Universalism: A Transnational Feminist Ethic* (Oxford: Oxford University Press, 2018).

autonomy to the extent that we have chosen the sort of life we lead, which may include past choices about our religious observance, our community membership, and the career or unpaid work we do.

First- and second-order autonomy can coincide, as when an individual makes a second-order autonomous choice to live a life of constant questioning and individuality. This combination of first- and second-order autonomy is advocated by comprehensive liberals such as John Stuart Mill. Political liberals like Rawls have no complaint with such lives, but they reject the idea that this level of autonomy is necessary for everyone. Instead, political liberals are willing to endorse lives with second-order autonomy but not first-order autonomy: lives in which people choose to live in a way that requires them to submit to others' rules. Thus political liberals defend restrictive lives with limited choices, if those who live them could in principle choose alternative ways of living. In practice, this means that political liberals defend religious, traditional, and shared ways of life that strongly shape their members' actions, as long as those ways of life exist in the context of a more diverse, liberal society that provides alternative options.

Political liberalism is perhaps the dominant form of academic liberalism, in part because it seems to offer an attractive solution to the problem of how to justify liberalism in the context of cultural diversity. Political liberals are able to argue that liberalism as a political doctrine, one that structures the political institutions of society, is compatible with ways of life and community values that are themselves not liberal. This is a useful strategy insofar as it widens the justificatory scope of liberalism and avoids awkward conflicts over highly controversial matters such as religious belief; whether women and men are or should be equal in any and every area of life, including the family; and whether autonomy precludes rule-following rules and traditions for their own sake.

However, *feminism* cannot avoid awkwardness—nor should it seek to. Feminists must take a stance on questions such as these, and their answers will not always align with the political liberal. Where equality conflicts with the sort of choice-based liberty favoured by political liberals, feminists must choose equality. A feminist liberalism cannot be a political liberalism. Or so I argue.

0.1 Freedom and Equality

The essays in this book all touch on three questions. *What does freedom require? What does equality require? And are they compatible?*

These three questions are important to various political ideologies and philosophical perspectives, because the values of freedom and equality are valued by so many. That there is some sense in which people are equal, or should be treated equally, is common to any doctrine that upholds the rule of law or even minimal human rights; that there is some value to liberty is virtually uncontested, even if some who value liberty for themselves seek to deny it to others. But in this volume I focus on the particular answers to those questions that have arisen from the doctrines of liberalism and feminism, and the productive philosophical enquiry that comes from their juxtaposition.

Both liberalism and feminism value freedom and equality *intrinsically* and *deeply*. Liberal political philosophy is in many respects the philosophy of what it is to be free, and what it is to be equal. There is strong disagreement on these questions within liberal theory, but there is also shared ground.

Liberal *freedom* is a property of individuals. Freedom is not amply secured if it is a property of groups or polities alone: individuals within any group must have the freedom to dissent. Freedom can be understood in minimal or maximal ways. It requires at the very least a measure of protection against coercion, paradigmatically by the state and other powerful persons. More extensive conceptions of freedom also call for the individual to have resources: these may be intellectual or mental capacities of choice, or the means to put desire into action. And most liberals prioritise individual choice as necessary for freedom.

Liberal *equality* is a commitment to equal status, translated into some measure of equality in the distribution of resources. For liberals, distributive equality should be situated somewhere between two extremes. Liberals defend more than a minimum of equal basic rights and equality of opportunity as non-discrimination—this minimum may be guaranteed by libertarians and conservatives. Yet liberals demand less than full equality of resources. Full equality of resources is rejected by liberals for ceding too little to liberty. People must be free to make choices that have the potential to undermine egalitarian distributions. And with that liberty comes some measure of responsibility and desert, which mitigate any claims to full equalising redistribution. Liberal egalitarians propose a variety of mechanisms for navigating between minimal and maximal redistribution.

Feminism is also committed to both liberty and equality as fundamental values. The equality that feminism centres is *gender equality* or *equality between women and men*, understood neither as merely formal equality of rights nor as identity or sameness between the sexes. Feminists want women

and men to be equal, which does not mean that they must be identical either as individuals or viewed collectively. A vision of equality as sameness fails on multiple levels: typically, it takes the male as norm and requires women to adapt to male standards. Against that assumption, feminists insist that women can be equal on their own terms, in their own bodies, with their own experiences and plans of life. At the same time, they diagnose prevailing gender inequality. Feminist theory and activism recognises that inequality is both formal and informal; structural and societal; explicit and implicit.

Feminism also insists on the significance of liberty, as evident in the fact that many feminists saw their goal as *women's liberation*. Liberation means freeing women from oppression, subordination, restrictive roles, and violent suppression. Women must be liberated from the constraints imposed by what is variously described as gender inequality, male supremacy, patriarchy, or just plain sexism. These constraints are material, they are legal, they are social, and they are symbolic.

So, liberalism and feminism share a commitment to the values of freedom and equality. What then distinguishes them? One difference is in their analysis of how each value is thwarted in actually existing imperfect societies. What is it that prevents us, collectively and individually, from enjoying the freedom and equality to which we are entitled?

Liberals have typically placed the answer in the state, defending forms of government or legislative change that can enhance our freedom and equality. Thus liberals defend institutions such as democracy, the separation of powers, written constitutions, and bills of rights. They advocate legislation against discrimination, the creation of a welfare state and public services, and an economy that includes both market freedoms and redistributive taxation. Feminists observe that such instruments, even if necessary for liberation and equality, have not been sufficient. They note that freedom and equality are gendered and that liberal institutions have played out differently for men and for women. Women as a group systematically fare worse than men as a group, including in those times and places characterised by a shared commitment to liberalism. What this means, feminists point out, is that liberal theory and practice have not secured freedom and equality for women. What's more, many liberal theorists and regimes have neither noticed nor cared about the persistence of gender inequality. This deficiency must, then, be a deficiency in liberal theory.

In my own work I have tried to identify where liberalism goes wrong from a feminist perspective, and to consider whether liberalism should be abandoned in favour of feminism or can be productively merged with it. There has

certainly always been liberalism that is not feminist, and feminism that is not liberal. But is there scope for a feminist liberalism that realises both doctrines adequately if not fully?

In my first book, *Sex, Culture, and Justice: The Limits of Choice*, I introduced the concept of a 'normative transformer'. A normative transformer is something that changes the normative character of an act or situation: it changes something from unjust to just, from wrong to right. Consent is one example of a normative transformer: many acts that are unjust or wrong if they are not consensual become just or morally acceptable if consent is present—at least according to liberalism. Thus consent turns rape into sex, theft into gift-giving, and violence into sport.

Liberals tend to use choice in just this way, too. In the context of body modification, for example, choice is what prevents surgery, tattoos, and medical treatment from being instances of criminal assault or bodily harm. In general, according to standard liberal theories, a disadvantage that might otherwise be unjust becomes compatible with egalitarian justice *if it is chosen*. For example, the gender pay gap, according to which women earn less than men, looks unjust—but if the gender pay gap is the result of women's choices (to work less, to choose less demanding or prestigious roles, to prioritise care-giving over career) then many liberals will deem the gender pay gap compatible with justice.

Similarly, if a religion treats women and men unequally, denying women access to religious rites, sacraments, or leadership roles, most liberals will condemn that religious inequality as unjust—unless women can be said to have *chosen* to remain in that religion, usually understood as requiring freedom of exit from it. Once minimal conditions are in place that allow religious observance to count as a choice, such as that the religion is not coercively imposed by the state, liberals tend to appeal to the value of choice as a normative transformer to say that religious gender inequality is unproblematic. In practice, this means that liberals condemn religious gender inequality as unjust when it occurs in societies that are structured around that religion, but defend religious gender inequality as just when it occurs in liberal societies. The result is an 'us v. them' dynamic which has overtones of colonial hypocrisy, as practices that are condemned when performed by 'others' in foreign countries are defended when performed by 'us' at home.

What's wrong with treating choice as a normative transformer? Doesn't a commitment to liberty also require allowing people to bear the consequences of their free choices? To an extent, yes. But what feminists are keenly aware of, and liberals tend to ignore, is that we do not make choices in a vacuum.

We choose within a context. All our choices are affected by social construction: by the need to fit in with, or respond to, the context we are in.

Our choices are socially constructed in two main ways. First, we can only choose from the options that are available to us. We cannot choose to become opera singers if our society does not have the cultural form of opera; we cannot choose to join the navy if our country does not maintain one. Moreover, the options presented to us by our society are often pre-sorted into those that are appropriate for us and those that are not. In the UK, opera is a cultural form that is particularly connected to the upper and middle classes. Many people with a working-class background do not experience opera as something that is appropriate for them to participate in, or watch, and so do not choose to do so—a choice that maintains class segregation. A career in the armed forces is also connected to class and sex, through the division between officers and rank-and-file and historical bans on women's service. Makeup, to take another example, is strongly gendered: women and girls grow up to understand that makeup is socially accepted or even expected for them; men and boys learn that, for them, it is odd or taboo. Unsurprisingly, then, many more women and girls choose to wear makeup than do men and boys. These choices may be free, in the liberal sense of not being coerced, and genuine, in the sense of being identified with. But they are socially constructed nonetheless.

The second way that our choices are socially constructed is through our preferences. Generally, we want to be accepted and praised by others. Sometimes we want to stand out as exemplars; more often, we want to fit in. Over time, as part of our inherently social natures, we take pleasure from doing precisely those things that are socially expected of us. Take fashion as an example. When fashions change, initially the new fashion may seem jarring or strange—we conform to meet the approval of others rather than ourselves. Before long, though, the new aesthetic becomes our own. Clothes we wore last season, last year, or last decade now look hopelessly unattractive. What we *want* to wear has shifted in response to social acceptability.

When a context is highly gendered, as all liberal societies are, it is not surprising that women and men make different choices. Certain choices are socially cast as appropriate for women and not for men; women and men consequently form different preferences.

Part of this gendered construction of choice is an incentive or a mechanism by which we all are vulnerable to making choices that harm us along some dimension. While this is something that all of us can do, regardless of our gender, once again we see gendered patterns in our behaviour. Men are liable

to make choices that close down their emotional connection to others, particularly to other men; that limit their role in the family and in reciprocal relationships of care by focusing aggressively on career advancement or leisure pursuits; and that incur physical risks in the pursuit of masculinity such as heavy drinking, initiating aggression, or risking injury. Women are liable to make choices that harm them by making them financially worse off, limiting their earning potential by prioritising domestic life above career; or by conforming to feminine norms in a way that reflects women's lower social status; or by prioritising their physical appearance and conformity to standards of beauty or gender in a way that compromises their physical and mental health.

This is not a false consciousness argument. Choices such as these can be rational within a gendered system that rewards us for making them, or punishes us for doing otherwise. We might be fully, painfully aware of the injustice of gender norms, and yet correctly assess that we will be better off if we conform. The problem is not that people are making the wrong choices; the problem is that we are choosing within a context of injustice.

Both women and men face incentives to make choices that harm them in some way. But these gendered incentives do not balance out to create equality. The result is inequality since norms are gendered in a way that subordinates women. Conformity to norms of femininity is conformity to a role with lower social status: one in which even successful compliance brings a level of inferiority. And, of course, women are subordinated by things that they do not choose: a vulnerability to sexual violence, greater susceptibility to poverty, a gendered pay gap that cannot be reduced to choice.

But, someone might object, if women receive rewards for making gendered choices doesn't that in itself nullify any inequality? Women who are mothers might choose jobs that require fewer hours or less responsibility, receiving lower pay as a result—but don't they then receive various compensating benefits? More time with their children and for personal projects, less stress at work, social approval for being good mothers? If choosing this way is rational for women, doesn't it follow that it is compatible with liberal egalitarianism?

Things are not so simple. That a choice is rational from within circumstances of equality; that a decision to conform to a subordinated position can be more advantageous than a decision to resist: none of this is enough to exonerate the unequal social context that rationalises those choices. Liberals who care about freedom and equality—which is to say, all of them—must recognise that we choose *within* a social context. That means that it does not make sense to use our choices as a measure of the justice of that context.

0.2 The Essays to Come

The essays that follow chart a route through the choppy waters where feminism and liberalism meet. Some of the essays have been newly written for this book; those that have previously been published elsewhere have been edited and updated.

Part I, 'Feminism & Liberalism', launches us on our journey. It sets out definitions of both doctrines, and directly confronts their compatibility.

Chapter 1, 'Feminism', goes deeper into the question of what feminism is, viewed as a political ideology. While it is in some ways misleading to think of feminism as an ideology, rather than as a reaction against the dominant ideology of patriarchy, nevertheless some key themes can be identified. Feminism, I argue, stands *against* what I call 'the fetishism of choice' and 'the prison of biology'; it stands *for* three theses of feminism: 'the entrenchment of gender', 'the existence of patriarchy', and 'the need for change'. These three theses admit of a great deal of variety within feminist thought; nonetheless, they offer a coherent whole.

Chapter 2, 'Feminism on Liberalism', considers what liberalism is from the perspective of feminism. The chapter starts by considering the multiple feminist critiques of liberalism. It then moves to those who see the possibility of a productive partnership between the two, whether in philosophy or in activism. For some that partnership is forged by a liberal feminism or 'choice feminism' that centres women's choices, whatever they may be; others endorse a more critical feminist liberalism. It is this latter option, a feminist liberalism, that holds the most potential.

Chapter 3, 'Respect, Religion, and Feminism: Political liberalism as Feminist Liberalism?', considers whether political liberalism, specifically, can be used for feminist ends. There is significant disagreement among feminists and liberals about the compatibility between their two doctrines. Political liberalism is vulnerable to particular criticism from feminists, who argue that its restricted form of equality is insufficient. In contrast, Lori Watson and Christie Hartley argue that political liberalism can and must be feminist. This chapter raises three areas of disagreement with Watson and Hartley's incisive account of feminist political liberalism. First, I argue that an appeal to a comprehensive doctrine can be compatible with respecting others, if that appeal is to the value of equality. Second, I take issue with Watson and Hartley's defence of religious exemptions to equality law. Third, I argue that political liberalism can be compatible with feminism, but that it is not itself adequately feminist. The chapter concludes that political liberalism is not enough for feminists.

Part II turns to the foundational issue of the family. From the outset, feminists (and those adjacent to them) have argued that the family is a key site of oppression and inequality, such that any movement towards freedom and equality for women must start there. At the same time, liberals have traditionally defended the privacy of the family as a necessary part of a protected sphere of freedom. So the family has been a key site of contention in feminist/liberal dialogue.

Chapter 4, ‘“The Family as a Basic Institution”: A Feminist Analysis of the Basic Structure as Subject’, engages with what has become known as the Rawls–Okin debate. The protagonists are John Rawls, widely credited with the late twentieth-century revival of liberalism as an academic political theory, and Susan Moller Okin, the preeminent liberal feminist in the same era. Rawls famously argued that justice was the first virtue of social institutions, but that it should apply only to those institutions that form part of the ‘basic structure’. Was the family one of them? As Okin pointed out, Rawls’ answer was both unclear and highly significant. Chapter 4 analyses their debate, points out where Okin’s critique goes wrong and where it hits home, and shows that the issue of the family has serious consequences for Rawls’s theory of justice as a whole. Once we consider the family, we see that the fundamental Rawlsian claim that justice applies distinctly to the basic structure of society is untenable.

Chapter 5, ‘Liberalism, Feminism, and the Gendered Division of Labour’, is new for this volume. Most feminists have argued that the gendered division of labour, according to which men specialise in career and paid employment while women specialise in unpaid domestic and care work, is a profound instance of gender injustice. Many liberals have argued that, even if the gendered division of labour creates and sustains inequality, it is essential to protect people’s ability to *choose* the family structure that works best for them. On this issue, feminists and liberals seem to be in stalemate. Chapter 5 argues that the solution to the gendered division of labour is not to elevate paid employment above unpaid carework, as a liberal perspective tends to do. Instead, the solution starts with recognising that the gendered division of labour depends upon the systematic, enduring devaluation of care and domestic work and proceeds by *resisting* that devaluation. In this context, the injustice of the gendered division of labour cannot be solved by pushing mothers into paid employment. For the gendered division of labour truly to be undermined, *women must be valued for what they do*, including care and domestic work.

Chapter 6, ‘The Marriage-Free State’, is an overview of my 2017 book *Against Marriage: An Egalitarian Defence of the Marriage-Free State*. It sets out

the case for abolishing state-recognised marriage and replacing it with piecemeal regulation of personal relationships. I start by analysing feminist objections to traditional marriage, and argue that the various feminist critiques can best be reconciled and answered by the abolition of state-recognised marriage. The chapter then considers the ideal form of state regulation of personal relationships. Contra other feminist proposals, equality and liberty are not best served by the creation of a new holistic status such as civil union, or by leaving regulation to private contracts. Instead, the state should develop piecemeal regulations that apply universally.

Part III, 'The Limits of Liberalism', considers what liberalism cannot do. The idea of liberalism's limits can be read in two ways: as a weakness, and as a boundary. Liberalism sets limits in the sense of boundaries when it forbids individuals or states from doing things. But liberalism also has limits in the sense of weaknesses when it is *unable* to intervene on some matter of injustice that demands redress. Both forms of limit apply particularly to political or neutralist liberalism.

Chapter 7, 'Should the Liberal State Recognise Gender?', considers the arguments I have made against the state recognition of marriage (in Chapter 6 and in *Against Marriage*) and applies them to the case of gender. I argue that a political liberal state cannot recognise gender since doing so would require it to define gender and enforce that definition, something that cannot be done without running counter to reasonable conceptions of the good. It follows that alternative methods to rectify the injustice of the gender binary must be sought. The chapter considers the difference between state recognition of gender and state recognition of sex, and argues for context-dependent solutions. This chapter is new to this volume.

Chapter 8, 'Reasonable Disagreement and the Neutralist Dilemma: Abortion and Circumcision in Matthew Kramer's *Liberalism with Excellence*', starts by investigating the idea of reasonable disagreement, a concept that is central to political liberal accounts of cooperation in the face of conflict. It then considers Matthew Kramer's argument that there is no neutral solution available to the disagreement over abortion. The chapter argues that Kramer's account has wider application, and identifies a neutralist dilemma. The neutralist dilemma applies when, of two policy options available to the state, one is unreasonable. It follows that the state should enact only the reasonable policy. However, in a neutralist dilemma the fact of reasonable disagreement due to the burdens of judgment means that it is not possible for the state to act at all, whether legislating or not, without deviating from neutrality. The chapter develops the concept of the neutralist dilemma and then applies it to

another case discussed by Kramer: infant circumcision. The chapter argues that the debate over infant circumcision can be framed as a neutralist dilemma, but that the most plausible resolution of the dilemma results in an argument in favour of the legal prohibition of the practice. This is a surprising result, since most liberal states do not restrict circumcision and since prohibition of circumcision might initially appear to be non-neutral or even illiberal; however, it is consistent with the tenets of neutralist liberalism.

Part IV turns to the concept of equality of opportunity. This version of equality is regarded as the most basic and least controversial form of equality: no liberal will oppose it. Equality of opportunity thus has the potential to act as a beacon, guiding all liberals regardless of their differences. But, as the chapters in Part IV show, it is a complex concept with many different, conflicting forms.

Chapter 9, 'Each Outcome is Another Opportunity: Problems with the Moment of Equal Opportunity', considers those forms of equal opportunity that go beyond mere non-discrimination, and argues that each of them face a choice. They can employ what I call a 'Moment of Equal Opportunity', dividing a person's life around a key Moment at which opportunities are equalised and after which they are not. The problem with this option is that the injustice of unequal opportunities persists throughout life, meaning that equality of opportunity becomes an arbitrarily temporary state. But if a Moment of Equality of Opportunity is not used, and equality of opportunity is ensured throughout life, serious inefficiencies and bad decisions ensue. To put it simply, a theory of equality of opportunity is unjustified if it uses a Moment of Equal Opportunity, and unworkable if it does not.

Chapter 10, 'Equality of Opportunity and Three Justifications for Women's Sport: Fair Competition, Anti-sexism, and Identity', is new for this volume. There is currently a divisive public debate about whether trans women should be eligible to compete in women's sport, with prominent voices on both sides. Various sporting authorities have passed regulations that allow trans women to compete in women's competitions, including those that award titles, records, and scholarships. Several elite athletes have strongly criticised those rules, arguing that they are unfair to women who are not trans, and some sporting bodies have announced a return to sex-based categories. The debate is muddled, and it rests on a prior question that is often obscured: is women's sport justified at all? Any justification of women's sport must engage directly with questions of equality of opportunity, discrimination, and identity. This chapter identifies three possible justifications for women's sport: the fair competition argument, the anti-sexism argument, and the identity argument.

Each argument has merit. However, the arguments are in tension with each other at key points, and they have different implications for trans inclusion. Which argument should prevail depends on the social facts, the sporting context, and the sport itself. The chapter maps the argumentative terrain, showing where the key choices lie; it therefore aims to elucidate rather than end the public and philosophical debate. But it offers a general framework within which to think about dilemmas of discrimination, difference, and equality.

Part V returns to the issue of choice: its role in liberalism and the feminist critique.

Chapter 11, 'Choice and Female Genital Cosmetic Surgery', considers the role of choice as a normative transformer in relation to the practice of female genital cosmetic surgery. It is common, in law and practice, to distinguish between two sorts of female genital cutting. One is described as 'female genital mutilation' (FGM) and prohibited; the other is described as 'female genital cosmetic surgery' (FGCS) and permitted, even provided by the state in certain circumstances. The chapter argues that distinguishing between the two requires going beyond a simplistic contrast between choice and coercion. Both practices can be understood only within a cultural context that makes them available and marks them as appropriate. As with many other forms of cosmetic surgery, FGCS cannot be exonerated merely by an appeal to individual choice.

Chapter 12, 'Judging Women: 25 Years Further Toward a Feminist Theory of the State', engages with the work of landmark feminist Catharine MacKinnon to consider three ways of understanding the phrase 'judging women'. First, when is it acceptable or necessary to make judgments about what women do? The chapter argues that feminist analysis urges compassion and empathy for women, but also highlights the ways that choices are limited and shaped by patriarchy. Thus we cannot and should not avoid all judgment of women's—and men's—choices. Second, when can women engage in the act of judging? It is sometimes claimed that it is anti-feminist to engage in such judgment, and that feminists must above all else avoid being judgmental. The chapter rejects this idea and argues instead that feminism should insist on women's right to exercise judgment: women's voices matter. Third, how are we to judge who counts as a woman? The chapter shows that MacKinnon's work offers profound, sustained, rich analysis of these questions, but does not fully resolve them.

Chapter 13, 'Ideology and Normativity', investigates the possibility of what Sally Haslanger calls 'ideology critique' in the context of 'ideological oppression'. Like all oppression, ideological oppression involves unjust social

practices. Its distinctive feature is that it is not recognised as oppression by its victims, or its perpetrators, or both—and this feature often applies to instances of sexist oppression. But ideological oppression causes problems for ideology critique, as Haslanger theorises it. Since ideological oppression is denied by those who suffer from it it is not possible to identify privileged epistemological standpoints in advance. The chapter argues that ideology critique cannot rely on epistemological considerations alone but must be based on a normative political theory.

PART I

FEMINISM & LIBERALISM

1

Feminism

Feminism is sometimes thought of as a political ideology.¹ But feminism is a refusal of that which is genuinely ideological: patriarchy. Patriarchy is so paradigmatically ideological, in the Marxist sense, that it is able to conceal its existence as such—and so is rarely discussed as an ideology except in connection with feminism.² Patriarchy is the ideology in which men constitute the dominant social group and masculinity is the dominant social practice. Under patriarchy this masculine perspective is presented as universal, and thus invisible as a perspective. Feminism's first priority has been to point out that patriarchy is an ideology, that its supposedly universal perspective is the perspective of a specific group that is unjustly dominant, and that it is so successful ideologically that it has become the default perspective of the subordinate group as well.

Staying for the moment with a Marxist conception of ideology, there are three senses in which feminism is an ideology and three in which it is not. Feminism *is* an ideology, firstly, because it presents a distinctive analysis of how things are: it interprets reality. Secondly, it emerges from the standpoint of a particular social group: it expresses the perspective of women as women. Thirdly, it has an inescapably reforming or revolutionary nature: it demands change.

Feminism is *not* an ideology in the Marxist sense, firstly, because its analysis of reality is not widely accepted: it is not mainstream. Secondly, it does not represent the standpoint of the powerful or dominant group: it is not hegemonic. Thirdly, feminism is inherently diverse, encompassing contrasting female perspectives and contrasting policy prescriptions: it is neither dogmatic nor pre-determined. Indeed, as bell hooks notes, “A central problem within feminist discourse has been our inability to either arrive at a consensus of opinion about what feminism is or accept definitions that could serve as points of unification.”³

¹ This chapter was originally published in *The Oxford Handbook of Political Ideologies*, edited by Michael Freeden, Lyman Tower Sargent, and Marc Stears (Oxford University Press, 2013). I am grateful to the editors of that volume for their comments.

² I am grateful to Rebecca Flemming for observations on this point.

³ bell hooks, ‘Feminism: A Movement to End Sexist Oppression’, in Sandra Kemp and Judith Squires (eds), *Feminisms* (Oxford: Oxford University Press, 1997), p. 22.

hooks' observation makes the task of writing this chapter particularly fraught: how to capture the nature of feminist ideology, while doing justice to its myriad histories and existences, in one short piece? This chapter is necessarily a simplification, and some feminist voices will be emphasised more than others. Later in this chapter I outline a set of criteria for feminism, which I call the three Theses of Feminism. These are designed to be compatible with feminist diversity. Nevertheless, they focus on some aspects of feminist ideology more than on others.

There are various ways of distinguishing between feminisms. One possible distinction is between academic and activist feminism, with some writers noting that feminism enjoys a predominance within the academy that it has lost in the active political arena.⁴ Some academic feminism remains close to its activist roots.⁵ But other academic feminists, particularly those associated with post-structural and psychoanalytical feminism, maintain an overtly theoretical approach, with work that can be inaccessible to those who are not already versed in the relevant terminology and discourse.⁶ More accessible feminist works are read by more diverse audiences, and their success helps to energeise new generations.⁷

Within academic feminism there has also been a shift in descriptions of the discipline, from 'women's studies' to 'gender studies'. The term 'women's studies' emphasised the distinctiveness of feminist thought, its significance for women, and its rejection of traditional disciplinary boundaries. As Michele Barrett notes, though, it has the disadvantage of leaving mainstream academic disciplines and departments "unchallenged and even denuded of feminist scholars".⁸ A focus on women's studies also risks sidelining issues concerning men and masculinity, which feminists need to engage with since it is not only

⁴ Sandra Kemp and Judith Squires (eds), *Feminisms* (Oxford: Oxford University Press, 1997).

⁵ For example, the feminist legal scholar Catharine MacKinnon has always both written theory and engaged in political and legal practice on matters such as sexual harassment, war crimes against women, and pornography—the latter in a long-term collaboration with the non-academic feminist writer and activist Andrea Dworkin.

⁶ For example, Martha Nussbaum writes of Judith Butler that "It is difficult to come to grips with Butler's ideas, because it is difficult to figure out what they are.... Her written style... is ponderous and obscure. It is dense with allusions to other theorists, drawn from a wide range of theoretical traditions" (Martha Nussbaum, 'The Professor of Parody', *The New Republic* 22(2) (1999), p. 38). And yet Butler's work has been incredibly influential and very widely read.

⁷ For example, Natasha Walter, *Living Dolls: The Return of Sexism* (London: Virago, 2010); Cordelia Fine, *Delusions of Gender: The Real Science Behind Sex Differences* (London: Icon, 2010); Caroline Criado-Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men* (London: Chatto & Windus, 2019); Chimamanda Ngozi Adichie, *We Should All Be Feminists* (London: Fourth Estate, 2014); Sarah Ahmed, *Living a Feminist Life* (Durham, NC: Duke University Press, 2017).

⁸ Michelle Barrett, 'Words and Things: Materialism and Method in Contemporary Feminist Analysis', in Sandra Kemp and Judith Squires (eds), *Feminisms* (Oxford: Oxford University Press, 1997), p. 115.

women who are constructed and affected by patriarchy. Finally, the development of queer theory and transgender studies, areas of enquiry that have close connections with feminist thought, has put pressure on the idea that patriarchy, sexism, and gender can be adequately analysed under the label 'women's studies'. Thus many academic departments and centres of feminist thought have become self-defined centres of gender studies instead.

For example, the Department of Women's Studies at the University of California—Berkeley (founded as the Women's Studies Program in 1976) changed its name to the Department of Gender and Women's Studies in 2005.⁹ Similarly the Yale University Women's Studies Program, started in 1979, has changed its name twice: to Women's and Gender Studies in 1998 and again to Women's, Gender, and Sexuality Studies in 2004—marking the increasing salience of sexuality and queer theory to feminist thought.¹⁰ In Britain, too, centres of women's studies tend to pre-date centres of gender or gender studies.¹¹ While the names of some academic centres combine women's studies, feminism and gender studies,¹² thus emphasising their complementarity at the same time as their distinctiveness, the University of Cambridge Centre for Gender Studies states prominently on its website that "‘Gender’ is not a synonym for ‘women’ or ‘feminism’."¹³

These trends reflect a general ambiguity within feminist thought broadly conceived about the specific relevance of *women* to feminism and to gender. Just as the move to gender studies de-emphasises women, so too some feminists have sought to question the nature and relevance of womanhood. As is explored later in this chapter, this contestation of the category 'woman' can come from various angles, including difference feminism, queer theory, post-structuralism, and transgender studies. Other feminists, such as those associated with the ethics of care, ecofeminism, and gender-critical feminism, argue for the protection of the category 'woman' and the value of womanhood. As Monique Wittig puts it, "For many of us [feminism] means someone who

⁹ Department of Gender and Women's Studies, 'History', available at <https://gws.berkeley.edu/about/history/>.

¹⁰ Yale University, 'Women's, Gender, and Sexuality Studies', available at <https://wgss.yale.edu/about>.

¹¹ For example, the University of York's Centre for Women's Studies was founded in 1984, whereas the LSE's Gender Institute and the Leeds University Centre for Interdisciplinary Gender Studies were founded in 1993 and 1997, respectively.

¹² As well as the UC-Berkeley and Yale examples already described, consider the Cornell University Feminist, Gender, and Sexuality Studies Program and the Harvard University Committee on Degrees in Studies of Women, Gender, and Sexuality.

¹³ University of Cambridge Centre for Gender Studies, 'About the Centre', available at <http://www.gender.cam.ac.uk/about/>. One way of explaining this claim could be to say that a theory of gender informs the political practice of feminism. I am grateful to Juliet Mitchell, founder of the Cambridge Centre for Gender Studies, for this suggestion.

fighters for women as a class *and for the disappearance of this class*. For many others it means someone who fights for woman and her defense – for the myth, then, and its reinforcement.”¹⁴

And yet despite this ambiguity within feminism about the nature and status of womanhood there is a recognisable core, such that it can make sense to think of feminism as a political ideology. Feminism is inescapably political: it both analyses the political and engages in political struggle. The fundamentally political nature of feminism is perhaps easiest to see when considering feminism through traditional categories such as liberal feminism, Marxist and socialist feminism, and radical feminism, for these categories are distinguished by their analysis of political reality and their ideological approach to reform, and the labels of these approaches place feminists in recognisable places on a pre-existing political spectrum. But these traditional categories of feminism can seem rather dated and unappealing. As Sandra Kemp and Judith Squires argue, such taxonomies problematically imply “that feminist theory understand[s] itself as simple modification of the pre-existing canon” and have “at times worked to polarize perspectives and rigidify conflicts.”¹⁵ This chapter is thus not structured around such divisions, although I do indicate moments where there are differences between feminists along ideological lines.

The ideological nature of feminism is perhaps best seen in two parts: what feminism is *against*, and what feminism is *for*. The rest of this chapter considers these two parts. Feminism’s critical aspect comes first so as to capture its rejection of patriarchy.

1.1 Against: The Fetishism of Choice and the Prison of Biology

Patriarchy structures social and political life everywhere, but here I focus on the forms of patriarchy and feminist resistance that are found in Western liberal capitalist societies. In those societies, feminist resistance to patriarchy must fend off two contrasting challenges: the fetishism of choice and the prison of biology. Neither biology nor liberalism is inevitably patriarchal (there are both feminist biologists and liberal feminists), but both have been

¹⁴ Monique Wittig, ‘One is Not Born a Woman’, in Kemp and Squires (eds), *Feminisms*, p. 223. Emphasis added.

¹⁵ Kemp and Squires (eds), *Feminisms*, p. 9.

appealed to in support of patriarchy. Patriarchal ideology insists both that women and men are ineluctably different, such that social inequality is premised upon biological difference (the prison of biology), and that any putative injustice of this inequality is mitigated by the liberal capitalist focus on individual choice (the fetishism of choice). In other words, gender inequality is inevitable yet unproblematic.

To expand this patriarchal story: women and men cannot be equal in the sense of identical, for they are constrained both physically and socially by their biology. Women and men are bound to lead different sorts of lives with different sorts of preferences, activities, positions in the family and workplace, and so on. These supposedly inevitable differences might look problematic from the perspective of liberalism, which prioritises equality but understands equality largely to mean sameness, until choice is brought in. For liberals of many varieties a situation can be unequal without being unjust, so long as those involved are able to make choices about their lives. If people have chosen things that disadvantage them or entrench difference, then the liberal is untroubled.¹⁶ This liberal commitment to choice entrenches patriarchy if and when it is asserted that women generally do exercise free choice. Gender inequality thus becomes the result of some combination of natural difference and free choice, and disrupting it becomes both unnatural and unjust.

Against this patriarchal story feminism insists that women are neither imprisoned by biology nor liberated by individual choice. Gender inequality is entrenched, pervasive, and profound in its effects, but its domain is the social rather than the biological, and that which is created in the social arena can be disrupted there too.

1.1.1 The Fetishism of Choice

The ideal-typical liberal citizen is *in control*: of her career, of her consumer choices, of her family life, of her relationships, of her sex life, of her appearance, of her body. Members of Western liberal capitalist democracies are encouraged to take this ideal-type to heart and to see themselves as equal choosers. Feminism, particularly liberal feminism, does not reject the value of choice as an ideal. But feminism insists that we confront the ways in which we are constrained and unequal, disrupting the self-image of the liberal

¹⁶ Clare Chambers, *Sex, Culture, and Justice: The Limits of Choice* (University Park, PA: Penn State University Press, 2008).

citizen. Feminism suggests that all women, even those who feel liberated and powerful, are affected by female social inferiority, and that all men, even those who feel disadvantaged, benefit from male privilege. This does not mean that women are victims and men are agents: feminism argues that all people, women and men, are constrained by socially constructed gender norms. To put it another way: feminism insists on the reality and ubiquity of sexist oppression, and demands an end to that oppression.¹⁷

The idea that liberal capitalism safeguards our freedom of choice is so entrenched that feminist insistence on the social constraints of gender inequality is anathema to many. Feminism confronts women and men with the idea that they are not in control. Their choices are shaped by the social construction of appropriate gendered behaviour. Their careers are shaped by pervasive sexism, ranging from straightforward discrimination and wage inequality to the more subtle but absolute clash between the norm of maternal care and the norm of the ideal worker.¹⁸ Their sexual relationships take place within a socio-legal framework that refuses to guarantee women the sexual autonomy it sells.¹⁹ While some women encountering feminist theory for the first time find it profound and motivating, others find its challenge to their self-image of unconstrained agency enraging. While some men recognise that gender norms both limit and privilege them, others react angrily to the idea that they are beneficiaries of injustice.²⁰ So someone encountering feminist ideas for the first time can feel as though it is *feminism* that constrains, unless and until she realises that feminism identifies these constraints precisely so as to urge their destruction.

To take an example, many feminists criticise the beauty norms to which women submit apparently willingly and even with pleasure.²¹ In Western

¹⁷ hooks, 'Feminism: A Movement to End Sexist Oppression.'

¹⁸ Joan Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (Oxford: Oxford University Press, 2000).

¹⁹ Women's sexual autonomy is sold both literally and figuratively. Figuratively, women are sold through advertising and other media the idea that they are and must be in control of their own sexuality, where 'being in control of' means 'using in order to succeed'. Literally, women's sexual autonomy is sold to others in prostitution, pornography, and traditional marriage.

²⁰ A classic example is Susan Brownmiller's claim that rape "is nothing more or less than a conscious process of intimidation by which *all* men keep *all* women in a state of fear" (Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975), p. 15. Emphasis in the original). Men tend to react angrily to this statement, insisting that they have never raped nor do they desire to rape, thereby missing Brownmiller's point that women have no reliable way of distinguishing a rapist from a non-rapist and so rape places all men in a dominant position.

²¹ See, for example, Sandra Lee Bartky, 'Foucault, Femininity and the Modernization of Patriarchal Power', in Diana Tietjens Meyers (ed.), *Feminist Social Thought: A Reader* (London: Routledge, 1997); Susan Bordo, *Unbearable Weight: Feminism, Western Culture, and the Body* (Berkeley and Los Angeles: University of California Press, 2003); Chambers, *Sex, Culture, and Justice*; Andrea Dworkin, *Woman*

societies women are assumed to take great pride in their appearance and to enjoy spending large amounts of time and money improving it. Having one's rough skin rubbed away, one's cuticles cut off and one's nails filed down is 'pampering'. Wearing extortionately expensive and excruciatingly uncomfortable high-heeled shoes is a luxurious indulgence. Spending money and energy on choosing, applying, removing, and re-applying hair products is justified "Because You're Worth It" (as L'Oreal would have it). At all levels women are supposed to enjoy submitting themselves to beauty rituals and judging themselves by prevailing standards, and many women do indeed adopt the cultural meaning of these practices as pleasurable and choice-worthy.

However, feminist analysis demonstrates that the beauty norms by which women are assessed are deeply problematic from the point of view of equality. Some beauty practices are damaging or risky in themselves, such as sun beds, high-heeled shoes, and cosmetic surgery. Some beauty standards, such as unwrinkled skin and non-grey hair, are unachievable beyond a certain age, leading to feelings of sadness or even shame. Some beauty standards increase the prevalence of psychological illness such as eating disorders. Other beauty practices are simply burdensome, effortful, and expensive. The sum of beauty practices to which women are subjected contributes to their inferior status in society for several reasons: it saps their finances and energy which could otherwise be devoted on other things, it imposes standards on women that are simply not imposed on men, and it makes the typical woman and girl at best dissatisfied with, and at worst ashamed of, her own body and in her own skin.²²

The feminist conclusion is not that no woman actively chooses beauty practices, or that no woman enjoys participating in them. The conclusion is rather that it does not make sense to use a woman's choices as the sole measure of the justice of the context in which she is choosing. It is inevitable that women and men should find some enjoyment in conforming to cultural standards, should want to engage in behaviour that is culturally recognised as appropriate for them, and should take pleasure and pride in succeeding in the endeavours that are culturally mandated. What is at issue is whether those cultural standards are themselves compatible with equal status and genuine

Hating (New York: E. P. Dutton, 1974); Sheila Jeffreys, *Beauty and Misogyny: Harmful Cultural Practices in the West* (Hove: Routledge, 2005); Naomi Wolf, *The Beauty Myth* (London: Vintage, 1990).

²² Chambers, *Sex, Culture, and Justice*; Clare Chambers, *Intact: A Defence of the Unmodified Body* (London: Allen Lane, 2022); Jeffreys, *Beauty and Misogyny*; Heather Widdows, *Perfect Me: Beauty as an Ethical Ideal* (Princeton, NJ: Princeton University Press, 2018).

autonomy. The choice to abide by a cultural standard does not in itself legitimate that standard.²³

1.1.2 The Prison of Biology

Feminism thus resists the liberal idea that we are atomistic, autonomous individuals in need only of basic legal rights to protect our freedom of choice. Gender inequality is more salient than liberal theory allows. Yet it also resists the idea that gender inequality rests on biological inevitability. This idea has accompanied patriarchy for centuries, and though the details have shifted, its pervasiveness has not. Feminist historians of philosophy have pointed out that most 'great thinkers' of the philosophical canon have misogynist views, often premised on the notion of biological inferiority, and that the mainstream philosophical attitude of benign neglect of such views is incoherent.²⁴

While the particular beliefs of philosophers such as Aristotle, Plato, Rousseau, Hegel, and Nietzsche as they concern the natural inferiority of women are seldom found convincing today, the same is not true of theories about the biological basis of gender inequality in general. Views about women's natural inability to think rationally, pursue careers, or participate in politics may seem ridiculous to contemporary sensibilities, but there has been a resurgence in 'natural' explanations for gender difference. Contemporary theses about the naturalness of gender difference include theories based on evolutionary psychology,²⁵ theories based on neuroscience,²⁶ theories based

²³ One might ask what would legitimate a cultural standard. The answer must surely be that the standard itself should be subject to scrutiny, not just the question of whether any individual will comply. When feminists have scrutinised standards of beauty they have come up with many alternative, more rational standards of appearance, such as the nineteenth-century Rational Dress Society and the multi-pocketed trousers and smocks worn in Charlotte Perkins Gilman, *Herland* (London: The Women's Press, 1979).

²⁴ Sandra Harding and Merrill B. Hintikka, *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology, and Philosophy of Science* (New York: Springer, 2003); Carole Pateman, *The Sexual Contract* (Cambridge: Polity Press, 1988); Mary Lyndon Shanley and Carole Pateman, *Feminist Interpretations and Political Theory* (Cambridge: Polity Press, 1991); Linda Zerilli, 'Feminist Theory and the Canon of Political Thought', in John S. Dryzek, Bonnie Honig, and Anne Phillips (eds), *The Oxford Handbook of Political Theory* (Oxford: Oxford University Press, 2008).

²⁵ Helena Cronin, *The Ant and the Peacock: Altruism and Sexual Selection from Darwin to Today* (Cambridge: Cambridge University Press, 1991); Geoffrey Miller, *The Mating Mind: How Sexual Choice Shaped the Evolution of Human Nature* (London: William Heinemann, 2000); Randy Thornhill and Craig T. Palmer, *A Natural History of Rape: Biological Bases of Sexual Coercion* (Cambridge, MA: MIT Press, 2000).

²⁶ Simon Baron-Cohen, *The Essential Difference: Men, Women and the Extreme Male Brain* (London: Allen Lane, 2003); Louann Brizendine, *The Female Brain* (London: Bantam, 2007) and Louann Brizendine, *The Male Brain* (London: Bantam, 2010); Susan Pinker, *The Sexual Paradox: Men, Women, and the Real Gender Gap* (New York: Scribner, 2008).

on fetal exposure to testosterone, and others.²⁷ These theories purport to explain an astonishing variety of gendered behaviour as biologically hard-wired, ranging from map-reading ability, emotional sensitivity, attitude to pink, career choice, and rape.

There are a variety of feminist responses to such theories. In 1869 John Stuart Mill pointed out: “So true is it that unnatural generally means only uncustomary, and that everything which is usual appears natural.... I deny that any one knows, or can know, the nature of the two sexes, as long as they have only been seen in their present relation to one another.”²⁸ In a similar if less speculative vein many contemporary feminist scientists have pointed out the dire inadequacy of the science behind these modern-day just-so stories.²⁹ Even a non-scientist can see the simple truth of Mill’s observation that there is a great deal that is social. Moreover, normativity is inescapably social: regardless of what is, we can always ask what ought to be or what follows from what is.

1.2 For: The Three Theses of Feminism

In the remainder of this chapter I present three theses with which feminism steers a path between the fetishism of choice and the prison of biology. The three theses of feminism can be found in all forms of feminism, though they are interpreted in different ways by different feminists. Moreover, feminists differ in the weight they give to each thesis, and the theses do not exhaust feminist concerns. But they provide a way to identify and analyse feminist thinking. The theses are deliberately vague, so as to ensure their compatibility with the wide range of feminist thought.

The three theses of feminism are:

1. *The Entrenchment of Gender*. Gender is a significant and enduring social cleavage.

²⁷ Fine, *Delusions of Gender*.

²⁸ John Stuart Mill, ‘The Subjection of Women’, in *On Liberty and the Subjection of Women* (Ware: Wordsworth, 1996 [1868]), pp. 128–36.

²⁹ Deborah Cameron, *The Myth of Mars and Venus: Do Men and Women Really Speak Different Languages?* (Oxford: Oxford University Press, 2007); John Dupré, *Human Nature and the Limits of Science* (Oxford: Oxford University Press, 2001); Anne Fausto-Sterling, *Myths of Gender: Biological Theories About Women and Men* (New York: Basic Books, 1985) and *Sexing the Body* (New York: Basic Books, 2000); Fine, *Delusions of Gender*; Hilary Rose and Steven P. R. Rose, *Alas Poor Darwin: Arguments Against Evolutionary Psychology* (London: Vintage, 2001); Cheryl Brown Travis (ed.), *Evolution, Gender, and Rape* (Cambridge, MA: MIT Press, 2003).