



# Schwartzman vs. Okin: Some Comments on *Challenging Liberalism*

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I am delighted to be on a panel discussing Lisa Schwartzman's *Challenging Liberalism: Feminism as Political Critique*. Schwartzman's book is a valuable contribution to the ongoing debate over how feminist theorists should relate to liberalism, which, with the apparent collapse of a socialist alternative two decades ago, now reigns supreme as the dominant global ideology of our time, and which, of course, has always been the dominant ideology in the United States. So if in Alison Jaggar's classic *Feminist Politics and Human Nature* (Jaggar 1983)—which celebrated its twenty-fifth anniversary last year—four main alternatives were distinguished (liberal feminism, Marxist feminism, radical feminism, socialist feminism), today we are basically down to just two, liberal feminism and various "radical" (but non-Marxist) alternatives.<sup>1</sup>

The distinctions Schwartzman draws, the conceptual moves she makes, and the arguments she offers are, of course, of interest to all those wanting to end gender subordination. But they have a broader application and potential constituency also. Those seeking to revive class theory, whether in neo-Marxist or some other guise, will also be faced with the challenge of developing an appropriate axiological framework to confront triumphant global capitalism. And, obviously, critical race theorists face a comparable ideological task, that is, whether, and if so how, to utilize a liberal apparatus to address and redress racial subordination. So since the long-term goal of political progressives must clearly be to integrate these diverse struggles and their accompanying bodies of theory—recognizing the intersectionalities involved (as Schwartzman herself repeatedly underlines)—people need to be reading and learning from work not necessarily directly related to their own primary social identity/ies.

In my own writing on race, I have benefited greatly from feminist theory, both generally, in trying to develop *white supremacy* as a concept analogous to the feminist *patriarchy*, and specifically, in my first book, *The Racial Contract* (1997), which was inspired by Carole Pateman's well-known *The Sexual Contract* (1988). So in what follows, I am going to draw on my recent joint book with Pateman, *Contract and Domination* (2007)—not for the unseemly end of trying to plug my own work on somebody else's book panel, but because

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1 it will inform my critique, and it seems best to be up front rather than coy about  
2 this. Unlike Pateman, I think contract theory *can* be retrieved by progressives,  
3 and in two of my chapters in *Contract and Domination*, I invoke another  
4 classic feminist text, Susan Moller Okin's *Justice, Gender, and the Family*  
5 (1989), as a model to follow for theorizing about rectificatory racial justice in  
6 a modified Rawlsian framework.<sup>2</sup> Since Okin's attempted feminist reformulation  
7 of Rawls is in fact one of Schwartzman's primary *targets* in her book  
8 (Schwartzman 2006, chapter 3), I am thus forced to defend Okin to vindicate  
9 my own project.

10 So let me begin by summarizing Schwartzman's book. It is divided into  
11 seven chapters organized into three parts, with a wrap-up conclusion. Part one  
12 develops a critique of liberal individualism and abstraction, as exemplified in  
13 the work of Ronald Dworkin and John Rawls, and, as just noted, rejects Okin's  
14 attempt to retrieve Rawls for feminism. Part two examines the work of two  
15 prominent liberal feminists, Onora O'Neill and Martha Nussbaum, focusing on  
16 their respective defenses of (what they see as) superior conceptions of abstrac-  
17 tion and individualism. Part three contests the critiques of liberalism offered by  
18 Wendy Brown and Judith Butler, arguing that their putative postmodernist al-  
19 ternative in fact shares many of the problematic assumptions of liberalism.  
20 Finally, in her conclusion, Schwartzman calls for a distinctively feminist polit-  
21 ical approach that centers on social groups rather than individuals, analyzes the  
22 structures of domination in which they are located, and recognizes male oppres-  
23 sion as a system in itself, though obviously one intersecting with other  
24 systems. Her final paragraph emphasizes that she is by no means rejecting norms  
25 classically associated with liberalism, such as "rights, justice, and equality," but  
26 is insistent that they "must be defined and applied with an attention to social  
27 structures of power." Whether the resulting normative theory would then still  
28 be appropriately termed "liberalism" is an open question, but certainly it is  
29 likely to be significantly different from "the actual versions of liberalism that  
30 have been put forth in recent years" (Schwartzman 2006, 173).

31 Since in what follows I am going to highlight our disagreements, I should  
32 start by emphasizing how much I am in basic *agreement* with Schwartzman on  
33 numerous points, and certainly on the direction of the overall project. The  
34 frustration with the descriptive (as against normative) individualism, pseudo-  
35 abstraction (actually the bourgeois, white-male concrete in Platonized dis-  
36 guise), and plain old *weirdness* of most mainstream liberalism (on which planet  
37 do these people live?, I often find myself wondering—maybe "twin-Earth"?);  
38 the theoretical imperative of making group oppression central to sociopolitical  
39 analysis and prescription; the dubiousness about postmodernism as a useful al-  
40 ternative framework; the need to engage with and transform liberal values in  
41 the light of the differential positioning of privileged and subordinated groups—  
42 I completely concur with the sentiments Schwartzman expresses on these sub-



1 and their lexical order were not acknowledged with these situ-  
 2 ations in mind and so it is possible that they no longer hold. I  
 3 shall not attempt to give a systematic answer to these questions  
 4 . . . . The intuitive idea is to split the theory of justice into two  
 5 parts. The first or ideal part assumes strict compliance . . . . My  
 6 main concern is with this part of the theory. Nonideal theory,  
 7 the second part, is worked out after an ideal conception of jus-  
 8 tice has been chosen; only then do the parties ask which  
 9 principles to adopt under less happy conditions . . . . [T]he con-  
 10 ception of justice as fairness does not directly apply to [these  
 11 issues]. (Rawls 1971, 245–46, 351)

12 Both here and in his later work, then, Rawls acknowledges that he does not  
 13 himself delve into these matters. So how might those interested in racial non-  
 14 ideal theory work out “which principles to adopt under less happy conditions”?  
 15 Inspired by Okin on gender, I argue in the relevant chapters of *Contract and*  
 16 *Domination* that one promising strategy would be to imagine oneself behind the  
 17 veil, worried about the possibility of emerging as a black person in a white-  
 18 supremacist United States, and choosing prudentially among a range of prin-  
 19 ciples of rectificatory racial justice. So it is taken for granted that an unjust  
 20 social order already exists—that is why it is *non-ideal* theory—and that our  
 21 theoretical enterprise is to adjudicate the best measures for correcting it. We do  
 22 not have the option in this modified version of the thought-experiment of ex-  
 23 iting the veil into a well-ordered society. Since the choosers are not in the  
 24 original position (a position designed for mapping an ideal, well-ordered soci-  
 25 ety), this choice situation needs to be terminologically differentiated. Let us  
 26 call it “the later position.” The question then is whether Schwartzman’s cri-  
 27 tique of Okin on gender is fatal to any such attempt to emulate her on race.

28 Schwartzman begins by observing that Rawls limits his attention almost ex-  
 29 clusively to (white male) class inequality, “thereby rendering other forms of  
 30 social power invisible” (Schwartzman 2006, 58). Since sex and race “are im-  
 31 portant social markers of inequality . . . theories of justice and equality must  
 32 acknowledge, address, and remedy forms of subordination based on these cat-  
 33 egories” (59). As one would expect, I completely agree with this criticism. I  
 34 would only add that the treatment of race in Rawls and the secondary literature  
 35 on Rawls is even more inadequate than the treatment of gender, since there is  
 36 no racial equivalent to Rawls’s dialogue with Okin. In addition, as I have ob-  
 37 served elsewhere, at least Samuel Freeman’s edited *Cambridge Companion to*  
 38 *Rawls* has a chapter by Martha Nussbaum on Rawls and feminism (Nussbaum  
 39 2003). There is no chapter—indeed no section of *any* chapter—on race.

40 Schwartzman then considers the defense that Rawls is methodologically fo-  
 41 cused on ideal theory, and issues of gender and race would fall under non-ideal  
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theory (Schwartzman 2006, 59–60). She finds this inadequate as a response since “the process of devising an ideal is never entirely independent from the context of one’s own (nonideal) society” (60). I would agree with this also, and would make the additional point that Rawls himself admitted that “the problems of partial compliance theory are the pressing and urgent matters” (Rawls 1971, 8–9), yet in the thirty years following the publication of *Theory*, he never made the transition to (domestic) non-ideal theory,<sup>4</sup> showing the extent to which the exploration of an ideal theory disconnected from the real world had become an end in itself for him.

However, where I disagree with Schwartzman is with her subsequent claim that “it is not clear that the issues of gender and race oppression would in fact be part of Rawls’s ‘nonideal theory,’” since neither in a slightly more detailed discussion later in *Theory*, nor in the lengthier discussion in *The Law of Peoples*, are they specifically mentioned. But as just noted, in the passage in question in *Theory*, Rawls does include “compensatory justice.” Given a standard taxonomy of subject matter in ethics, affirmative action for both white women and people of color, and reparations for Native Americans and African Americans, would naturally fall under this category. Moreover, in *Justice as Fairness*, Rawls does explicitly address this criticism:

We have seen that the two principles of justice apply to citizens as identified by their indexes of primary goods. It is natural to ask: Why are distinctions of race and gender not explicitly included among the three contingencies noted earlier [social class, native endowments and opportunities, good or ill fortune] . . . ? . . . The answer is that we are mainly concerned with ideal theory: the account of the well-ordered society of justice as fairness . . . . *Theory* takes up only two questions of partial compliance (or nonideal) theory, civil disobedience and conscientious refusal to serve in an unjust war. The serious problems arising from existing discrimination and distinctions based on gender and race are not on its agenda, which is to present certain principles of justice and then to check them against only a few of the classical problems of political justice as these would be settled within ideal theory. This is indeed an omission in *Theory*; but an omission is not as such a fault, either in that work’s agenda or in its conception of justice. (Rawls 2001, 64–66)

So this passage makes it clear that Rawls does envision non-ideal theory as including such issues, while admitting that his neglect of them in *Theory* is an “omission,” but denying that it is a “fault.” Is this self-exculpatory characterization satisfactory? Of course it isn’t—gender and racial injustice are major social problems that any self-respecting theory of justice would need to tackle,

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1 and it is an evasion to claim otherwise. Is Rawls concerned about these issues?  
 2 Of course he isn't—had he been concerned, it would have been manifest in his  
 3 work, which, over the course of half a century, it obviously wasn't. Does Rawls  
 4 have any sense of the centrality of gender and racial oppression to the modern  
 5 world? Of course he doesn't—how could anybody with such a sense character-  
 6 ize society as a “cooperative venture for mutual advantage” (Rawls 1971, 4)?  
 7 Would seriously taking on these issues necessitate a radical revision of what he  
 8 says in *Theory*? Of course it would. So I am completely in sympathy with Sch-  
 9 wartzman's indictment on all these points.

10 But with all that said, I still come back to what I see as the crucial claim: that  
 11 the correction for gender and racial injustice does objectively, given standard  
 12 ethical categorizations, fall under the category of non-ideal theory; that Rawls  
 13 recognized this (while having no interest in exploring such matters himself);  
 14 and that Rawls's apparatus of the veil and the starting position does indeed—  
 15 assuming the requisite categorical shift to non-ideal theory (and the corre-  
 16 sponding necessary modifications)—have the potential for accommodating  
 17 radical prescriptions on gender and race. So, to repeat: I do think that an Okin-  
 18 inspired revision of Rawls is possible.

#### 20 GENDER AND RACE BEHIND THE VEIL

21 Let me turn now to Schwartzman's second criticism, that Okin is misinterpret-  
 22 ing Rawls by suggesting that “the relevant social positions in the original  
 23 position are patterned on the actual social positions in our own society” when  
 24 in fact the relevant social positions are those of a “well-ordered society.”  
 25 Rawls's ideally just society will still have economic classes, since overall these  
 26 inequalities (supposedly anyway) work in the favor of the least advantaged  
 27 (Schwartzman 2006, 63). But in a well-ordered society, gender would presu-  
 28 mably disappear, which Okin herself advocates. So her discussion, argues  
 29 Schwartzman, is doubly problematic:

31 Okin posits a category in the original position (gender) that she  
 32 ultimately believes must be eradicated in a just society. Not only  
 33 does this go against what it means for something to be a category  
 34 in the abstract ideal of the “original position,” but it also has the  
 35 very troubling implication that gender is a legitimate category of  
 36 social status and that it will continue to be a marker of inequal-  
 37 ity in a well-ordered society. (64)

38 I am going to suggest a more charitable reading of Okin. I think that the  
 39 difficulties here are at least twofold: the complexities and resultant ambiguities  
 40 even for ideal theory of moving between different cognitive positions (the  
 41 choosers behind the veil and ourselves), and the shifting back and forth be-  
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man 2006, 63), this is what would be required for reorienting a Rawlsian apparatus toward non-ideal theory. In non-ideal theory, recall, we are seeking to correct existing injustices. Obviously, then, a characterization of those injustices has to enter the apparatus at some point. The parties in the choosing position—whatever we decide to call it—need to know the facts about gender and racial subordination so as to anticipate being systemically disadvantaged by either or both, thus prudentially motivating them to issue the prescriptions appropriate for a normative exercise falling under (3a) rather than (3).

I would suggest, then, that Okin's "positing" (Schwartzman) of gender as a reality to be taken into account in the choosing position, and my analogous positing of race, are perfectly legitimate once we recognize the differences between (2) and (2a), and correspondingly between (1) and (1a), arising from the differences between the moral project of (3) and (3a). For both ideal and non-ideal Rawlsianism, you do not know your sex behind the veil. But in non-ideal Rawlsianism, a Rawlsianism reoriented toward the remedying of gender injustice, you *do* know that most societies have historically been structured in a way that disadvantages women. So you do know about gender behind the veil. And this knowledge then motivates you to choose in such a way that the measures of corrective justice adopted "would absolutely minimize gender" (Okin 1989, 175) in the non-ideal society into which you will emerge once the veil has been lifted. The choosing position here is not the original position, as Schwartzman says, but a different kind of choice position designed for addressing issues of non-ideal theory. Gender will indeed be eradicated in a just society, but to get there (a problem that did not exercise Rawls) we need to employ it as a "category of social status" (Schwartzman) now, recognizing the difference between (1a) and (1). It is noteworthy that in a later chapter of *Theory*, "The Four-Stage Sequence," Rawls distinguishes "three kinds of facts," the second category of which ("the general facts about [the choosers'] society") is made available through a gradual lifting of the veil for the purposes of framing a constitution. Since knowledge of such particularities is eventually needed even for ideal theory, then arguably it is needed *a fortiori* for non-ideal theory, and Rawls himself would concede this. So when Schwartzman writes—

[T]he claim that women, dependency workers [a reference to Eva Kittay's work, which Schwartzman sees as similarly problematic], or any other currently oppressed group, should be considered a relevant social position in the original position seems to imply that inequalities based on gender, dependency status, or some other such feature would continue to exist in a well-ordered society. (Schwartzman 2006, 63)

—it seems to me that she is being unfair to Okin, in that she is running together (1) and (1a), and (2) and (2a).

I think the example of race illustrates this point even more clearly, since whatever biological substratum underlies what are taken to be racial differentiations is far more tenuously and arbitrarily linked to social categories than in the case of sex and gender. From Rawls's original position, a racist social order would not be chosen. So in the ideal society revealed by the lifting of the veil, no racial group would have historically been discriminated against, so no measures of affirmative action, preferential treatment, and reparations would be called for, nor any policies of reclaiming the suppressed history of race R2 or of revalorizing the stigmatized somatotype of race R3. Indeed, races, at least in our conventional taxonomy, would arguably not even have come into existence in the first place. (Research in the Human Genome Diversity Project has led some theorists to conclude that the unqualified "social constructionist" position is overly simple, given the existence of continentally demarcated population groups.)

Now does this provide a useful set of criteria for adjudicating what rectificatory racial justice requires in our non-ideal, white-supremacist world? Obviously not—it's not only next to useless, but it may be actively harmful, in rationalizing the "color-blindness" that is now the proclaimed majoritarian white position (see, for example, Doane and Bonilla-Silva 2003). Racial justice is largely a matter of non-ideal theory, and the way you approach it is by asking behind the veil how you would be disadvantaged by race if you emerge as the wrong color in a society shaped by the legacy of white supremacy (or some other form of racial domination). So starting *from* a raceless social order (as Rawls's "well-ordered" society would be) will offer little or no theoretical guidance on how to *bring about* a raceless social order when you're *already in* a racial social order. Thus race, like gender, will be a relevant social position behind the veil. Determining corrective justice in an ill-ordered society is not the same as determining ideal justice in a well-ordered society, and requires a different kind of thought-experiment than Rawls's, one in which positions historically characterized by social subordination are not merely unavoidable, but *particularly* "relevant."

#### "GENERAL" (HOW GENERAL?) FACTS

But Schwartzman has a backup argument as to why this cannot, contra Okin (and myself), be done. Rawls's "general facts" do *not*, she suggests, extend to the kinds of historical claims that are crucial for Okin's (and my) attempted revisions of Rawls to succeed:

Facts about current and historical patterns of social domination and oppression—whether racial, gender, or any other sort—are precisely the type of information Rawls excludes. In his view,

1 general facts encompass only basic, generic information: laws of  
 2 psychology and principles of social and economic organization  
 3 that would apply generally and would be widely accepted and  
 4 relatively uncontroversial. While general facts about the op-  
 5 pression of women in current and recent history may be  
 6 unobjectionable and obvious to feminists, they are controver-  
 7 sial and—more important—not the generic type of knowledge  
 8 of human society that would be known from the perspective of  
 9 an abstract ideal. They seem more akin to the knowledge that  
 10 Rawls prohibits: facts about the “particular circumstances” of  
 11 our own society and its “economic or political situation” and  
 12 culture. (Schwartzman 2006, 65)

13  
 14 This argument is of particular concern to me given my own project in *Con-*  
 15 *tract and Domination*, since if it holds for gender, it holds *a fortiori* for race.  
 16 White racial domination—European expansionism and its legacy—occupies a  
 17 much shorter span of human history than gender domination, and even when  
 18 it is in existence, does not cover the entire planet in the same way. So this is an  
 19 argument I need to defeat (hence my point at the start about being up front  
 20 about my vested interest in Schwartzman being wrong on this issue).

21 Let us start by looking at what Rawls himself says. In a chapter in *Theory*  
 22 specifically titled “The Veil of Ignorance,” he writes:

23 It is taken for granted, however, that they know the general  
 24 facts about human society. They understand political affairs and  
 25 the principles of economic theory; they know the basis of social  
 26 organization and the laws of human psychology. Indeed, the  
 27 parties are presumed to know whatever general facts affect the  
 28 choice of the principles of justice. There are no limitations on  
 29 general information, that is, on general laws and theories.  
 30 (Rawls 1971, 137–38)

31  
 32 So Schwartzman is right that he seems to be glossing “general facts” as  
 33 “general laws and theories.” In a later chapter, “The Four-Stage Sequence,” he  
 34 provides a clarifying contrast:

35 The availability of knowledge in the four-stage sequence is  
 36 roughly as follows. Let us distinguish between three kinds of  
 37 facts: the first principles of social theory (and other theories  
 38 when relevant) and their consequences; general facts about so-  
 39 ciety, such as its size and level of economic advance, its  
 40 institutional structure and natural environment, and so on;  
 41 and finally, particular facts about individuals, such as their social  
 42 position, natural attributes, and peculiar interests . . . . While

[the parties in the original position] know the first principles of social theory, the course of history is closed to them; they have no information about how often society has taken this or that form, or which kinds of societies presently exist. In the next stages, however, the general facts about their society are made available to them. (Rawls 1971, 200)

In other words, one does not get to find out “general facts” of a non-“principled”/non-“nomic” kind until the second stage, when the veil is partially lifted, and even then, these are general facts about a *particular* society. So Schwartzman’s reading would seem to be clearly vindicated, and Okin’s (and Mills’s) clearly refuted.

Are there any responses available to Okin (and Mills)? I would claim that there are. (I have to; otherwise I am forced to concede that a major tenet of my book is wrong.) I will start with the minor ones, and leave to the end what I consider to be the strongest one.

(a) First, in the “Veil of Ignorance” quote above, Rawls does explicitly say that “the parties are presumed to know whatever general facts affect the choice of the principles of justice.” Even if he himself seems to think that this would include only “general laws and theories,” surely a case could be made that by this criterion, facts about social oppression *have* to be part of a data set accessible to the choosers, since after the hunting-and-gathering stage (or even including it, depending on how one reads the sexual division of labor in these social systems), all human societies have been oppressive to one degree or another.

(b) Couldn’t the gender structuring of the social order be plausibly represented as being so pervasive in history as to fall under “the basis of social organization,” at least past a certain historical stage (or from the beginning: see above)? This wouldn’t help with race, which most theorists have seen as a phenomenon distinctive of the modern world, but it could at least accommodate gender.

(c) Schwartzman says that for non-feminists, claims about the oppression of women in current and recent history would be “controversial,” and so excluded for Rawls. In an endnote, Schwartzman cites Deborah Kearns and glosses her as arguing “that rather than having knowledge of women’s oppression, it seems more likely that the parties in the original position would have the very common knowledge that women and men are simply “different” and that women’s differences typically indicate their inferiority” (Schwartzman 2006, 183, n. 36). But it would not be controversial that, for example, women were/are deprived of the vote, were/are confined to the domestic sphere, were/are differentially subject to violence, were/are vastly underrepresented in electoral positions, high-status jobs, institutions of higher learning, and so forth. These are (rela-

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tively) straightforward *factual* findings that could easily be confirmed behind or in front of the veil. Schwartzman's response, following Kearns, would be that these empirical realities would not, in a sexist normative framework, be seen as evidence of *oppression*, but just of "difference." The judgment of "oppression" is a normative judgment that requires a moral commitment to equal rights and opportunities for both men and women, and as such will indeed be "controversial" for gender traditionalists.

But surely the key point to remember here is that *we are not making a moral choice behind the veil*. Our reasoning behind the veil is prudential, not ethical. So we don't need to see these practices as oppressive; we need to see them only as potentially harmful to our interests. On self-interested grounds we would not want to emerge as women in societies where women did not have equal rights. We are not choosing out of concern for justice but out of concern for ourselves—that *we* might be systemically disadvantaged. Apprehension of the factual situation of women should provoke apprehension about turning out to be women once the veil is lifted.

(d) In the "Four-Stage Sequence" quote above, Rawls says that "the course of history is closed" to the choosers. But as he goes on to make clear, what he really means is that historical knowledge that would make probability calculations possible is blocked. Thus in *Justice as Fairness*, he writes that the knowledge they have "is far too little . . . to specify a well-grounded probability distribution over the forms of political culture and tradition that might exist. History tells of more aristocracies and theocracies, dictatorships and class-states, than democracies. Of course, the parties don't have this particular knowledge" (Rawls 2001, 101). But they would have the *general* knowledge that such forms of government have historically existed, just as they would know that slavery has been a feature of human societies, and they would know enough to want to make sure that they do not end up as people subordinated by such sociopolitical systems. Hence the lexically dominant first principle.

So even if we don't know that *most* human societies have been gender-structured to the disadvantage of women, surely we would be permitted to know that at least *some* societies have been gender-structured to the disadvantage of women, and that this is a possibility we need to bear in mind behind the veil. (Just as we need to bear in mind that we might end up as expropriated aborigines, or racially demarcated "natural slaves," or victims of genocidal colonial forced labor regimes, or second-class citizens in a racially segregated state.) So why can the lexical embedding of basic rights and freedoms prudentially motivated by such knowledge of the oppressive political systems Rawls *does* consider not be extrapolated to cover the cases of the oppressive political systems he does *not* consider, those of gender and race?

(e) Finally, even if none of these replies works, it seems to me that Okin and I always have the fallback option of insisting that non-ideal theory is significantly different from ideal theory, and that a Rawlsianism modified and reoriented to address non-ideal issues will have to be significantly different also. So the barriers to knowledge necessary to guarantee objectivity behind the veil will not necessarily be the same—perhaps, more strongly, will necessarily *not* be the same. As earlier noted, Okin herself, not being a philosopher, does not make much of the ideal/non-ideal distinction. But I would claim that, especially for those dealing with issues of gender and racial justice, it is crucial to highlight and theorize this demarcation and what follows from it. Rawls's book, indeed virtually his entire corpus of work (with the exception of the civil disobedience and conscientious refusal discussion in *Theory* and of "burdened societies" and "outlaw states" in *Law of Peoples*), is focused on ideal theory: what a perfectly just society would look like. As such, the principles he is seeking to articulate are prophylactic: they are supposed to prevent injustices from entering the "basic structure." Even here, of course, as just argued, a case can be made that we would need to know about gender subordination behind the veil, since the family in some form will be part of every society (whereas race will not). But once the framework has been explicitly and self-consciously shifted to non-ideal theory—the remedying of injustice—it seems to me that the argument goes through irresistibly. The remedial and the preventive will often differ, just as medicine to cure a disease is not necessarily the same as preemptive measures to prevent infection by it. Public policy to redress an injustice that is already part of the basic structure will often be different from public policy to prevent injustice from entering the basic structure. To repeat the point made earlier: if affirmative action is arguably needed in our society, it is not needed in Rawls's; preferential treatment is not the same as anti-discrimination law. And the devising of general principles of corrective justice will necessarily require a familiarity with the injustice in question, with what the facts of the matter are. Imagine trying to justify affirmative action or reparations without reference to the history and workings of white racial domination/white supremacy, both the actual wrongs committed and its tendency to perpetuate itself even in the absence of overtly racist motivation. A contractarianism aimed at dismantling already existent, unjust social structures has a different normative agenda than a contractarianism aimed at constructing an ideally just social structure, and requires a different knowledge base accordingly.

So in conclusion, while applauding Schwartzman's *Challenging Liberalism*, I do believe, as I argue in my own book with Pateman, *Contract and Domination*, that a radical "Rawlsian," Okin-inspired liberalism can still be retrieved, and I look forward to engaging with her further on this question.

## NOTES

I would like to thank *Hypatia's* two anonymous referees for their useful criticisms and suggestions on improving this paper.

1. Admittedly, this simple taxonomy is complicated by various “radical liberal” hybrids, such as—perhaps—the very text under discussion here.

2. Since Pateman and I disagree about whether the contract can be salvaged, the text of *Contract and Domination* is not written jointly but (after an opening dialogue between us) in the form of separate, single-authored chapters. See Pateman and Mills (2007, chapters 3 and 4) for my attempt to synthesize Pateman and Okin (and also Jean Hampton).

3. For some recent discussions of the problems of ideal theory see Sen (2006) and Robeyns and Swift (2008). I offer my own critique in Mills (2005).

4. There is some discussion of non-ideal theory in his book on international relations: Rawls (1999).

5. Actually, in a well-ordered society gender and race would not even exist. One of the clearest manifestations of Rawls's complete unfamiliarity with the literature on these subjects of the past three decades is that he treats both gender and race as natural rather than as social constructs that are themselves artifacts of the “basic structure.”

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