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Democratic State And Gendered Citizenship: A Feminist Analysis

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Received-13.11.2024,

Revised-20.11.2024,

Accepted-26.11.2024

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Abstract: *This paper examines the intersection of democratic governance and gendered citizenship through a feminist lens, highlighting how democratic states often fail to deliver equitable rights and representation for women and marginalized genders. While democracy ostensibly guarantees equality and inclusion, structural inequalities rooted in patriarchal norms continue to undermine these ideals. This analysis explores the historical and cultural contexts that shape gendered citizenship, focusing on the role of laws, policies, and social institutions in perpetuating gender-based disparities. It critiques the limitations of liberal democratic frameworks in addressing issues such as political participation, economic inequities, and reproductive rights. Drawing on feminist theories and case studies, the paper advocates for a reimagining of citizenship that prioritizes intersectional inclusion and transformative justice. It concludes by proposing strategies for fostering more gender-equitable democratic systems, including institutional reforms, grassroots activism, and the integration of feminist principles into policy-making.*

Key words : Democratic Governance, Gender Citizenship, Policy Making, Feminist Theories, Sexism

Over the past two decades, feminist scholars have invested significant effort in examining the perspectives on women within numerous canonical works of political theory, but they have not typically limited their focus to textual analysis alone. They have not typically limited their critical focus to the misogynistic portrayal of women in specific theories or to inquiries regarding the intentionality of such sexism by the theorists involved. They have collectively posed two essential inquiries regarding the patriarchal substance and implications of these ideologies to evaluate their value or detriment to the lives of some, if not all, women. The initial series of inquiries examines the role of sexism within a certain theory and poses the question: To what extent is the theory sexist or patriarchal?

Does the idea depict women in a derogatory manner and subjugate them to men? Is it acting in accordance with its overarching project, or merely due to a lack of consideration? Does the approach of the theory solely represent male experiences? Do all principal tenets of the theory necessitate the subjugation of women by men, or are there elements of the philosophy that are non-patriarchal? Does the theory possess any egalitarian elements? What role does equality occupy within the overarching philosophy, and how, if at all, can it be maintained? The second series of inquiries focuses on the treatment of women and poses the question: What implications would a specific theory have for women if implemented? Will the idea improve or detract from the lives of women in any manner? Assist or jeopardize them?

MASCULINIST STARTING POINTS – The predominant feminist critique of Rawls is that his methodology—individuation and abstraction—diminishes the significance of relational thinking and the ethics of care, which are often, albeit contentiously, linked to women, and discredits those who embrace these ethical frameworks. The emphasis is consistently on the Veil of Ignorance. Feminists such as Nel Noddings, Allison Jaggar, and Iris Young question how Rawls's theory of justice can adequately reflect women's experiences when individuals in the Original Position are anticipated to abandon their nurturing identities, interpersonal relationships, and context-specific knowledge. Two interconnected concerns arise here.

The initial aspect pertains to the substance of the specific concepts of justice formulated under the Veil of Ignorance, which might be articulated as follows: Individuals in the Original Position are required to perceive themselves as distinct entities rather than as mothers, caregivers, or participants in diverse relational contexts. Consequently, they will, by the inherent logic of Rawls's contractarianism, refrain from selecting principles of justice that pertain to care and the significance of relationships. They will select principles of justice that are based on what are occasionally perceived as masculinist values, such as individual autonomy, means-ends logic, and universality. The second concern pertains to the adverse effects that will arise from the institutionalization of these principles of justice, effects that may, in some instances, impact the entire community but will predominantly burden women and others who prioritize care and relationships in their lives. The consequences encompass the classification of care and relationships as external to justice and fundamentally apolitical; the persistent neglect of abuses in domains where care and relationships predominate, such as within the family and other contexts unsuitable for a distributional model of justice;

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ASVP PIF-9.776 /ASVS Reg. No. AZM 561/2013-14



and the stigmatization of individuals who reject the characteristics of self-interested rational actors as morally underdeveloped and unfit for complete engagement in the political and legal community. Are these two apprehensions justified? How significant are these challenges to Rawls's overarching theory? Rawls's technique distinctly minimizes the significance of some moral frameworks, specifically those that emphasize the relevance of historical context at the epistemic level, as opposed to the communal level (e.g., Hegelian thought rather than modern communitarianism). Furthermore, Rawls's theory operates by decree, rather than through a basic argument, akin to all other theories.

Consequently, by anticipating that all individuals—not solely those who identify as Rawlsians—will engage in the Original Position (subject to interpretation), it effectively precludes certain individuals from contributing to the formulation of the principles of justice that will ostensibly be enforced upon all community members. However, the situation regarding gender is not so unequivocal. Feminist critics of Gilligan have recently emphasized that not all women embody caregiving roles or contextual thinking. Women and men, particularly after the age of thirty-five, do not differ as significantly in moral or social life as Gilligan and her adherents initially proposed. While women remain more closely linked than men to caregiving, relationship management, and contextual knowledge, these associations—and the resultant gender differences—are increasingly diminishing in North American society. Moreover, they have always been more culturally and economically rooted than Gilligan initially posited. Two potential assertions may be articulated in this scenario.

The initial point is that women, or any individuals unable to disassociate themselves from others due to good faith or cultural reasons in a Rawlsian thought experiment without compromising their moral identity, would necessarily be excluded from the group deemed capable of rational (and likely moral) decision-making. The second point is that, by distancing themselves from their relationships, individuals in the Original Position might formulate principles of justice that, once institutionalized, could undermine practices of care and contextual thinking, as well as those individuals who regard these aspects as valuable in their own lives or in the lives of others. Both allegations are exceedingly grave. However, neither can be established, as Jaggard and others have attempted in their critiques of Rawls's methodology, on an a priori foundation by referencing Rawls's depiction of the Original Position. For a comprehensive understanding of the ramifications of this empirical evidence on the ethics of care, refer to Marilyn Friedman, *Beyond Caring: The De-Moralization of Gender*, the Original Position does not encompass moral beings in all facets of their existence nor does it delineate the specific type of polity that would inevitably arise upon the institutionalization of justice principles. Rather, it delineates a framework for formulating concepts of justice. Rawls explicitly elucidates this point in his defense of the Original Position: The device's abstract nature fosters misinterpretation.

Consequently, feminists would likely need to rely on these organizational structures. I presume that in doing so, they must prioritize the objective of non-patriarchy. This implies that Rawls's theory of justice is not inherently masculinist in its foundations and may manifest as masculinist or not in certain instances, contingent upon the prevailing institutional circumstances. What, if anything, is of positive significance in Rawls's Original Position concerning the feminist model of care and/or contextual reasoning? Can it be utilized to either validate Gilligan's model or facilitate its institutionalization? Susan Okin, in *Justice, Gender, and the Family* and other works, proposes that Rawls's Original Position should encourage individuals to contemplate not their self-interest as rational agents, but rather the perspectives of others on the world.

At one juncture, Okin asserts that Rawls's Original Position serves more effectively as a model of empathy than as a model of rational decision, because [a]s Rawls asserts that the conditions he establishes compel each individual in the initial position to consider the welfare of others. The parties can be shown as the "rational, mutually disinterested" agents typical of rational choice theory solely due to their ignorance regarding which version of themselves they will ultimately become. The veil of ignorance is a stringent condition that transforms what would otherwise be self-interest into equitable consideration for others, particularly those who are markedly different. Contemplating the essence of morality necessitates abstraction from specific moral contexts, whereas ethical action and behavior—along with the determination of how to achieve them—in social, political, and legal scenarios demand contextual reasoning employing moral principles that may have been formulated in an abstract manner. Individuals in the original position cannot adopt a perspective of non-identity, contrary to the assertions of critics who claim that Rawls's theory relies on a "disembodied" notion of the self. They must, rather, think from the perspective of everybody, in the sense of each in turn. Accomplishing this necessitates, at a minimum, robust empathy and a willingness



to attentively consider the diverse perspectives of others. Okin posits that Rawls's Original Position may serve as a framework for empathy, or at the very least, as a means to comprehend the world from the viewpoints of others. Furthermore, she effectively conveys a clear understanding of how this approach could facilitate other-regarding relationships. However, she cannot reintegrate the model into Rawls's theory without undertaking two actions that are highly contentious, if not unfeasible. The initial approach is to dismiss Rawls's rational choice terminology as a distortion of his objectives. The second objective is to furnish those in the Original Position with an incentive to employ the Veil of Ignorance to cultivate empathy, or, in other terms, to offer a rationale for alternating in a manner that would promote reciprocal comprehension. Furthermore, he never withdraws his rational choice models nor indicates a change in his assessment of their worth.

Therefore, we cannot presume that he disregards them, even if they may not encompass many of his other assertions regarding the importance of transcending self-interest and considering the welfare of others in the society. Okin's assertion that Rawls's theory provides a rationale for the search of empathy behind the Veil of Ignorance is likewise tenuous. "compels each individual in the original position to consider the welfare of others." The welfare of others is not synonymous with their viewpoint. Rawls's assertion that the specified conditions compel persons to consider the welfare of others does not imply that they can do so within the Original Position. Rawls's prerequisites may be inherently unachievable as articulated. Currently, it is evident that humans lack sufficient knowledge of one another in the Original Position to develop a sufficiently specific understanding of others' well-being that would enable empathy. One cannot infer from the impossibility of "thinking from the position of nobody" that Rawls does not at times suggest the importance of adopting such a perspective, nor that a viewpoint from everyone is inherently necessary, beneficial, and feasible. Rawls implicitly suggests the importance of adopting a perspective of universality in his assertion for abstraction from particularity; although a viewpoint encompassing everyone may be essential, beneficial, and feasible, it must be justified independently based on its own merits. Therefore, although Okin's application of Rawls's Original Position—extracted from the broader context of Rawls's theory—is beneficial and significant for advancing both the ethics of care and relationship maintenance, it is likely less congruent with Rawls's theory than she asserts.

FATHERLY CONTRACTORS/PATRIARCHAL FAMILIES: The second feminist critique of Rawls mentioned earlier, specifically that Rawls fails to contest the patriarchal family and may even validate it as the standard, is more concerning. Rawls, even in his later works, does not remove himself from patriarchy as a structure of authority. His concessions to Susan Okin in *The Idea of Public Reason Revisited* are limited and emerge unexpectedly late in his career. In his later works, Rawls appears increasingly focused on viewing gender not as a component of a social and political power structure, but rather as an additional specific identity that individuals must transcend when contemplating justice rationally. Rawls explicitly states in *A Theory of Justice* that individuals in the Original Position are heads of households and that they negotiate on behalf of family members. Rawls posits that persons in the Original Position should not be seen as "single individuals" but rather as "heads of families," representing the interests of their respective families. Rawls does not exclude women in this regard. However, he instructs persons in the Original Position to "imagine themselves as fathers" and "determine the amount they should allocate for their sons by considering what they would perceive as their rightful claim from their fathers."

Rawls's depiction of individuals in the Original Position as male heads of family is incorrect for at least two reasons. Initially, as the Original Position is, per Rawls, both pre-political and fundamentally antecedent to principles of justice, his characterization of individuals in the Original Position as male heads of household results in Rawls portraying patriarchy as both natural and legitimate, thereby delegitimizing any attempts to examine the justice or even the morality of familial structures. Jane English contends that by designating the parties in the original position as heads of families instead than people, Rawls obscures the family's accountability to justice claims.

Second, if individuals behind the Veil of Ignorance are male heads of household, they might well, in their efforts to generate rational principles of justice, generate principles of justice that are patriarchal to the core, since individuals in the Original Position are supposed to think about a polity that is rational for individuals like themselves, and they themselves are patriarchal. Admittedly, in cases where the male heads of household in question are understood primarily as caretakers, rather than as embodiments of total power in the domestic realm, they will probably generate principles of justice that are benevolent rather than disciplinarian. But these principles will still be patriarchal and hence a threat to the empowerment of women. While Rawls explicitly refers to individuals in the Original Position as male heads of household, he might



not, of course, have had to do so within the confines of his theory. Indeed, he might have been able to get around the two problems cited above by replacing the term “male heads of household” with either that of “heads of household” or that of “individuals” in his characterisation of the Original Position. Hence, we need to ask: Does Rawls need to characterise individuals in the Original Position as heads of household? Does he need to characterise heads of household as male? Is there anything about his theory that compels him to do so? Might he not simply talk about heads of household as both male and female or forget the domestic sphere altogether and go back to talking about “individuals”? Rawls, as it turns out, had to be able to talk about heads of household in order to satisfy the conditions of intergenerational justice. While he said that to talk about heads of household is not necessary to the Original Position itself, he made clear that to talk about them as heads of household is necessary to ensure that “the whole strand is tied together” between generations or, in other words, to ensure that each person in the Original Position cares about the well being of some persons in the next generation. Hence, Rawls could not simply move back to talking about individuals qua individuals in the Original Position. Instead, he had to talk about individuals there as heads of household. How, if at all, might Rawls have talked about these heads of household as being in some cases women? Rawlsians need to be able to do two things in order to talk about women as heads of households.

The first is simply to make sure that the term “head of household” is not understood in terms that are biased towards men or associated with patriarchal institutions. The second is to characterise heads of household in the Original Position (if there are two of them) as co-heads of household—since otherwise women could not be heads of household in two-parent families without simply substituting matriarchy for patriarchy. Rawls should be able to meet the first condition fairly easily. For even though patriarchy might have to be retained as part of the social and political knowledge deemed relevant to rational choice-making in the Original Position (which is not an insignificant matter), it does not need to be in the Original Position itself as long as it is not considered natural. In other words, there is no good reason why heads of household have to be male at the very beginning of the story, especially if individuals are construed as rational actors rather than as members of particular groups—even though conservatives might endeavour to show that a patriarchal society is in the end the most efficient. Indeed, contrary to the view of many feminists, one of the most progressive features of Rawls’s theory is its insistence that we abstract from both particular identities and particular social and political institutions in the Original Position in order to avoid social biases. The uncertainty of one’s sex behind the “Veil of Ignorance” may serve as a catalyst for gender equality and potentially confront homophobia. Consequently, those in the Original Position are anticipated to abandon their own connections, customs, and institutions, as they are likely to be partially or wholly patriarchal. Rawlsians might encounter challenges in incorporating women and men in same-sex couples into the Original Position by discussing co-heads of households, as this necessitates defining the relationship between the two parties, which is generally excluded from the Original Position. The task would become increasingly complex if Rawls were required to delineate the non-patriarchal characteristics of these connections, as this would necessitate a theory of familial justice preceding justice in the public domain.

What actions should Rawlsians undertake? Susan Okin posits that Rawls’s theory of justice, when interpreted in a specific manner, necessitates a gender-neutral, non-patriarchal society and aids in outlining the normative foundation of an egalitarian family. Okin commences with Rawls’s theory of agreement in the Original Position and constructs his argument from that foundation. Okin asserts that consensus among representative individuals in a genuinely non-sexist or humanistic framework of justice is feasible solely for those possessing analogous fundamental psychology and moral evolution. Consequently, the Original Position must integrate diverse anti-patriarchal initiatives, including the dismantling of all gender-structured institutions, as these institutions embody psychological and moral disparities that will hinder consensus on justice.³⁹ If concepts of justice are to be unanimously chosen by representative individuals unaware of their specific traits and societal situations, they must possess fundamentally equal psychological and moral development. This implies that the social forces contributing to the current disparities between the sexes—from maternal caregiving to various forms of female subjugation and reliance—must be supplanted with gender-neutral institutions and practices. Furthermore, Rawls’s theory necessitates more than a gender-neutral society. Conversely, Okin thinks that it enables us to perceive such a society as equitable. Okin, akin to Rawls, references the Veil of Ignorance. However, she employs it to substantiate the subsequent three feminist assertions. Initially, individuals operating under the Veil of Ignorance, unaware of their gender, would not allocate familial responsibilities in a manner that fosters economic reliance on one gender.

Secondly, to achieve equality in the public domain, as asserted by Rawls’s theory of justice, it is imperative to establish perfect equality among adults inside the family concerning, among other factors,



domestic labor and childrearing responsibilities. would prohibit societal situations that compromise self-respect and thus prioritize gender-neutral socialization and "equitable expectations of self-definition and development." Although inquiries into moral psychology and development are predominantly empirical, Okin is likely accurate in claiming that, within a Rawlsian framework, men and women must possess a shared foundational psychology and moral development for a common perspective and consensus to be achievable—unless it is determined that two distinct pathways can lead to the same moral viewpoint, which, while empirically improbable, remains logically feasible. Therefore, Okin is likely correct that Rawls's Original Position necessitates the transcendence of gender and the presumption of a gender-neutral society. Is this assertion valid solely in the Original Position, or does it also apply to a society founded on Rawlsian principles? Stating that Rawls's theory necessitates the transcendence of gender does not imply that his overarching theory would endorse the establishment of a genderless society. I believe that Rawls's moral egalitarianism, if not Rawls as a theorist, would likely be receptive to many of Okin's proposals regarding the necessity of a genderless society, as these proposals can be substantiated through clear egalitarian principles. However, alongside Josh Cohen and others, I question whether Okin's recommendations necessitating state intervention in what Rawls would insist on categorizing as the private sphere—such as Okin's proposal mandating the payment of half a spouse's salary to their partner—are congruent with Rawls's liberal non-interventionist stance in personal affairs. "Moreover, while J.S. Russell and others may go too far in contending that the feminist principles of justice that [Okin] advances are in no sense a product of the 'original position,' ' as distinct from Okin's own feminism, they are right to argue that these principles have to be in place before individuals in the Original Position can begin to deliberate about principles of justice. Okin can defend herself here. But she can do so only by assuming that there are two Original Positions, one that takes place necessarily before the other. In other words, she can proceed only by assuming that individuals make two contracts: one to develop principles of justice in the family; the other to develop justice in the public sphere. What is wrong with that? Two potential difficulties arise here for Rawlsians, if not for Okin herself. principles of justice in the public sphere, the fundamental principles of justice are no longer those associated with justice in the public sphere as Rawls understands that sphere. Instead, they are those associated with the prior contract, e.g., that which here establishes a just family.

The Veil Of Ignorance: A Recipe For Racial Inequality: In *The Political Significance of Social Identity: A Critique of Rawls's Theory of Agency*, Kevin Graham makes the following argument about why Rawls is not able to deal adequately with the oppression that minority members of American society experience. Rawls's theory of justice, writes Graham, conceives of individuals in the Original Position both atomistically and egoistically." narrowly on the personal goods of individual rights and liberties, fair shares of social resources, and self-respect, rather than on socially conditioned and constructed goods, including those racial and cultural identities which are, according to Graham, extremely important both to the organisation of the community in general and to the ability of minority members to exercise their autonomy as persons. Indeed, Graham claims, Rawls's theory of justice treats these identities as "politically irrelevant. Interestingly, Graham does not, like Jagger and others cited in Part II of this paper, assume that what happens in the Original Position is what would happen in a polity ruled by Rawlsian principles of justice. Indeed, he concedes that Rawls is correct to present the Original Position as a mere device of representation, rather than as a freestanding argument for Rawlsian principles of justice.

Moreover, he does not deny the value of Rawls's rational experimental method or treat it as racially, culturally, or gender biased in and of itself. In other words, he does not deem the method biased by virtue of its abstractness per se. Instead, he zeroes in on Rawls's list of primary goods in the Original Position and argues that Rawls's failure to acknowledge cultural and racial identities in the Original Position is particularly bad for racial and cultural minorities, including women of colour. Graham's argument proceeds on the basis of three textually justifiable claims about the character of the Original Position with respect to Rawls's primary goods. The first is that Rawls assumes in his account of primary goods that the citizens of a well-ordered liberal democratic society would generally require the same means for moral development and human fulfilment. Rawls, Graham acknowledges, makes clear that the well-ordered liberal democratic society that he has in mind is pluralistic with respect to citizens' "differing conceptions of the good and the various comprehensive doctrines that they use to interpret these conceptions. But Rawls, Graham points out, also conceives of this society as homogeneous with respect to the kinds of means that these citizens would require to pursue their conceptions of the good and to secure their higher order interests".

Second, "Rawls's account of the primary goods arbitrarily - perhaps without justification would be better here-limits the scope of the means to moral development and human fulfilment by treating them



exclusively as objects of individuals' possession. As Graham points out, only [s]ome of these goods, including income and wealth, are paradigmatic examples of material possessions that individuals can own and control. But all of them, including the relevant rights, liberties, powers, and prerogatives, can be distributed among individuals who can possess and exercise them at their pleasure. Hence, according to Graham, we can conclude both that Rawls's account of the primary goods assumes that social justice amounts to the equitable distribution of things across society, and "that [i]f the primary goods could not be conceived of as things, at least in some abstract sense, we could not make sense of the idea that we can check to see how equitably they are distributed across society".

"Third, even though Rawls claims that his views about individuals in the Original Position are neutral with respect to the metaphysical nature of persons, he does assume an individualistic social ontology by virtue of both his account of the primary goods as containing only goods that individuals can possess, exercise, or enjoy, including individual rights and liberties, income, and wealth, and his insistence that individuals identification in the Original Position with various groups be understood as either "voluntarily formed or politically irrelevant. Not surprisingly, this latter insistence becomes particularly important to anyone concerned about the importance of cultural and racial identity to moral agency and personal integrity. For it treats as irrelevant that which may be necessary to both moral agency and personal integrity in the case of racial and cultural minorities. Rawls does not, of course, dismiss the importance of these identifications in general. Instead, he removes them from any definition of the public, or institutional, identity with which he is concerned. According to Rawls, while a person's non institutional or moral identity depends on voluntary associations, affections, and loyalties to others with whom an individual chooses to ally herself on the particularities of her life- her public identity depends only on her having the two moral powers that he cites-a capacity for a sense of justice and for a conception of the good-as well as a determinate conception of that good. present in the Original Position, since what a person requires in order to secure her higher order interests depends solely on her status as a 'free and equal person' as Rawls understands that term. Likewise, he makes clear that an individual's memberships in social groups defined by ethnicity, race, and gender, are not-and cannot be-part of her public identity, because they do not have anything to do with her status as moral agent. Nor, according to Rawls, are these things even part of her moral identity, since they are not freely chosen and cannot be freely withdrawn. Graham argues in this context, contrary to Rawls, that individuals memberships in different social groups do affect their chances to develop their moral powers and to fulfilltheir conceptions of the good, and hence must be taken into consideration at the level of public identity".

Nor are we appealing to each person's or each group's interests though at some point we must take these interests into account. Rather, we think of persons as reasonable and rational, as free and equal citizens, with the two moral powers. Rawls, Graham's opposition to this notion of homogeneity is pronounced. He writes: [While some social groups may merely need more of the same primary goods that everyone else has, others may need different kinds of primary goods. Consider the members of a threatened minority culture.... Because a person's culture is the context in which she develops and exercises her ability to have a conception of the good and a sense of justice, the continued existence of a person's culture is a necessary condition of that person's development and exercise of these moral powers. Graham "Members of the dominant culture," on the other hand, "do not need the same special protections for their own culture." Id. at 214. 79. Rawls concedes here that persons whose physical capacities are reduced below a basic minimum level of functioning may need a greater index of primary goods than those with normal physical capacities. But he does not concede a need among disempowered groups in society for such a greater index-and certainly not for different primary needs. See id. Graham's major contention with Rawls is that he simply does not understand-or care about-the needs of minority groups that have been oppressed in society. According to Graham, "if all the members of a threatened minority culture are to satisfy what Rawls calls their higher-order interests, they must have the chance to live out their lives as members of this culture, which significantly shapes their social identities." Moreover, Rawls goes so far in Political Liberalism as to say that even if the refusal to acknowledge group identities creates social and political conditions that lead to the death of particular cultures, this consequence, while "regrettable," is "not unjust." According to Rawls, "no society can include within itself all forms of life. We may indeed lament the limited space, as it were, for social worlds, and of ours in particular." But the necessity of letting some cultures die out is "not to be taken for arbitrary bias or injustice." Instead, it means that "the nature of its culture.., proves too uncongenial."



Democratic citizenship v. Patriarchy: Let me begin here by stressing two general points of importance that come out of the above discussion. The first is that while the feminist claim that Rawls's theory of justice is antithetical to the values of care and relationship is fairly weak, the other two feminist claims cited above, namely, that Rawls's Original Position cannot be used to challenge the patriarchal family," and that Rawls takes away from minority women the racial and cultural identities necessary to the sustenance of their moral agency and personal identity, are much more worrisome. Indeed, they are potentially very damaging to Rawls's general theory of justice. The second is that if Rawlsians want to meet the challenges implicit in both critiques and to become more useful in undermining both patriarchy and systems of racism, they will have to find a way, not of endowing individuals with a particular or group identity behind the Veil of Ignorance or of giving up on the Veil of Ignorance altogether, but of thinking about individuals behind the Veil of Ignorance in such a way that these individuals would, in formulating principles of justice, naturally pursue the non- subordination of women and minorities as a goal. In other words, they will have to find a way of endowing individuals in the Original Position with a general identity that when acted upon leads them-without asserting their own particular group identities-to challenge both patriarchy and systems of racism. How might they do so? Obviously, if Rawls's theory of justice were itself patriarchal, then there would be no use in asking this question. But it is not.

Rawlsian individuals behind the Veil of Ignorance do not think of themselves as superior or inferior to those beneath them in the social hierarchy. (How could they do so without knowing who they are?) Nor, if we are willing to leave Rawls's extremely unfortunate remarks about individuals in the Original Position as male heads of household. Fordham law review behind, which I suggested above we can do, are Rawlsian individuals attached to particular social roles that would make them welcome members in any patriarchal community about which we are now aware. Hence, even if they were to know something about patriarchy-which depends on what counts as relevant background knowledge -they could not be construed as the source of patriarchy or as willing partners to the reproduction of patriarchy in practice. Moreover, Rawlsian individuals in the Original Position are, according to Rawls, moral equals.⁹ Hence, they might, as moral equals, be expected to value moral equality, i.e., treat it as a moral principle, in the Original Position and to develop principles of justice on the basis of such a valuation that challenge the kinds of institutions that, by virtue of their hierarchies of domination and subordination, lead to the moral disrespect of particular groups in practice. In other words, Rawlsian individuals might, by virtue of who they are as moral equals, naturally generate the kind of principles of justice that are required in this context. Such a possibility is intriguing. But it falls apart fairly quickly for two closely related reasons. First of all, in Rawls's schema, moral principles are supposed to come out of, rather than precede, the contracting situation. Hence, individuals in the Original Position cannot associate themselves with moral equality as a moral principle. Nor can they, without such a principle, value moral equality or use it to develop principles of justice. Instead, they can only be moral equals-and then only if the Kantian association between rationality and moral worth holds up under scrutiny. Interestingly, Rawlsians might be able to recognise patriarchy and other hierarchical systems of domination in the Original Position if they could include knowledge about these systems in the basic psychological, social, economic, and political knowledge required of individuals behind the Veil of Ignorance. But they could not do so in any critical way. Instead, they could do so only by recognising patriarchy as part of the necessary "background knowledge" that is supplied to rational agents in their choice of principles of justice. Moreover, in so recognising patriarchy as such a relevant subject matter, they might be stuck having to accept the "laws" of patriarchy as part of the status quo (a situation which can only get worse for them if, as many socialist feminists have argued over the years, capitalism is itself patriarchal). This, I take it, is why feminists and other left-leaning critics of Rawls have been so adamant over the years about the conservative nature, not only of the particular psychological, social, economic, and political facts that Rawls allows his contractors to know, but of his inclusion of such background information in general. Rawls, of course, expresses their moral equality in a number of Kantian ways. These range from his restatement in *A Theory of Justice* of Kant's claim that morality itself has its source in rationality, and that all individuals qua rational beings in the nominal realm are thus moral equals, Rawls, to his treatment of them in *Political Liberalism*, *A Theory of Justice*, and elsewhere as moral equals by virtue of their various moral powers to both pursue their own goods and formulate principles of justice rationally.

Conclusion: In conclusion, while democratic states hold the promise of equality and inclusivity, their structures and practices often perpetuate gendered inequities rooted in historical and cultural legacies of patriarchy. A feminist analysis reveals that the concept of citizenship, as traditionally understood, marginalizes women and other genders by failing to account for intersecting oppressions related to race,



class, sexuality, and ability. To achieve truly inclusive democratic systems, it is imperative to challenge and reform institutional biases, dismantle systemic barriers, and prioritize gender justice in both policy and practice.

By integrating feminist principles into the core of democratic governance, societies can move closer to realizing a model of citizenship that values all voices equally, ensures equitable access to resources and opportunities, and fosters meaningful participation for all. The pursuit of gender-equitable democracies requires continuous effort, including collaboration between state institutions, civil society, and grassroots movements. Ultimately, such a transformation not only benefits women and marginalized genders but also strengthens democracy itself by making it more representative, just, and resilient.

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