



**Iowa Research Online**  
The University of Iowa's Institutional Repository

---

Honors Theses at the University of Iowa

---

Spring 2020

## **Saving Rawlsian Selfhood**

Tobias Garcia Vega

Follow this and additional works at: [https://ir.uiowa.edu/honors\\_theses](https://ir.uiowa.edu/honors_theses)



Part of the [African American Studies Commons](#), [Ethics and Political Philosophy Commons](#), and the [Feminist Philosophy Commons](#)

---

This honors thesis is available at Iowa Research Online: [https://ir.uiowa.edu/honors\\_theses/355](https://ir.uiowa.edu/honors_theses/355)

---

SAVING RAWLSIAN SELFHOOD

by

Tobias Garcia Vega

A thesis submitted in partial fulfillment of the requirements  
for graduation with Honors in the Philosophy

---

Bhandary, Asha L  
Thesis Mentor

Spring 2020

All requirements for graduation with Honors in the  
Philosophy have been completed.

---

Priest, Richard Tyler  
Philosophy Honors Advisor

Thesis mentor: Asha Bhandary

Committee members: Asha Bhandary, Diane Jeske, Richard Fumerton

Defended: May 1<sup>st</sup>, 2020

Tobias Garcia Vega

**Saving Rawlsian Selfhood: *Toward a Socio-historical Theory of Selves in John Rawls' Theory of Justice***

Liberalism has long been the dominant theoretical tradition in political philosophy. Yet its status as such did not arise in a vacuum. Without the revision of concepts and the redrawing of distinctions, liberalism would be restricted to its earliest and most problematic formulations. The dialectic between liberalism and its critics, sympathizers and radicals alike, has not only brought the tradition itself into the modern era but preserved a specter of what liberalism once was. The specter, representing liberalism-past, hangs over liberals as well as those opposed to the tradition, albeit haunting them in different ways. The liberal must demonstrate that *their* liberalism is not *that* old one, or at least that it succeeds where previous iterations have failed. Many critics, however, fall into the trap of mistaking the specter of liberalism for the real thing. It is often the job of the liberal philosopher, then, to present their view while making clear where and how they depart from previous liberalisms.

This is especially true of Rawlsian liberalism<sup>1</sup>. Many critics of Rawls present arguments against his intellectual tradition but not of Rawls himself. Although many arguments are aimed at Rawls, they often miss the mark. I say this not as an excuse to dismiss these critics – many develop critical insights that deserve more than a clarificatory rehearsal of Rawls' political philosophy. In particular, the communitarian objection to Rawlsian contractarianism presented

---

<sup>1</sup> This thesis only considers Rawls' earlier work: Rawls, "Justice as Fairness." *The Philosophical Review*, vol. 67, no. 2, 1958, pp. 164–194; "Kantian Constructivism in Moral Theory." *The Journal of Philosophy*, vol. 77, no. 9, 1980, p. 515; *A Theory of Justice, Revised Ed.* Harvard UP, 2009.

by Charles Taylor<sup>2</sup> and the latest racial critique of Rawlsian liberalism advanced by Charles Mills<sup>3</sup> are taken up here. Taylor argues that liberalism has been fatally individualistic; Mills, that liberalism has been “doubly” racialized in that it has been racialized epistemically among those who produce it and the concepts themselves, in theory and practice, are racialized.

A synthesis of these critiques is in order as each requires more attention than they have received in isolation. By proposing a neo-Rawlsian account of selfhood that is sensitive to concerns of “non-ideal” social circumstance<sup>4</sup> which have been largely ignored, this thesis aims to relieve the tension that has built up between Rawls’ critics and proponents of Rawlsian liberalism. Lived experience, a major theme arising in feminist philosophies; critical philosophies of race; and social philosophy generally, is marginalized in Rawls’ work on distributive justice. The effects material and social positions have on selfhood cannot be ignored. As such, these themes take center stage in this thesis.

After summarizing “racial liberalism” in the first section, in the second section I argue that the social contract Rawls endorses is not racialized. However, as Mills demonstrates, the problem of the assumed whiteness of the contractors in the social contract scenario remains. Thus, I offer a response to the multiply problematized concept of Rawlsian selfhood. I argue that the Rawlsian conception of selfhood, responding to Taylor, need not be individualistic (section 3) *nor*, responding to Mills, racialized or problematically insensitive to questions of race (section 4). By addressing Taylor and Mills, steps will have been taken towards constructing a model of

---

<sup>2</sup> Taylor, "Atomism." *Philosophical Papers: Volume 2, Philosophy and the Human Sciences*, Cambridge UP, 1985, pp. 187-210.

<sup>3</sup> Primarily in Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism*. Oxford UP, 2017.

<sup>4</sup> I take “non-ideal circumstance” to mean the very real systems of oppression we find ourselves in. That our society (speaking of the United States) is characterized by immense wealth and racial disparity, was built on exploited labor, whose gender, racial, but particularly class oppression is not only altogether abhorrent but has so deeply affected the tenor of interpersonal interaction (a salient feature of workplace discrimination and microaggressions). In general, I understand these components of “non-ideal circumstance”, in toto, as a given feature of the public and private spheres in which we interact. I will not enter into debates about the causes or weight of each kind of oppression.

selfhood sensitive to the elements of social life which I forward in section 5. In the final section, I demonstrate this model of selfhood is workable within a broader Rawlsian theory of justice. The neo-Rawlsian conception of selfhood this thesis endorses is largely inspired by the work of John Christman<sup>5</sup>. This thesis is intended to contribute to the project of further uniting themes important to feminist philosophy and philosophy of race with Rawlsian political philosophy.

## 1

### WHAT IS RACIAL LIBERALISM?

One would do well to begin by defining “liberalism”. There exists a vast literature surrounding how to interpret this term and which philosophers ought to be considered “liberal” in the sense of the term used in political theory as opposed to how the term is used in the current political climate in the US. In this thesis, I am mainly concerned with liberalism as it pertains to Rawls’ work. Although a broad-based attack on liberalism is forwarded by its critics and at various points, I adopt their language however I do so only in order to defend John Rawls’ work.

In his newest book, *Black Rights/White Wrongs*, Charles Mills forwards a series of critiques against Rawls’ work. Mills claims that Rawls’ silence on matters of race and the Eurocentrism in his thought are not, as they have been understood, merely benign outcomes of the circumstances in which he was writing. He contends that these are the natural byproducts of adherence to a *racial liberalism*. Analogous to work by feminists concerning *patriarchal liberalism*<sup>6</sup> and social theorists on *bourgeois liberalism*<sup>7</sup>, Mills' conception of racial liberalism is that, from the start, liberalism has had an implicit racial component which affects all levels of

---

<sup>5</sup> John Christman, *The Politics of Persons: Individual Autonomy and Socio-historical Selves*. Cambridge UP, (2009).

<sup>6</sup> Carole Pateman, *The Sexual Contract* (1988)

<sup>7</sup> Wilde (1994, pp. 164–74)

theorization. According to Mills, defining racial liberalism in part uncovers its corrosive effect on theories expounded by self-identifying liberals. He notes:

Liberalism, I suggest, has historically been predominantly a *racial* liberalism, in which conceptions of personhood and resulting schedules of rights, duties, and government responsibilities have all been racialized. And the contract, correspondingly, has really been a *racial* one, an agreement among white contractors to subordinate and exploit nonwhite non-contractors for white benefit. Insofar as moral debate in contemporary political theory ignores this history, it will only serve to perpetuate it. (Mills 2017, 29)

Mills contends that the effects of racism, whether intentional or implicit, are threefold. First, liberalism, at the level of personhood (and all talk of rights, duties, etc.), imports a non-raced, or implicitly “white”, conception of personhood as the model to which all raced or non-white individuals are expected to assimilate. Second, at the level of the social contract, both in theory and in practice, liberalism is said to reify the image of political reality where white contractors convene in order to subjugate non-white non-contractors yet simultaneously obfuscating this image with purportedly race-neutral talk of leaving the state of nature. Finally, Mills believes it is an imperative to give questions of race center stage in moral and political theorizing.

Otherwise, philosophers risk implicitly perpetuating racist constructs which threaten to continually poison discourse at all levels<sup>8</sup>. An object of this thesis will be to demonstrate how Rawlsian philosophy may be freed from the critique of racial liberalism as presented above.

Moreover, while I tend to agree with Mills’ condemnation of liberalism as a critique of classical political philosophy, I disagree with his suggestion that race should always be the central focus of ethico-political philosophical discourse and investigation. The academic circles Mills was addressing when he made these arguments, owing to the relative general silence on

---

<sup>8</sup> Of course, this last point only applies to the group of racially and class-privileged theorists who would otherwise only involve themselves in canonical political theory; engage in “post-race” discourse; or bracket questions of race, and does not apply to, say, those working within post-colonial traditions explicitly condemning racist reality.

race, understood concepts like “white supremacy” in a much more benign form than the way it is understood now that white supremacy has become an active motivating force for countless hate crimes in the West. And so, it is only natural that philosophers who once believed the Obama-era was a sign of the “post-race” society to come are now more skeptical of that image and have become more aware of the complexities of race relations in the United States. In part, this audience has become more willing to theorize about issues relating to race as it has become such a debated topic in public culture.

However, while I believe this latest resurgence of white supremacy and white nationalism are important objects of inquiry because they force political philosophers to consider pressing issues for social justice, there are nevertheless many concepts in political philosophy that are analytically distinct from concepts of race although they may appear in this new political arena of anti-racist efforts and militant right-wing resistance. Thus, I reject the notion that silence on race is enough to criticize Rawls’ work wholesale. One would think that Mills’ critique is an open letter to political and moral theorists currently publishing with the intent to spur on new discourse on matters of race where it would otherwise be lacking. But in the latter half of *Black Rights/White Wrongs*, Mills directs most of his attention to a detailed critique of Rawls’ contractarianism, his broader political views and, as Mills contends, Rawls’ white ignorance. Mills condemns Rawls for having remained silent on these issues, implicating Rawls’ whiteness as an inherent flaw to his arguments. While I advocate for the inclusion of historical domination in normative theorizing, especially in section 5, I reject Mills’ direct critique of Rawls regarding his supposed white ignorance (as he did not exclude the possibility of an anti-racist liberalism and was involved with anti-racist efforts himself<sup>9</sup>). While the positive account worked out in

---

<sup>9</sup> Stanley Cavell in his autobiographical diary recounts drafting voting rights legislation with fellow professor John Rawls in *Little Did I Know: Excerpts from Memory*.

section 5 of this thesis remains sensitive to elements of “non-ideal” circumstance, in general I avoid personalized critiques of theorists for not offering an exhaustive analysis of the context in which their normative arguments operate.

## 2

### **THE SOCIAL CONTRACT IS NOT RACIAL**

In this section, I attempt to defend the Rawlsian social contract from Charles Mills. His central argument against the social contract, like his global critique of liberalism, is that it has been white-washed and perpetuates an unduly sanitized history. The social contract is fundamental to *Theory*, Rawls himself says that the “main idea of the theory of justice” is to “present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant” (2009, p. 10). Moreover, both Rawls and Kant’s social contract theories, as Mills argues, are linked to their philosophical anthropology and conceptions of selfhood. Thus, a defense of Rawlsian selfhood from Mills’ racial critique requires at least a preliminary defense of the social contract. One could imagine a web extending from a common point. To defend the Rawlsian conception of selfhood, at the outer reaches of the web, depends on the integrity of the social contract, represented by the center.

Mills’ argument against the social contract is thus intimately related to his critique of liberal selfhood. For the purposes of this section, I focus on three arguments as they pertain to the social contract. Firstly, Mills argues that the social contract is both committed to and reproduces distorted images of socio-political reality. He believes normative guidance offered by the contract is adequate only if the implicit distorted view of society is rejected in favor of an explicit and realist account of society. Secondly, and as a result, the social contract normalizes

the sanitized version of reality, i.e. normalizes an initial situation of presumed social equality, to the exclusion of discussions concerning lived oppression. Third, Mills personalizes the argument that Rawls is silent on matters of race by arguing that this silence is a natural consequence of Rawls' white racial ignorance and emblematic of academic political philosophy at large. By responding to each of these points, I believe I will have weakened the need for Mills' proposed alternative "domination contract"<sup>10</sup>.

## 2.1 Social Contract as History?

The first of Charles Mills' central theses is that the social contract tradition is, minimally, committed to a distorted picture of reality and, in the strongest formulation of his critique, the entire edifice itself is a descriptive account of social relations. Mills defends the former when he talks of the normalization of justice by mainstream academic political philosophy<sup>11</sup>. Arguing for the latter, he notes, "the [social] contract [...] has really been a *racial* one, an agreement among white contractors to subordinate and exploit nonwhite non-contractors for white benefit" (Mills 2017, §3). Furthermore, Mills characterizes the contract heuristic itself as centered around the idea that there is both a descriptive and normative claim made by the contract.

In defense of Rawls' contract method, I offer two deflationary responses to Mills. First, I suggest Mills conflates two distinct aims that a social contract can have. The social contract is generally understood as a normative and binding, yet hypothetical, document. However, it can also be interpreted, as Mills does, as a "descriptive" document. A descriptive social contract concerns the real conditions in, and reasons for, which modern democratic societies were initially formed; a normative account attempts to bring about the conditions necessary for the creation of a fully just and sustainable society. I summarize this distinction by calling the former

---

<sup>10</sup> His proposed a replacement for the traditional "social contract".

<sup>11</sup> (Mills 2017 Philosophy and the Racial Contract, p. 6) hereon cited as (Mills 2017 RC).

a “descriptive contract” and the latter a “normative contract”<sup>12</sup>. I argue that acceptable social contract theories are not framed as descriptive accounts of reality. Unless the social contract is understood normatively, it is open to the classic intuitive objection that it misrepresents history. Mills in *BR/WR* (and 1998, 2014, 2017 RC) presents the short argument that all social contract theories are both descriptive and normative as he describes Rawls’ Eurocentrism:

Moreover, [Rawls] does so within a (sanitized) European conceptual apparatus, ethnically cleansed of its actual discursive history of ethnic cleansing. (And this, to repeat is why though Rawls’ contract is hypothetical and normative rather than descriptive, the factual critique *is* still relevant, *since the factual picture presupposed shapes the orientation of the normative inquiry and the concepts deemed appropriate for it.*) (Mills 2017, 151 emphasis added)

His claim is not so much that social contract theorists explicitly believed their theories operated on a normative and descriptive level, but rather that their implicitly whitewashed image of reality which serves as the foundation of their normative accounts, can only result in normative principles which do not adequately address problems of race.

Thus, the idealized (normative) contract, Mills contends, is misleading if it does not present an accurate “factual picture” of reality – in this case, one riddled with global white domination and a history of pervasive ethnic cleansing. A valid social contract, for Mills, must countenance the *real* historical context in which it was formed as well as provide the necessary guidance towards an *ideal* society. Of course, the problem does not arise unless one has already

---

<sup>12</sup> Mills provides several other distinctions between kinds of ideal theorizing in his 2004 essay “Ideal Theory as Ideology”. The harmfulness of theory is determined by the object or purpose of abstraction with “idealization” as the worst kind since it actively represents “the actual” as “the ideal”. For the purpose of this thesis and Mills’ alternative social contract, it is only necessary to keep ideal theory in the above sense (although I do not accept Mills’ teleological definition of ideal theory) and its polar opposite “non-ideal theory” in mind. It should also be noted that this is “non-ideal” theory *to the exclusion* of ideal theory since Mills conceives of his project as entirely devoid of any idealized or abstracted method. As Mills believes these are mutually exclusive methods and identifies John Rawls’ work as the quintessential work within ideal theory, ideal and non-ideal theory are the only two methods pertinent to the discussion at hand.

accepted that the social contract is intended to operate as a hybrid descriptive-normative contract in the way Mills suggests.

An example of a faulty presupposed “factual picture”, Mills suggests, is Rawls’ definition of society as “a cooperative venture for mutual advantage” (Rawls 1999, 4). Mills believes this is a distorted representation of the social reality which characterized the creation of real societies in the West. He believes all social contracts (which were actually carried out, even by symbolic acts like the gathering of the United States’ Framers) are descriptive at some level. As evidence of this point, Mills points to how the historical context which defined the drafting of the United States Constitution reveals a vast amount of class and racial privilege enjoyed by the Framers, coloring talk of egalitarian ideals.

In addition, Mills presumes Rawls is consciously giving a realistic account of society as Mills points out the incongruence between Rawls’ (idealized) definition of “society” and our own societies, categorizing this clear difference as a fault inherent to Rawls’ account. Mills refuses to interpret Rawls as offering merely an account of what society as a social ideal would be. Rather, Mills argues that by not giving a descriptive account of political reality one “tacit[ly] represent[s]...the actual” (2017 §3). Since Rawls, or Rawlsians, do not depict a non-ideal (actual) society, Mills contends they recreate a distorted picture of our actual world by instead describing the ideal.

Rawls is therefore said to be reproducing distorted factual pictures when he characterizes society as a “cooperative venture...” (Ibid). However, Rawls’ definition of “society” was not intended as the basis of his theory, and especially not for a descriptive social contract theory. Put simply, Rawls gives a brief definition of society intended as an innocuous preliminary definition and not a robust philosophical and historical account of existing societies. Pointing to the

incongruence between the innocuous definition Rawls uses on the fourth page of his work and the socioeconomic conditions which characterized a republic like the United States is an inadequate response if intended as a critique of Rawls' overall project. This mischaracterization of Rawls carries itself into Mills' representation of the normative social contract. As Rawls presents it (Rawls 2009, §4), the social contract is a hypothetical scenario for the construction of normative principles of justice. Therefore, Mills' assertion that the normative social contract fails to describe the social conditions in which the United States "contract" came about is a category error and borders on reifying the intuitive critique that "there was never a social contract" as a genuine one thus legitimizing a structural reorientation of the entire purpose of the social contract.

It is in this light that Mills proposes a *domination contract* (2014), whose envisioned scenario aims at more accurately representing our own, i.e. one where a group of white contractors consciously subordinate all nonwhites. However, this alternative gives an equally distorted picture of reality and needlessly makes the defunct historical critique of the social contract a genuine one. It is a dubious psychological claim to make that, worldwide, contractors (that is, those "signing" the "social contract" into existence) are explicitly agreeing to subordinate nonwhites with the creation of the contract. Though Mills' domination contract more accurately depicts the illiberalism which has characterized global history, it is nevertheless the case that concerns remain in regard to its use as an alternative normative doctrine. Social contract theory loses any real normativity if its aim is both descriptive and normative. Knowing what justice, in an idealized and timeless sense, requires of individuals and institutions is important knowledge not only for members of the envisioned just society (i.e. abstract hypothetical persons), but for us real citizens as well. Access to such knowledge can arise from different

philosophical methodologies but, to preview my response to Mills' next argument, focus on one method of inquiry does not preclude the practice of another.

## 2.2 The Normalization of Justice

Second, to respond to the normalization of justice in political theory supposedly caused by the "sanitized" history of the social contract. It is true that political philosophers spend a lot of time theorizing about justice, and what it conceptually requires of us. This hyper-focus on justice, as the critique goes, in fact normalizes it in our discourse so that philosophers begin to speak as if real life injustices do not matter. From there, it is essentially a conceptual slippery slope until philosophers start to believe injustices do not exist<sup>13</sup>.

This point is more an outcome of Mills' descriptive-normative<sup>14</sup> conflation. Philosophers do indeed spend a lot of time talking about justice; however, they are concerned with *normative* justice and not always *corrective* justice. What separates the two is that one isolates what justice is conceptually while the other presupposes some injustice to have occurred at some time in the past and attempts to have it corrected. Correspondingly, the social contracts spoken of are normative and not meant to be historically accurate real documents. Rawls speaks of the limitations of the contract as a history, but says it nevertheless is an important heuristic that ensures a situation of fairness when deciding on the principles of justice. As he notes, "[t]hus however mistaken the notion of the social contract may be as history, and however far it may overreach itself as a general theory of social and political obligation, it does express, suitably interpreted, an essential part of the conception of justice" (1971 pp. 192 – 193).

---

<sup>13</sup> In fact, Mills employs this exact argument in his talk of the "conceptual slippage" as what *must* have caused political philosophy's supposed blindness to injustices.

<sup>14</sup> This ("descriptive-normative") is how I summarize Mills' claim that the social contract is a hybrid normative action-guiding and realist descriptive or historical apparatus. Such a contract would characterize political reality here and now while provide action-guiding moral imperatives. I call it a conflation since this is ultimately a misunderstanding of the idea of the social contract.

However, Mills makes a broader point here: all inquiry concerning justice as a concept, or virtue, over many decades has resulted in a theoretical tipping of the scales towards justice. His critique extends past the social contract, but for now I only give a critique of his point insofar as the *social contract* normalizes justice. As that is more directly a global critique of Rawls' method, I give that critique a fuller and more philosophically grounded response in section 4. At present, and to draw out the response I hinted at in the last paragraph, it should be noted that a top-down<sup>15</sup> approach (constructing a theory of justice within "ideal theory" and then moving to do more pragmatic work against the injustices which characterize our actual, "non-ideal" world), like the one Rawls advocates, can provide the exactitude necessary for measures of corrective justice to themselves be just and applied in a consistent, coherent manner. To reach normative principles solely from an understanding of the "non-ideal", i.e. a bottom-up approach, either itself requires a conception of the ideal (i.e. a theory of justice), is inexact in that it can only orient us in the direction of a nebulous ideal, or is utophobic in that it requires us to bring about "realistic" justice (i.e. justice achievable given the current material conditions and societal structure). Oppression, inequity, marginalization all require for their correction a theory of normative justice in the other direction. In this vein, ideal and non-ideal theory are less methods locked in diametric opposition and more a symbiotic whole where one requires the other. After all, as Mills says of various contractarian positions, "the contract is best thought of as a device that can be put to multiple uses, rather than as an apparatus that prescribes a particular social template" (Mills 2017 RC, p. 2)." I believe this same reasoning was behind Rawls' decision to

---

<sup>15</sup> This language is intended in a value-neutral way. I only mean to glom onto the existing language in the literature regarding "non-ideal" and "ideal" theory and the general understanding that Rawls encourages we engage in idealized theory before turning to address specific non-ideal concerns. Top-down and bottom-up can help visualize what I believe to be an analogue to the methodological aspects of the debate between Platonic forms, or Universals, and Particulars.

give a normative (or prescriptive) account of justice suitable for countless actual societies rather than offer an attenuated conception of corrective justice adequate only for specific patterns of historical injustice, racial other otherwise. However, he did not deny the importance of corrective justice. Which leads to the final point on racial ignorance.

### **2.3 Silence on Oppression**

Rawls' silence on historical injustice is less harmful than how Mills would otherwise describe it when he says, "[i]nsofar as moral debate in contemporary political theory ignores this history, it will only serve to perpetuate it" (Mills 2017, §3). Distinct from other social contract theorists, Rawls posits a contractarian framework applicable to a society which meets the circumstances of justice, i.e. one that already has a scheme of social practices in play and has established a basic structure which together partially fulfill "the normal conditions under which human cooperation is both possible and necessary" (2009 p.109). The principles of justice are thus intended to regulate both the institutional and the social domain<sup>16</sup>. It is therefore much less obvious that Rawls is a purely atomistic philosopher who represents selves as detached from their social, political, and historical context. In fact, he argues, even if implicitly, that the self is largely a social product. Conceptions of the good, basic interests and desires are influenced by social practices and the basic structure. The influence can even be to the detriment of certain views, although this would not occur in the just society.

Rawls does not assume that these circumstances, the basic structure, or social practices *before* the construction of the principles of justice are themselves just. The Rawlsian circumstances of justice roughly describe our own modern reality, one made up of social practices, a certain economic distribution, and a collection of institutions regardless of any value-

---

<sup>16</sup> Although they are intimately linked, one often benefits from the other, their separation for conceptual isolation is however still possible.

judgment of how these elements may have historically arisen or currently operate. It is not as if the Rawlsian social contract was intended to explicate historical injustices, it was to give conceptual clarity to justice itself as an ideal independent from any one social arrangement, just or unjust.

Furthermore, in the construction of principles of justice to regulate society's social practices and basic institutions, conceptions of the good which are internally incoherent or aim to explicitly subordinate social groups or individuals are summarily rejected and thus their influence in the selection of principles of justice is nullified. This is demonstrated when Rawls distinguishes his contractarian view, Justice as Fairness, from utilitarianism and argues that:

In justice as fairness, on the other hand, persons accept in advance a principle of equal liberty and they do this without a knowledge of their more particular ends. They implicitly agree, therefore, to conform their conceptions of their good to what the principles of justice require, or at least not to press claims which directly violate them. An individual who finds that he enjoys seeing others in positions of lesser liberty understands that he has no claim whatever to this enjoyment. (Rawls 1999, p. 27)

Thus, an allowable range of conceptions of the good is established which precludes the use of white supremacist/racist, sexist, or any other discriminatory worldview in the process of deliberating between principles of justice. Of course, Rawls himself does not rule out the use of white supremacist conceptions of the good, but I argue that these worldviews require "enjoyment" in some sense that others are made to occupy a much lower social standing and would thus be ruled out by all reasonable interpretations of Rawls. Thus it is one thing to charge Rawls with racial ignorance, but the restrictions Rawls placed against odious conceptions of the good stands on its own and as such, to claim Rawls is blatantly racially ignorant is an ineffective appraisal of Rawls' work. While Rawls' project was to disallow such conceptions and although he himself never returned to the secondary project of rectifying historical injustice due to racial,

ethnic, or class oppression, this criticism is legitimate only when applied to the vast post-Rawlsian literature and not when viewed as a flaw inherent to the Rawlsian theory of justice.

### 3

#### **RAWLSIAN SELFHOOD IS NOT RADICALLY INDIVIDUALISTIC**

But what of the “contractors” themselves in the contract argument Rawls offers? It is generally (mis)understood that they are represented individualistically as I now demonstrate.

The novel claim in Charles Taylor’s important essay *Atomism* (1985), that liberal philosophy has altogether failed to recognize its detrimental attachment to radical individualism, personifies this misconstrual. He argues that any viable theory of justice must first recognize the importance of a society, the interpersonal relations that occur within it, and the social practices that define it. These are all important, he argues, since they develop the fundamentally human capacities that moral theorists falsely take as their theoretical starting point. By Taylor’s logic it is a mistake to think autonomy has any value outside of a polis.

Taylor’s *Atomism* does more than point to the assumed individualism of liberal philosophy, now a classic tool in the arsenal of those who oppose liberalism. Taylor’s argument attempts to show a circularity inherent to liberal reasoning. Taylor maintains that philosophers have all too often asserted that rights, especially freedom<sup>17</sup>, enjoy primacy over all other theoretical commitments. Rights and immunities, however, require an underlying distinctly human capacity so that a declaration about the importance of rights has as its scope all *humans* (though some include animals). Thus, there must be an additional commitment to the development of these capacities, otherwise the cognitive function necessary for general human enjoyment of those rights is unsupported. The capacities themselves must be developed,

---

<sup>17</sup> Here understood as the autonomy to be self-sufficient individuals with a schedule of rights.

otherwise they are never actualized and the rights which depend on them cannot be enjoyed by the morally relevant beings.

To support theses blind to this fact, i.e. ones that advance the importance of rights *in isolation*, is to make an unintelligible claim about selfhood since, for Taylor, “our identity is always partly defined in conversation with others or through the common understanding which underlies the practices of our society” (1985, p. 209). A key example is the right to freedom of choice. As a capacity, it relies on interpersonal dialogue as well as social institutions for its development and sustenance. Thus, “the identity of the autonomous self-determining individual requires a social matrix (one for instance which, through a series of practices, recognizes the right to autonomous decision and which calls for the individual having a voice in deliberation about public action)” (Ibid, p. 209). Theses representing freedom as enjoying primacy over other competing “social theses”<sup>18</sup>, only communicate half the story. Liberals often support theses of rights (like Rawls’ first principle of justice) only after presupposing that they have worth outside of the social contexts in which they function and in so doing, Taylor believes liberal philosophers contradict themselves since rights in fact depend on a social matrix for their development.

According to Taylor, liberals make these and similar assertions to the detriment of theses emphasizing commitments to society. The putative individualists make the faulty claim that societies only bear instrumental value. Anyone who holds this premise in turn must understand society as valuable only as the protectorate of the freedom to choose; societies are important for a theory of justice insofar as they stop rights of the individual from being trampled. Not only does this depreciate society’s intrinsic value, Taylor argues that such claims rely on an equally contentious premise that rights are detachable from human capacities. Before one even argues for

---

<sup>18</sup> Understood as theses which recognize the worth, intrinsic as well as instrumental, of a social matrix.

the importance of the rights of an autonomous individual and consequently deemphasizes the role of society to being only intrinsically valuable, there is an implicit premise which severs rights from all social context. In fact, as Taylor argues, autonomy itself (arguably the most important right for many political philosophers) is a capacity that requires a social matrix for its development. Thus, if philosophers implicitly deny the importance of a place in a social matrix for individuals, then they deny a component essential to the very notion of freedom. This in fact worsens the standard liberal contradiction for Taylor since such philosophers first assert that agents have a schedule of human rights, which itself secures the freedom to choose between competing plans of life. Not only does this value rights outside of their natural context but it also inverts the causal relation between human capacities and rights. In this instance, the causal order represents rights as that which secures autonomy rather than autonomy and the social context as that which develops the capacities necessary to fully “secure” rights in theory.

Taylor presents this argument as an explicit rejection of John Locke and Robert Nozick, but only indirectly as a critique of Rawls. Nevertheless, all three play the role opposite Taylor’s in the dialectic he constructs in Atomism. Importantly for followers of Rawls, autonomy plays a crucial role in his description of the original position as he argues that a formal condition for rationality is the ability to construct and see out a plan of life, often shortening this view with the expression as having a “rational plan of life” (Rawls 2009, §63).

Taylor argues that Rawls’ focus on the construction of a plan of life as a condition of rationality commits the liberal error by wrongfully downplaying the role of the social matrix in developing that persons’ choice (1985, p.205). Conceiving of the individual as made up of a schedule of abilities desirable for a hypothetical situation of choice has had a toxic influence on western democratic thought because a hyper-focus on the ability in isolation blinds the theorist to

the social elements which are required for its development. To Taylor, in order to ensure human flourishing, principles which recognize the importance of social practices and institutions are more important as those which protect the autonomy of the individual. The construction of a life-plan, for Taylor, is never truly formulated devoid of a social matrix of shared practices, and the idea that they can be constructed without one is a social fiction.

However, although Taylor's argument succeeds as a critique of western individualism, it fails as a critique of Rawls. Will Kymlicka argues that Rawls carefully lays out the importance of a social basis of self-respect and of other social preconditions for the construction of rational plans for life (Kymlicka 1991, p.62). Kymlicka shows that the communitarian critiques, insofar as they are aimed at the Rawlsian vocabulary, are ineffectual. First, one need only look to Rawls' explicit recognition of the social basis of self-respect as a crucial component for the development of the liberal (autonomous, free choosing) self and more importantly its capacities (Ibid, p. 61; Rawls 2009, §67).

self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfill one's intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution. Nor plagued by failure and self-doubt can we continue in our endeavors. It is clear then why self-respect is a primary good. Without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism. Therefore the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect. The fact that justice as fairness gives more support to self-esteem than other principles is a strong reason for them to adopt it. (2009, p. 386)

Goods lose worth, insofar as they are to be used in a rational plan of life, if there lacks self-respect among the members of polity. Second, though Rawls may not explicitly state that autonomy is a capacity, he understood that a social matrix (the basic structure, social practices, and norms) is crucial for the development of personhood since it has such a lasting influence on

us. These institutions and practices are what must provide respect for the conception of the good held by the members of the polity. Only then can a person's conception of the good serve as the regulative foundation from which to advance claims in the original position.

As such, life plans are not constructed "de novo", i.e. Rawls does not forward the value of autonomy outside of its social context, as Taylor suggests (1985 p. 210) since a social pretext exists and supports the understanding amongst its members that their life plans have worth. Fundamental to Rawlsian recognition is the fact that one must be seen – by society's institutions, practices and other individuals – as a self-authenticating source of worthwhile life plans. As Rawls states:

We may define self-respect (or self-esteem) as having two aspects. First of all, as we noted earlier (§29), it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfill one's intentions. (2009, p. 386)

Negatively, if there were a lack of respect for a certain life plan because it is not valued, then it would be nigh on impossible to construct a life plan which oriented around that end. This life, in the eyes of the agent, would simply not appear to be worth actualizing. As the Taylorian logic goes, the demand to be freely self-determining "cannot specify any content to our action outside of a situation which sets goals for us, which thus imparts a shape to rationality and provides an inspiration for creativity" (1975, p. 157). Some philosophers like Kymlicka have offered a broadly metaphysical defense of a Rawlsian theory of justice that requires a self which is before its valued ends and attachments in order for those ends to be appraised and located within a life plan. Speculative metaphysical discussion ensues as Rawlsian liberals have defended the possibility that the self, understood metaphysically, *is* separable from the elements of social life (friends, religious groups, desires, bonds of loyalty, allegiance or membership to social groups,

etc.) which strong versions of communitarianism claim are, by contrast, inseparable from the self. Kymlicka argues that through entertaining counterfactual scenarios, the liberal self is always detachable from its social context and can always appraise whether certain attachments are worth maintaining or certain goals worth pursuing. Crucially for Rawls, he does not forward a rigid conception of the good which defines the acceptable goals or commitments that may arise in one's life plan, instead Rawls remains procedurally neutral among conceptions of what constitutes "the good life". This means that, apart from any speculative metaphysics, Rawls' theory of justice does not presuppose a conception of the good and in turn impose it on the members of a polity. Neither is it argued that the social context which supports the self determines conception of the good or set some range of desirable goals in which goals are set.

In addition, although a priority problem between a thesis about rights and a thesis about a social "situation" has been demonstrated to be a failed characterization of Rawlsian liberalism. But liberalism is nevertheless critiqued as fatally individualistic, albeit in ways that are distinct from Taylor's logic since he suggests liberalism individualism is a result of theoretical priority.

Which brings us to the second way in which the critique of individualism is formulated: critiquing Rawls' reliance on the Kantian conception of autonomy. By this criticism, liberal individualism arose due to its theoretical attachments rather than by an explicit argument endorsing individualism. In Rawls' case, his work is critiqued via an adherence to Kant. As I now argue, the theory of selfhood in Rawls' *Kantian Constructivism in Moral Theory* (1980), is not subject to the critique of radically atomistic individuality. However, the Kantian view requires modification so that it may address critiques by social philosophers more generally.

To briefly offer some background, Rawls follows Kant by locating equal moral worth within the individual. Rawls constrains how *full* (everyday) autonomy must be modeled in the

original position as *rational* (idealized) autonomy. To bring everyday autonomy to a higher level of abstraction, Rawls suggests rational autonomy, a “rather limited conception”, requires only the minimal thesis that each person be viewed by other beings as “entitled to make claims on the design of their common institutions in the name of their own fundamental aims and highest-order interests” whatever those may turn out to be (Ibid, p. 521). The original position models individual capacities and isolates them in a scenario and thus secures both freedom and fairness when those hypothetical persons adjudicate between principles of justice and seek to protect their plans of life. Put roughly, this can only be achieved when persons are “ends in themselves”.

Now, as communitarians and some egalitarians might argue, the ideal of equality instead requires that social groups, defined in any number of ways and depending on the social context in which they are formed, ought to take center stage as opposed to ceding moral worth entirely to the atomized individual. According to this critique, if protecting autonomy precludes recognition of the important commitments to others (to social groups, identities, religions, and collectivities etc.), then so much the worse for an autonomy-based theory of justice, i.e. so much the worse for Rawlsian liberalism.

Yet there is a reason Rawls points to the basic structure of society as the subject of justice. He does so, as he argued, “because its effects are so profound and present from the start” (2009, p. 7). As mentioned above, one of the ways we are socially constructed is by the influence which self-respect, or the lack thereof, can have on the construction of our rational plans of life (2009 §67). People’s desires, valued ends, and the possibilities in life as well as the way they adjudicate between them is social mediated through many aspects of the public and private culture of a modern democratic society. Rawls in his earlier work *Justice as Fairness* (1958) argues that society’s ongoing social practices are included, in addition to the basic structure, as

the subject of justice. This highlights the many ways in which our desires and interests are fundamentally shaped by social practices as well as the many public institutions (Ibid, p. 169) of the society we live in. Taking the autonomy of persons, in a Rawlsian sense, seriously means the principles of justice must regulate the social and institutional influences that bear on the self as any deviation from treatment as such is unjust. Here, emphasis should be placed on the possible sources of systemic maltreatment. An unjust basic structure or unjust social practices that deny the equal status of persons have a deleterious effect on the self and are arguably more important from the standpoint of justice than itemized cases of injustice and oppression because an unjust basic structure amounts to state-sanctioned oppression. Social philosophy has demonstrated with conceptual rigor the many ways in which a person's self-concept, or the self-understanding of a social group can be influenced or harmed by prejudicial maltreatment by the basic structure and the collective practices of society<sup>19</sup>. Thus, Rawls posits a theory of justice aimed at respecting individual autonomy which simultaneously addresses the social nature of selfhood by regulating the basic structure. As I now demonstrate, this is a first step towards, rather than a full-stop inclusion of, important elements of social circumstance into a theory of selfhood.

#### 4

### **LIVED EXPERIENCE**

Lived experience of different forms of oppression and restrictions on one's liberties can, and should, be incorporated into philosophies of the self as they pertain to broader theories of justice. Not only can this retrieve Rawlsian liberalism as presented in *A Theory of Justice* from the longstanding critique that its understanding of individual autonomy, but it also relieves some of

---

<sup>19</sup> Crenshaw (1991), Taylor (1994), DuBois (1903). Also see note 15.

the tension regarding the criticism at hand that Rawlsian liberalism is both radically atomistic and racialized.

Taking stock of what has been demonstrated is beneficial at this point. First, it is not the case that in *Theory*, Rawls creates a racialized social contract among persons who are absolutely free and detached from their social context<sup>20</sup>. The critique that, owing to his Kantian foundation, Rawls' work reifies the status of the atomistic and radically free individual in his theory of justice is mistaken since, as previously established, Rawls recognizes how the basic structure and its influences work to constrain the individual in a variety of ways. Second, even if it is granted that those who sympathize with the communitarian objection to Rawlsian liberalism *did* refute Rawls on his own terms, Taylor's alternative view is inadequate. Although a social matrix supports the development of human agency and important cognitive capacities, theories of justice must nevertheless and accordingly change their concepts of selfhood to compliment this social thesis. More than a priority problem between the communal and the individual, an analysis of *how* we are social beings within a broader theory of justice must also be offered.

Although Rawls suggests that the deliberators in the original position come from a system of social practices that have already been in place and a basic structure that is already underway, he does not consider how an experience of the basic structure, as either just or unjust, can create different selves that are privileged or oppressed in any number of interacting ways and offers no analysis as to how this influences cognition and basic interests. I take this as a crucial motivation for Rawls' talk of the circumstances of justice and his descriptions of the knowledge available to party members. It would be unreasonable to think that a presocial, ahistorical being could somehow have knowledge of the various possible stages of development their society

---

<sup>20</sup> As Taylor and Mills would believe, although in different ways.

might be in as they deliberate from behind the “veil of ignorance”. Additionally, one of the reasons for Rawls’ overall theory was certainly pragmatic: to perfect the justness of existing societies by following his normative doctrine in *Theory*.

The creation of different perspectives, or epistemic locations, as a result of a history of the basic structure is precisely the reason for modifying Rawls’ conception of selfhood in this thesis. The locus of social mediation was shown to be the basic structure and social practices of a society. But this must somehow translate into Rawls’ original position for there to be more than a superfluous clarification of Rawls’ overall view. Demonstrating how people’s basic interests can be modified by lived experience thus offers a way to expand Rawls’ theory of justice to more adequately address concerns of racial and gender oppression as well as consider non-ideal circumstances more generally.

In this section, I first clarify what I mean by “lived experience” and give some background as to how it is altogether excluded in Rawls. Then, drawing from Christman, I establish how lived experience can be incorporated into a theory of selfhood thus concluding with an account of selves as sociohistorical which can serve as the basis for a neo-Rawlsian social contract theory. In the last section, I defend the view of selves as sociohistorical from the valid yet unsuccessful potential modifications to Rawls’ work proposed by Taylor, Mills, and Christman. Finally, I will conclude that not only does the view fare better than proposals offered by some philosophers to save key liberal concepts but since those proposals require the abandonment of Rawls, I show how the view offered is compatible with Rawls.

By lived experience, I mean the real-world interplay of events and how an individual interacts with these social dynamics, and forces. I don’t mean experience in the strictly empirical sense as it is understood in, say, Hume’s empiricism. In the context of political philosophy,

experience is most notably understood as group or individual interaction with social dynamics (economic, racial, or cognitive-affective). An agent can have an experience of oppression, privilege, marginalization, social isolation, etc. and interact with their social world in a way that can create lasting impressions of varying degrees on their psyche in ways that can modify future interaction. Experience is important both on the individual and the social level. Individuals can certainly change the way they interact or go about their lives based on a traumatic or positive experience of some phenomenon. At the social level as well, groups can share a common experience which can, in part, serve to define their collective identity as a social group.

While this thesis has argued that Rawls endorses an indirectly social conception of selfhood, demonstrating the necessity of an explicit recognition of how selves are social is in order so that we may move beyond Rawls. As mentioned in section 1, an often-problematized component of Rawls' theory is his use of ideal theory. Representatives of parties in Rawls' original position are a theoretical construction and thus are abstracted from all the particularities that distinguish selves in the reality. However, abstraction to an ideal form of theorizing is beneficial only in certain contexts. In constructing a just society within ideal theory, certain variables are barred from complicating things at such an initial stage of theorizing while other factors are left for a later stage. A parallel in the empirical sciences is the physicist who ignores friction, later deciding to reintroduce the variable when appropriate. Crucially, the physicist does so at their convenience<sup>21</sup>. When idealizing, a priority relation is generated; as the variables controlled for would otherwise complicate things, it makes sense to bracket complexities as needed. This priority relation is rather explicit in Rawls as he justifies his use of ideal theory:

---

<sup>21</sup> This metaphor comes from Mills (2005).

The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems. The discussion of civil disobedience, for example, depends upon it (§§55–59). At least, I shall assume that a deeper understanding can be gained in no other way, and that the nature and aims of a perfectly just society is the fundamental part of the theory of justice. (2009, p. 8)

The original position is an exemplary case in which Rawls utilizes ideal theory. Representatives of parties who come to deliberate in the original position argue impartially since certain facts are hidden from them by a “veil of ignorance” (§24). The veil is necessitated because, “somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their advantage” (p. 118). What remains unobscured by the veil of ignorance is the information relevant to establishing a just social framework. He defends the use of the veil since it brings the notion of equality to a higher level of abstraction and restricts the egoism of the party members resulting in a “fair” scenario of choice,

This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. (2009, p. 11).

Later as he defends “pure procedural justice”, Rawls offers a different justification for the exclusion of elements of selfhood.

Now the practical advantage of pure procedural justice is that it is no longer necessary to keep track of the endless variety of circumstances and the changing relative positions of particular persons. One avoids the problem of defining principles to cope with the enormous complexities which would arise if such details were relevant. It is a mistake to focus attention on the varying relative positions of individuals and to require that every change, considered as a single transaction viewed in isolation, be in itself just. It is the arrangement of the basic structure which is to be judged, and judged from a general point of view. Unless we are prepared to criticize it from the standpoint of a relevant representative man in some particular position, we have no complaint against it. (2009, p. 76)

The theoretical use of the relevant representative man is contrasted with a conception of “allocative” justice where goods are “divided among definite individuals with known desires and needs” (Ibid p. 76). Procedural justice is conducted at a level of abstraction where it is feasible for theorists to account for a range of factors which influence transactions of goods (the desires, needs, circumstances, social positions of those involved). A theory of allocative justice, on the other hand, would require theorists to know each and every one of these elements (know the relative positions of those involved; their desires; their needs, etc.) in order to determine how they influence past distributions of goods, correcting for injustices as they present themselves – an infeasible task for any theorist. Only after an allocative conception is “suitably generalized”, is it then a feasible theory of justice. Even in a generalized (=abstracted from social circumstance) form, the allocative conception leads to “the classical utilitarian view” (Ibid). For Rawls, this itself is reason enough for the rejection of allocative conceptions.

By extension, what gets sifted out by the veil of ignorance is considered by Rawls irrelevant from the standpoint of justice. The critical purpose representative persons collectively serve is to model how fully rational and reasonable agents would come together and decide on principles of justice. In this “initial situation of choice” all contingencies like a person’s socioeconomic class, race, gender, religious belief, etc. are said to bias the decision-making process. Rawls believes knowledge of one’s own contingencies promotes acting self-interestedly, or reifies existing social hierarchies, which both serve to bias the deliberation process. Thus, with the use of veil of ignorance, the thought is that these representative citizens have had their rationality and their reasonableness isolated from contingencies which otherwise cloud reason. The analogy to the physicist is a close one in the case of a philosopher dealing with social arrangements at a high level of abstraction. However, in the context of selfhood, theorists are no

longer dealing with friction or ubiquitous forces that can so easily be ignored for the sake of simplicity since dynamics of power are so fundamental to the development of the self. As feminists and critical race theorists have demonstrated, the question of whether there are components of selfhood which can reasonably be “set aside” when theorizing requires a more nuanced answer than the affirmative response which mainstream political philosophers have offered for decades. To give an example, the historic focus on rationality is problematized since it has meant the denigration of affective capacities important in situations of caregiving<sup>22</sup>. Thus, however benign claims concerning the veil of ignorance might seem, to continually focus on capacities like rationality or to bracket questions of the influence of race, ethnicity, gender, sexuality and class position all have on selfhood in certain contexts is not an innocent pragmatic move, it is instead an avoidance which carries normative weight.

The importance of ideal theory is crystallized by Rawls’ arguments for the original position as a mechanism which allows for the objectivity of moral judgments that theorists would otherwise lack. However, its pitfalls have previously been demonstrated in its apparent insensitivity to matters of race and the myopic focus on the individual which characterizes many who engage in this method. I believe there is a way to retain the benefits of ideal theory without completely bracketing questions of real-world concern. Contrary to what Rawls suggests, we need not embrace an allocative conception of desert to do so. We need only relax the requirements for a theory to be “sufficiently general” so that theorists can continue normative philosophical work at the level of ideal theory while making important departures from the framework set out by Rawls. Thus, I offer a middle ground between having a full picture of a person's contextualized desires and environments (allocative justice) and completely abstracting

---

<sup>22</sup> See Kittay (1999).

from these particularities (procedural justice). The proposal is to import a sociohistorical view of selves into the original position.

## 5

### SOCIOHISTORICAL SELFHOOD

Among the descriptions of selfhood Rawls offers, both in Kantian Constructivism and in his discussion of the indirect ways in which selves are social in *A Theory of Justice*, it should be added that selves are sociohistorical and embodied. I rely on Christman (2009) for the respective definitions and expound his view shortly. This proposal can be brought to a higher level of generality so as to figure into the original position along with the other knowledge available to the representative persons. No particular sociohistorical construction or embodied experience (hereafter: lived experience) will itself enter the original position. However, the basic premise that selves are sociohistorical and all that thesis entails is sufficiently general and will positively affect the outcome of the original position by making it sensitive to past power imbalances and thus some of the critiques of Rawls from “non-ideal” philosophy.

The analysis Christman offers throughout is to examine how “‘selves’ can be said to be constituted by relations external to the individual person”<sup>23</sup>. Christman argues that the thesis that selves are social can be framed in three different areas of theory: as a metaphysical thesis, a psychological thesis, and one about values and motivations at the political level. He does not, however, uncritically support all social theses of selves. Rather, he attempts to answer whether “any plausible versions of that claim” could “rule out or complicate those individualized conceptions of autonomy that require critical self-reflection” (2009 p.22). Ultimately, despite what Christman suggests, all three domains (metaphysical, psychological, political) are

---

<sup>23</sup> Hereon abbreviated as, following Christman (2009), the “social-self thesis”.

interwoven and a society which expects citizens to cooperate with the chosen principles of justice *will* make claims about selves at each level<sup>24</sup>. Rawls' extended discussion of rational plans of life is one example of a theory which makes claims on each level (metaphysical, psychological, political) as persons are expected to be able to adjudicate between their goals and associations that are worth pursuing as well as the claim that this faculty is a key aspect of rationality which (conceptually) influences the ultimate selection of the principles of justice.

Admittedly, the ways selves are socially constructed are loose and hard to define with the precision that characterizes traditional analytic philosophy. However, an enumeration of different examples of the possible ways which selves are in part the product of social and historical factors that are external to the individual can lead to a better understanding of the view I am advocating. In this way, I rely on the immense literature in the intersecting and interdependent traditions of communitarian, feminist, critical philosophy and critical philosophy of race which demonstrate the myriad ways in which selves are a product of their context<sup>25</sup>. There should be no controversy in accepting that selves are in part dialogical and subject to change over time (a metaphysical claim), are cognitive-affectively influenced by their social location, culture, and language (psychological), and that their values and motivations are influenced by the sociocultural and sociohistorical context in which they are located (political). If classical individualism is abandoned, then this theoretical departure must also come with simultaneous support of a positive account of selfhood as sociohistorical.

---

<sup>24</sup> Contrary to Rawlsian assertions that his theory of selfhood in Political Liberalism is "free-standing".

<sup>25</sup> In no particular order, a few important examples include: Taylor (1992) for social sources of the "modern identity", Bettcher (2014) for an investigation of socially mediated trans identity, Alcoff (2017) for how sexual violence alters the self, Crenshaw (1993) for an intersectional approach to selfhood, Lugones (1992) for a world-traveler view of selfhood.

It is astonishingly difficult to do justice to all the ways in which selves are socially constructed. I suspect this is a motivating reason for Rawls' exclusion of these considerations, as their implementation into a theory of justice is either impossible or biasing at best. But given Rawls' use of procedural justice, the content of social construction need not be specified. Only the *possibility* of social construction needs to be enumerated by a theory of justice. Rather than presuppose an individualistic conception of autonomy as the basis of personhood, the thesis that selves are socially constructed should take center stage in one's theory rather than require an analysis of the indirect ways in which selves are social (as argued in the latter half of section 3).

Any proposed change to Rawlsian liberalism which aims at the inclusion of elements of social experience ought to meet three criteria. In order to maintain ideal theorizing as a legitimate metaphilosophy, the first criterion is that the proposed modification to the Rawlsian framework allows ideal theory in some capacity. The second criterion is a congruence requirement with the Rawlsian system; the change must be acceptable in the original position. We must guard against the possibility that the party members in the original position are either unaware of the social selfhood thesis one advocates for due to the veil of ignorance or they do not see it as a valid reason to support the proposed principles of justice which manifest the proposed alteration. Leading to the final criterion, there must be a noticeable change in the principles of justice chosen in the original position. Put simply, if the goal is to ensure a different output of the original position, the input must change accordingly. This new input must be distinguishable from the description of the original position Rawls offers. If not, then if the goal was to make Rawlsian liberalism sensitive to social and historical circumstance, there is no reason to believe that the proposal was worthwhile as the party members will still select the same principles of justice and any historical considerations will have been nullified. Finally, it should be noted that

these criteria are ordered by priority. If a theory fails the first criteria then, since the second depends on the first and the third depends on the second, by extension it fails all of the criteria. In this light, I evaluate Mills' claim of the domination contract, Taylor's social thesis, and Christman's proposed circumstance of justice. As each is ultimately unsatisfactory, I demonstrate how the sociohistorical view of selves I have argued for passes all three criteria.

Beginning with Mills, he fails the first criteria. His novel proposal is that philosophers abandon ideal theorizing altogether and instead embrace a realist and descriptive metaphilosophy that makes central the history of white domination. His thesis that liberalism has in fact been racialized because of its blindness to these features of reality comes with the ameliorative proposal that we instead adopt a domination contract and a "dark ontology"<sup>26</sup> in order to owe up to liberalism's racist past. The central dogma behind his claims, however, is that philosophers must abandon ideal theorizing and instead take up "non-ideal" philosophy through some form of historical materialism or another realist metaphilosophy. As stated previously (§2), ideal theorizing is a necessary component for the construction of normative political and moral philosophy. This is not to say that the non-ideal is inessential or should not in any way figure into the ideal. However, completely renouncing ideal theorizing is unproductive and should be avoided. For these reasons, Mills' proposal for retrieving Rawls for a critical philosophy of race fails by the first criterion established. His general criticism about mainstream political philosophy's silence on matters of race is nevertheless a valid concern whose spirit I wish to maintain. This claim is however separable from Mills' proposals and in fact motivates my view.

Charles Taylor passes the first criterion, as nowhere does his philosophical methodology suggest that he has abandoned ideal theorizing. Yet Taylor nevertheless fails by the second

---

<sup>26</sup> An ontology of selfhood which countenances the fact that, historically, selfhood was racialized.

criterion (acceptability in the OP). His novel proposal for the amelioration of classical individualism is to incorporate a “thesis of belonging” (1977) which is intended to secure a place within society, and its diverse array of social practices, for the self. Generally, Taylor believes theses of belonging and theses of rights are in a priority battle and a result of toxic western individualism is that theses of rights have won (1985). However, following the Taylorian logic, this means something like having a principle of justice about belonging that is lexically prior to one about rights (e.g. Rawls’ first principle of justice).

This proposal would not be accepted in the original position for three main reasons. First, party members are mutually self-interested and as a result would choose principles guaranteeing rights above those guaranteeing social positions. Second, as has been argued at length in this thesis, since the basic structure is the subject of justice, persons are not radically free. Taylor’s argument of the existence of a priority battle between the two “conflicting” theses is predicated on the belief that party members in the original position *are* radically free and choose principles concerning rights at the *expense* of social theses. Since the social basis of self respect is the fundamental good and party members come into the original position from an ongoing society with communal practices and attachments, there would be no reason for party members to then prioritize a place in society for themselves since they were never asocial or apolitical beings to begin with. And finally, even if the party members were to select a thesis of belonging, it would have to be implemented by some entity larger than, though not entirely separate from, the Rawlsian subject of justice i.e. a society’s public institutions and practices. Ensuring that people have a place within a larger political and social system is a task for an amalgamation of entities and forces that goes far beyond the power available to the public institutions and practices of a society. Therefore, to choose a thesis of belonging, given that the objective is to regulate the

basic structure, the burden on public institutions to enforce social belonging would be too great a task so as to make its achievement impossible and therefore undesirable as a component in a principle of justice chosen from within the original position.

Finally, John Christman proposes an additional circumstance of justice alongside Rawls' existing list. The circumstance of justice he adds is intended to make explicit the historic power differentials which have characterized the West. His proposal is "that we add to the circumstances of justice the presence of measurable inequality of social power, the systematic exposure to unique forms of violence, and a pattern of past domination affecting identifiable groups in the society, conditions that all would be labeled as unjust by any plausible principles" (2009 p. 224). Justifying this addition, he adds that "these and other aspects of the non-ideal circumstances of justice [...] will affect standards of justice and legitimacy by putting pressure on institutions to allow citizens to gain redress from their disadvantaged position in the democratic procedures that establish and maintain that legitimacy" (2009 p. 224). So, not only does Christman believe that the principles of justice would be affected, but the addition to the circumstances of justice would figure into the decisions made by the members in the original position. Moreover, he reaches this conclusion after accepting that an ideal theory of justice is to be preferred despite surveying arguments to the contrary from Mills.

However, Christman misunderstands the motivations of the party members as Rawls describes them. Rawls states that the party members are not bound in their decisions by previous moral ties held to one another and the brief discussion of how the principles of justice will obtain for generations to come, he reveals that party members are only (morally) concerned with future generations (p. 111). Meaning, they choose principles that would be acceptable to hold future generations accountable to, and that they would independently accept as legitimate. Therefore,

since party members have severed current or past moral ties upon entering the original position and all moral ties between other non-contractors are forward-looking, it wouldn't affect their decision-making to add to an objective circumstance of justice like the one Christman proposes. Even if, like moderate scarcity, the power differentials Christman describes could be conceived of in a value-neutral sense so as not to presuppose a theory of justice for their categorization as unjust oppressive circumstance, party members would not feel compelled to act on the behalf of previous generations (social groups, or individuals) since due to their location within the original position party members are abstracted away from any existent moral ties (past or present) to those non-contracting parties.

Thus, Christman fails to meet the second criterion as the party members would not be motivated to select principles of justice which would allow citizens to gain redress for historical power differentials precisely because the members in the original position as Rawls describes them are not concerned with *corrective* justice. Despite Christman's belief to the contrary, there would thus be no change made to the Rawlsian principles of justice. I suggest the reason that Christman fails is because his analysis does not extend the thesis of sociohistorical selfhood to Rawls. The reason the additional circumstance of justice would be ineffectual in changing the principles of justice is because the motivations party members have when adjudicating between various principles *remains the same as a result of Rawls' view of selfhood*. Therefore, to include valid components of non-ideal circumstance, there must be an analogous change to the Rawlsian self. Supplant the classically individualist Kantian selfhood with one whose identity is in part a product of its social context and circumstance. Demonstrating how this is possible within a broader Rawlsian theory of justice is thus the object of the final section.

## LIVED EXPERIENCE IN THE ORIGINAL POSITION

The traditional dialectic between communitarian and liberal philosophers concerning the self has been locked in a binary of opposition and offers little guidance towards a workable conception of selfhood. Taylor's analysis, while crucial for re-examining the assumptions of a strictly individualistic liberal self, simultaneously forwards the equally questionable thesis of social determinism. In effect the social matrix which Taylor so strongly argues goes unrecognized by the liberal, is on the other hand, set as the immutable background to human agency. Liberal responders like Kymlica forward the opposite claim that all commitments, whether they be social, political, or religious are subject to possible revision by the liberal self. As some have pointed out, this seems to devalue certain commitments if they are in themselves always a possible subject of revision. The binary thus reveals itself to be between complete social determinism and absolute freedom. I argue that since both extremes are equally unsatisfying, a self which is sensitive to some level of social determinacy by way of appeals to its sociohistorical construction and the embodied dimension of human life are all compatible with a broadly Rawlsian framework. This section aims at the application of the view of sociohistorical selfhood to a broadly Rawlsian account of justice and argues that this is preferable to Rawls' own view of selfhood presented in *Theory* as it better represents people's basic interests.

To begin, Christman opens his book (2009) by making the claim that all theories of the self as the subject of political theory must represent selves as sociohistorical. He argues normative political principles ought to focus on a general and universal autonomy, but one that eludes the sexist and individualistic normative implications which have characterized traditional conceptions of autonomy (Ibid. p.3). This runs contrary to what many liberal skeptics and

deconstructive critical theorists have argued.<sup>27</sup> Autonomy and a theory of social selfhood are of particular importance to any political theory which aims at the construction of principles of justice, but Christman is not committed to any one theory in particular. Rather, Christman admonishes political theorists concerned with principles of justice to first accept this social theory of selfhood.

The scope of Christman's argument is rather large, as he addresses any theory which aims at justifying certain principles of justice. I argue that Christman's theory of selfhood goes too far to specify a particular kind of self-understanding as the model<sup>28</sup>. As such, it is not the case that one must accept Christman's overall view of selfhood. In order for lived experience to be enumerated as a general fact of selfhood available to the party members in the original position, we need only accept a suitably generalized formulation of Christman's thesis and not his overall metaphysics of personhood. The following demonstrates how this is so.

Firstly, *Theory* can accept that selfhood is in part sociohistorical since the principles of justice apply to a basic structure and social practices that are already underway. In this sense, the Rawlsian self, prior to entrance into the original position, is already affected by a history of experience with the basic structure. It may well be that some had no pragmatic reasons to make claims of injustice against components of the basic structure due to a general lack of negative experience with its institutions. Nevertheless, that experience of relative privilege is a way in which the self has been socially constituted. Conversely, not only is an experience of systemic injustice on the part of public institutions or social practices a genuine basis to make claims

---

<sup>27</sup> For a general attack on liberal selfhood as inherently exclusionary see Falguni Sheth (2009) or Mills (1998). For attacks on selfhood in general, see Judith Butler (1990) for a deconstruction of identity, or Foucault (1984) for a deconstruction of selfhood.

<sup>28</sup> Particularly in his descriptions of the "self as narrative" account in which he emphasizes the role memory plays in the construction of selfhood.

against the basic structure but it likewise results in a cognitive-affective change in the citizen's being, it is only more pronounced in the latter case since this is a deviation from the normalcy of relative privilege. The lack of change on the part of the person who experiences relative privilege should not, however, be considered the norm as this experience itself impacts the beliefs and desires of those who possess it. In both instances, there exists a direct sociohistorical influence at some level (group or individual) on selfhood.

Thus, Rawls' philosophical anthropology presented in *Theory* must be modified to countenance this fact since it ought to be represented to party members in the original position. At present, these considerations are grouped and labeled as but one of the many ways in which rationality can be clouded. Therefore, a strict Rawlsian might be hesitant to allow such facts past the veil of ignorance. But if party members know that the principles of justice are to apply to the basic structure, by inference they should understand that persons are greatly impacted by the institutions and practices which the basic structure defines. I suggest that from this previous point just mentioned, the rationality of the party members thus requires that they recognize selves are socially constituted in the above sense (§5). They should be able to understand how sociohistorical attachments to the self can manipulate basic interests. To guard these interests and their enjoyment in a just society, the sociohistorical nature of persons must be taken into consideration by the party members. This should not preclude the fact that particular sociohistorical attachments are to be hidden behind the veil.

Secondly, the view of selfhood I advocate requires an embodied dimension. This too can be a fact of personhood which party members keep in mind as they deliberate about the principles of justice. Similar to the case of knowledge of sociohistorical constitution, party members must have available to them the knowledge that there are in fact different ways in

which they are socially marked. Race, gender, and class are in part social constructs, but they are nevertheless salient ways in which society has been stratified or as ways to mark heterodoxy. Thus, norms and tropes built around these identities in part determine what opportunities are available as well as influence the cognitive-affective states of persons. These influences are to be considered in the original position and principles which guard against the perpetuation of these unjustified but existent differentials of privilege and power are to be preferred over principles that do not.

Although we might easily think of examples of interpersonal interactions resulting in maltreatment of an individual, the focus here is on an experience of oppression by the basic structure. What is of interest is experience of systematic oppression carried out by public institutions or social practices and norms. Discussions of systemic racial, gender, or class-based oppression thus come to the fore. This is maltreatment not in the way commonly understood by moral philosophy where one clearly and intentionally classist, racist, or sexist individual commits a moral wrong against another. Iris Marion Young in her 1990 article describes systemic oppression well as she makes an effort to move from the standard definition of “oppression”, what Foucault terms a “dyadic relation of ruler and subject” (Foucault 1977), to a broader view, what Marilyn Frye describes as “an enclosing structure of forces and barriers which tends to the immobilization and reduction of a group or category of people” (Frye 1983).

Though not fully represented in certain academic circles, there exists a long history of intellectual and critical thought expressed through nonacademic avenues. Themes of systematic oppression arise in African American spirituals in the antebellum South, blues, jazz, spoken word poetry, rap and visual art. Though this is an incomplete and overlapping list, it is intended to demonstrate the importance of the artistic expression of lived experience on the general

cultural spectrum in the United States. Social philosophers, as well as the non-academic movements mentioned above, have chronicled the ways in which systemic injustices change the psychology of persons located within these groups<sup>29</sup>. Additionally, knowledge of systemic oppression can be extrapolated to the social level. Mills argues that via social cognition, professional and non-professional intellectual movements can pass this knowledge down to future generations. It is because experiences of oppression as well as privilege, both past and present, make us who we are as members of social groups and as individuals, that any adequate principle of justice must be constructed with an eye towards this sociohistorical aspect of selfhood.

Christman notes the importance of modeling persons this way within a theory of justice. “The interests of persons modeled in these procedures (for deriving principles) will not be adequately specified when the circumstances of justice assume away their experience of past and ongoing oppression.” A model of personhood including sociohistorical and embodied elements enables a theory’s “sensitivity to how things have gone so far, indeed how such projects are understood as part of an already structured” self (p. 223).

Now it is important to specify that a historical element of selfhood, as Christman recognizes, does not come “value-laden” with a theory of justice as it may seem circular for talk of oppression to serve as a concept employed in the construction of a theory of justice (Ibid). I agree with Christman that an analysis of social power avoids this problem since “when persons or groups are systematically better able to pursue their favored projects, shape social institutions, generate social policy, and so on, they can be said to have greater social power, and saying this does not depend on our understanding of what ‘justice’ means.” Historical bookkeeping of who

---

<sup>29</sup> See e.g. W.E.B. Dubois on blacks’ second sight in *Souls* p. 5; George Yancy in *Look, a White*; or, José Medina in *Epistemology of Resistance*.

has power in a given society need not come with additional value judgments about whether or not they gained power legitimately, whether they ought to keep that power, etc. Thus, gauging social power does not rely on a theory of justice which demarcates where that power ought to lie. The same can be said of the “stipulation of ongoing domination” via “differential power, exclusion from generally favored social positions, and intentional and/or passive denial of equal social and political status to these groups” (Ibid.). These stipulations merely document existent power differentials and social preferences rather than rely on a formal definition of justice. As such, they may be included in a theory of justice without the charge of circularity and thus many “non-ideal” considerations which have altogether historically been idealized away can be included within a neo-Rawlsian theory of justice.

Specifying the historical nature of selfhood requires that we also move past the dyadic understanding of oppression as between an oppressor and a subjugated. Rawls argues that individuals have no claim against the basic structure based on token actions of injustice or unjust distribution of goods in itemized cases. This, however, narrows the scope of injustice to itemized harmful actions. Thus, adopting a broader understanding of moral injury and oppression requires that we take up the additional sociohistorical aspect of personhood where harms can be drawn out over a period of time across an individual’s life (microaggressions) or generationally passed down through history into the present (systemic oppression). After understanding that the basic structure influences the self in a myriad number of ways, the ontological expansion of personhood is the next logical step in constructing a neo-Rawlsian account. This is a modest extension rather than a radical do-over of Rawls’ own account.

Two alternatives for addressing matters of systemic oppression via a Rawlsian lens are considered as a final note. The first alternative is John Christman’s proposal “that we add to the

circumstances of justice the presence of measurable inequality of social power, the systematic exposure to unique forms of violence, and a pattern of past domination affecting identifiable groups in the society, conditions that all would be labeled as unjust by any plausible principles” with the key stipulation added in a footnote that this claim is only “that such uncontroversially unjust conditions prevailed” and continue into the present. These conditions include “discrimination, racialized and sexualized violence, attempts at extermination directed towards indigenous populations, and related phenomena” (2009, p. 224). While a circumstance of justice which specifically enumerates these conditions is important for historical accuracy, I believe that the way persons are modeled in the original position does better to reconcile histories of oppression. Insofar as these conditions are related to an epistemological claim about the pervasive effects they bear on cognition (on a person’s beliefs and desires, etc.) this must translate into the facts of psychology that party members know from behind the veil of ignorance. While their particular position within those social and economic power differentials is still obscured, the bare knowledge that past injustices contribute to the construction of selfhood should remain available to deliberators as they choose the principles of justice.

This remodeling of persons in the “initial stage” of Rawls’ theory is necessary to guard against the possibility that there be no real change in the outcome of the original position. As the staunch Rawlsian would point out, even if we assume that the basic structure and practices were historically unjust, since the principles of justice regulate the basic structure there is no pragmatic reason to include Christman’s stipulation. Put simply, if the new circumstance of justice doesn’t change *how* we bring about a just society, compared to Rawls’ original principles of justice, then why include it at all? The remodeling of persons addresses this concern since it carries elements of the non-ideal into a higher level of the Rawlsian theory.

The second alternative is presented by Mills. Generally, he argues that a theory of justice must make concessions to the real-world existence of systemic oppression and subjugation by *only* engaging in non-ideal theory. Only by an explicit recognition of the history of, in the case of race, white domination will a theory of justice be realistic in its expectations given that the modern era was so defined by racial domination. Make clear that the social contract is racial and that the concepts of personhood are racialized and only then can a racially stratified society like our own ascend to the, albeit down to earth, expectations of non-ideal corrective justice.

Christman does well to summarize this point when he says:

[t]he critique waged by Mills concerning ideal theory can be applied here in different form, namely that when principles are derived that assume rough equality of social and other forms of power and are applied to conditions of systematic dissimilarity along those dimensions, they can have the distorting effect I alluded to earlier. That is, past and ongoing victimization and domination of some groups by others may well be exacerbated when the facts of that domination are ignored. (Ibid, p. 222)

Further, for patterns of victimization or domination to be described as such requires the usage of “value-laden” terminology as these patterns depend on a theory of justice to be categorized as such. Many of Mills’ descriptions of non-ideal circumstances rely on an analysis of domination as a moral wrong or as a phenomenon to be corrected by justice. So, Mills is unable to escape the need for a normative account of justice in his non-ideal theoretical approach. Furthermore, a social contract which aims to rectify these patterns of injustice from an accurate “factual picture” of reality misunderstands the contract as a corrective justice document.

Mills ignores the fact that a non-ideal theory, to provide normative guidance, requires a supplemental ideal theory. This can come in the form of counterfactual scenarios which begin from real circumstances, or by abstraction to an ideal level of theorization like the

metaphilosophy Rawls supports. Either way, it can be done without reifying ideology<sup>30</sup>, that is, without masking inequality and mistaking equality as a defining feature of political reality. Correspondingly, to offer the critique that the ideal theoretical approach necessarily reifies inequalities requires a theory of justice to characterize them (unjust distributions of material resources, inequities in gender and racial dynamics, etc.) as such. Therefore, because the social contract is not racial; and the concepts of personhood are not radically atomistic nor racialized. Although many of these critiques did not accurately represent Rawls to begin with, a defense of the self as social has been offered so as to explicitly take “non-ideal” considerations into mind. As such, a wholesale rejection of Rawls’ method is an excessive solution to the alleged problem. The clarificatory sections of this thesis help further defend against the criticism that the Rawlsian theory of justice is committed to atomism and racial liberalism. Quite the opposite is true of his philosophy as shown by the neo-Rawlsian conception of persons articulated by this thesis.

---

<sup>30</sup> In the classical Marxist understanding of the term, that ideologies function to distort or hide the actual unequal material conditions which characterize political reality. Mills’ (2005) ideological critique of ideal theory is that ideal theorists, by practicing this abstracting metaphilosophy, lose sight of real inequalities when a view of reality *as* inherently devoid of inequalities is forwarded in place of an undistorted picture of reality which makes those inequalities central. However, I find Žižek’s (1989) analysis that ideology is both unconscious and inescapable a debilitating critique of arguments like these since their crux lies in positing the existence of an undistorted axiology or worldview to serve as the objective counterpoints to distorted ideological modes of thought.

### Acknowledgments

This project could not have been completed without help from several individuals to whom I am greatly indebted. I wish to thank Dr. Bhandary for her mentorship, commentary, and continued support throughout this process. Her encouragement to study philosophy and her challenges to work harder on my writing have all been invaluable. In addition, I have benefitted from the philosophy faculty at Iowa and their commitment to undergraduate learning, especially Dr. Stern for his part in immensely broadening my philosophical horizons and expecting nothing short of the best from students. Drs. Bhandary and Stern have inspired a lifelong passion within me for philosophy. To Tim Sommers for showing me philosophy can be fun and for his expansive knowledge and familiarity with Rawls, and his openness to impromptu discussions on that topic. Thanks are due to both him and Dr. Stern for their comments on earlier drafts. And to all my family and friends whose continual love, support, and willingness to have discussions about philosophy were essential to the completion of this project, especially mis tíos Pedro and Martha for providing me the opportunity to write and study in peace during my summer stay with them in Bogotá. Finally, lasting thanks are due to Daniel, Serena, Simón “El Castillo”, Robbie, and Paulina. Your support and friendship have meant everything to me.

## Works Cited

- Alcoff, Linda M. *Rape and Resistance*. John Wiley & Sons, 2018.
- Bettcher, Talia M. "Trapped in the Wrong Theory: Rethinking Trans Oppression and Resistance." *Signs: Journal of Women in Culture and Society*, vol. 39, no. 2, 2014, pp. 383-406.
- Buchanan, Allen E. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Boulder: Westview Press, 1991.
- Butler, Judith. "Gender Trouble: Feminism and the Subversion of Identity." *Feminist Review*, no. 38, 1991, p. 113.
- Cavell, Stanley. *Little Did I Know: Excerpts from Memory*. Stanford UP, 2010.
- Christman, John. "Relational Autonomy, Liberal Individualism, and the Social Constitution of Selves." *Philosophical Studies*, vol. 117, no. 1/2, 2004, pp. 143-164.
- . *The Politics of Persons: Individual Autonomy and Socio-historical Selves*. Cambridge UP, 2009.
- Crenshaw, Kimberlé W. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review*, vol. 43, no. 6, 1991, p. 1241.
- . "Beyond Racism and Misogyny: Black Feminism and 2 Live Crew." *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberlé Williams Crenshaw (eds), 1993, pp. 111-132.
- DuBois, W.E.B. *The Souls of Black Folk*. 1903.
- Foucault, Michel. *The Foucault Reader*. Pantheon, 1984.
- Kymlicka, Will. *Liberalism, Community, and Culture*. Oxford UP, 1991.
- Lugones, María. "On Borderlands/La Frontera: An Interpretive Essay." *Hypatia*, vol. 7, no. 4, 1992, pp. 31-37.
- Medina, José. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination*. Oxford UP, 2012.
- Mills, Charles W. "Dark Ontologies Blacks, Jews, and White Supremacy." *Blackness Visible Essays on Philosophy and Race*, 1998, pp. 67-96.
- . "'Ideal Theory' as Ideology." *Hypatia*, vol. 20, no. 3, 2005, pp. 165-183.
- . *The Racial Contract*. Cornell UP, 2014.
- . *Black Rights/White Wrongs: The Critique of Racial Liberalism*. Oxford UP, 2017.
- . "Philosophy and the Racial Contract." *Oxford Handbooks Online*, 2017.
- Narayan, Uma. "Minds of Their Own: Choices, Autonomy, Cultural Practices, and Other Women." *A Mind of One's Own*, 2018, pp. 418-432.
- Pateman, C. *The Sexual Contract*, Stanford: Stanford University Press, 1988.
- Rawls, John. "Justice as Fairness." *The Philosophical Review*, vol. 67, no. 2, 1958, pp. 164-194. JSTOR, [www.jstor.org/stable/2182612](http://www.jstor.org/stable/2182612). Accessed 23 Mar. 2020.
- . "Kantian Constructivism in Moral Theory." *The Journal of Philosophy*, vol. 77, no. 9, 1980, p. 515.
- . *Political Liberalism*. Columbia University Press, 2005.
- . *A Theory of Justice, Revised Ed.* Harvard UP, 2009.
- Tamir, Yael. *Liberal Nationalism*. Princeton UP, 1995.
- Taylor, Charles. *Hegel*. Cambridge UP, 1977.

- . *Sources of the Self: The Making of the Modern Identity*. Cambridge UP, 1992.
- . "Atomism." *Philosophical Papers: Volume 2, Philosophy and the Human Sciences*, Cambridge UP, 1985, pp. 187-210.
- . "The Politics of Recognition." *Multiculturalism*, 1994, pp. 25-74.
- Wilde, L. "Marx against the Social Contract" *The Social Contract from Hobbes to Rawls*, New York: Routledge, pp. 164-74.
- Yancy, George. "Look, a White!: Philosophical Essays on Whiteness." *Graduate Faculty Philosophy Journal*, vol. 35, no. 1, 2014, pp. 424-427.
- Young, Iris M. "Five Faces of Oppression." *Justice and the Politics of Difference*, 2011, pp. 39-65.