One of the reasons that Susan Okin’s scholarship commands respect in our field is that it exhibits her commitment to—and talent for—constructive interpretation, charitable criticism, and a willingness to build on the insights and good arguments of others. These reflections try to honor those commitments while exploring Okin’s own views on one of the themes of longest concern to her: the constraints of justice on socialization of women in the family and by other non-state agents. Her close reading of the arguments of others, combined with her far too early and unexpected death, leave us with several interpretations of what might be her own considered views. Okin’s use of the insights of Mary Wollstonecraft, J. S. Mill, and John Rawls illustrate the challenge.

One of Mary Wollstonecraft’s and J. S. Mill’s concerns that Susan Okin explicitly shared was the injustice of socialization of women to oppressive gender roles. Together with other “constructive” feminist critics she objected to Rawls’s theory of justice as fairness, and to Political Liberalism on this count. Rawls addressed some of these issues, but not even to his own satisfaction. One of Okin’s very last completed papers criticized Rawls’s response.

The focus of this paper is one particular and problematic kind of gendered socialization that creates tensions between freedom of religion on the one hand, and equality of men and women on the other. What are we to think of the inculcation of religious or philosophical conceptions of the good that affect aspirations? In particular, what should liberal states do about the religious ideals and cultural practices that appear to stunt women’s actual choices of careers and life plans, and that even seem to hinder their exit from these communities of faith? Surely it will not do to dismiss such concerns as belonging to the “private” rather than the “public” realm, and hence beyond justice. Okin explicitly warned against giving undue respect to cultural groups under the guise of “multiculturalism” when the internal culture of a group socializes boys and girls toward roles they cannot easily select away even if exit is formally available. Respect for minorities can easily stop being part of the solution for a more just society, and become part of the problem.

Section 1 situates this issue within Okin’s broader engagement with Rawls’s theory, section 2 identifies two different accounts of her own normative theory: one based on the value of autonomy, the other on the importance of nondomina-
tion. Section 3 goes on to defend the nondomination version, partly by addressing the limited roles of actual choice in the contractualist tradition. Section 4 discusses the role of formal exit opportunities, section 5 considers some implications for curtailing religious freedom but still allowing gender roles. Section 6 considers whether Okin would agree with this account. Section 7 concludes by highlighting why inequality of result remains a reason for concern on both interpretations, but for quite different reasons.

1. Okin’s Research Agenda on “Private” Socialization

A stable legitimate order requires that institutions comply with a public theory of justice. In addition, citizens must be socialized to this theory. Okin traced at least three implications of Rawls’s particular theory of justice with regard to socialization to gender roles.

First, the family is a central site of socialization of children, and must therefore mirror the equal dignity and opportunities of citizens in society. Okin therefore warned against gendered division of domestic burdens, however freely chosen, lest children come to believe that these roles are normatively required.

Second, she criticized gender roles that diminish women’s fair value of political rights. The Principle of Equal Liberties thus constrains the inculcation to gender roles.

Third, she criticized the Principle of Equality of Opportunity as insufficient. It is not enough that “those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system.” The willingness to use talents and ability is also partly an effect of the basic social structure. With Mary Wollstonecraft and J. S. Mill, Susan Okin insists that aspirations and motivations are fundamentally shaped by the family and other socializing institutions. There is therefore an obvious need to consider “private sphere” discrimination and how it affects women’s well-being and life opportunities. Of particular concern are the socializing techniques—“private” or “public”—that prevent young women from “perceiving the oppressiveness of oppressive practices.” These techniques should be considered as part of what Rawls calls the basic structure, and the way they allocate “ambitions and hopes” is part of the domain of justice.

2. What Counts as Unjust Socialization, How to Determine and Combat It

Even in countries where career choices are formally free, employment and careers are gendered. Women are disproportionately underemployed, and in less well paid jobs. One reason is that religious traditions affect women’s aspirations and hence their exercise of choice of life plans. Norms of subjection to men, and to unpaid or underpaid nurture and care of dependents, curtail women’s aspirations to professional careers.
What, then, does justice require regarding socialization? What counts as injustice, what are indications of it, and what may the state do to prevent it? To illustrate: how should a just state respond to private schools whose teachers “openly tell their students that a woman must submit to a subordinate, obedient role in the home; if she does not, ‘the doors are wide open to Satan.’” Should parents be free to define and restrict their children’s education in this way? A theory of justice must help delineate the scope of religious freedom vis-à-vis the scope of women’s freedom to form preferences regarding social roles and life plans. What are the social conditions required for legitimate formation of these aspirations? Should any religion be legally permitted to inculcate gender roles that limit women’s aspirations and life plans, in private schools or otherwise? It is beyond the aims of these reflections to address the legal conflicts and their resolution by courts drawing on human rights conventions and other legal documents. The conflict is not resolved by holding that rights—human rights in particular—should trump other considerations, since both religion and gender equality appear in human rights conventions that seek to promote or protect important human interests. To illustrate, they can be discerned in two adjacent principles of the new Constitutional Treaty of the European Union, that “The Union shall respect cultural, religious and linguistic diversity” yet shall also ensure equality between men and women in all areas, including employment and work.

If a court should weigh the strength and nature of the interests at stake, as Cass Sunstein suggests, what considerations should guide judges’ discretion? What, in particular, are the interests at stake? Who should then have the authority to do this weighing, given that we can expect disagreement: as Justice Brennan observed: “While a church may regard the conduct of certain functions as integral to its mission, a court may disagree.” Is this to be determined, for instance by public administrators or courts, on a case-by-case basis? Sunstein recognizes that this requires great trust in the administrators’ assessment of the importance of interests to be protected, and depth of interference. Justifications of interference would have to be “supported by a legitimate and sufficiently strong justification.”

There are at least three central normative issues involved: what counts as unjust gender socialization, what counts as evidence for it, and which forms of “private” gender socialization should be prohibited.

In some writings, Okin seemed to endorse a standard of just socialization that we may call “equality of actual choice”:

Skewed pattern of choice of exit from traditional gender roles by men and women is itself unjust: any liberal defender of the rights of groups should recognize that individuals must be not only formally free but substantively and more or less equally free to leave their religions or cultures of origin; they must have realistic rights of exit.
A just future would be one without gender. In its social structures and practices, one’s sex would have no more relevance than one’s eye colour or the length of one’s toes. . . . It would be a future in which men and women participated in more or less equal numbers in every sphere of life, from infant care to different kinds of paid work to high level politics.12

On this reading, inequality of actual freedom of choice is the wrong, and skewed patterns are decisive evidence. What should be done to combat this injustice? Okin might agree with egalitarian theorists such as Iris Young that the state is free to prevent religious bodies’ dissemination of gendered role models, since “all positions of high status, income and decision-making power ought to be distributed in comparable numbers to women and men.”13 Thus, Okin sometimes indicated that the ideologies promoting such injustice should be outlawed, for instance in her discussions of Kukathas and Galston: she seems to prefer that “the liberal state can intervene so as to curtail any such group practices”14 and criticizes Galston for holding that

it is fine with him, apparently, if girls in Christian schools learn [. . .], that it is divinely ordained that the mothers of young children should not be employed outside of the home.15

What normative ideal of the person justifies these conclusions? At first glance the most plausible candidate may be a conception of autonomous individuality and choice of life plans close to Mill’s “comprehensive liberalism.”16 Just institutions should foster unconstrained freedom of choice of aspirations and life plans. Being born into communities that shape such life plans are suspect, and real exit with live outside options is a central requirement of justice.

This reading of Okin’s own normative theory leaves her open to familiar criticism of at least two kinds. First, the theory is built on a contested perfectionist ideal unsuitable for public reason under pluralism, a weakness shared by Mill and Kant, and criticized by Rawls and others. Second, the theory would seem to fail to recognize the value of cultural attachments and involuntary duties to communities one is born into. David Miller and others criticize liberals because they only regard voluntary agreements as normatively binding, and deny obligations to parents, or to cultural practices one is born into.17 I return to this “communitarian” criticism below.

These standard objections should make us reconsider whether this is indeed the best interpretation of Okin’s own position. We may have been misled, either from ignorance of her other writings, or because of her mode of active engagement with others. For instance, take her express concern for the social conditions women must enjoy to have real exit options from oppressive practices. This might not so much be her own view of what makes socialization legitimate, but rather be arguments ad hominem (in the gendered sense of that phrase) to Galston, Kukathas, and Raz.

Instead, let us therefore explore another rational reconstruction of Okin’s view. It is a liberal contractualist view in the tradition of Brian Barry and John Rawls, not based on an ideal of autonomous individualism but on nondomina-
tion, and it has less stringent egalitarian implications regarding gendered career choice. Gender-skewed patterns of actual career choice, or of exit choice, are not in themselves unjust, but they may be evidence of unjust socialization. The injustice that occurs is domination, for example, in the sense explored by Quinton Skinner, Philip Pettit, and others: “the arbitrary use of political authority and coercive power.”18 The objective should be to remove such domination and secure liberty in this sense of an interest in avoiding subjecting yourself to the arbitrary will of another, rather than to facilitate autonomous choice. One implication is that according to this form of “libertarianism,”

In order to redress people’s inequality in capacity and power, the social democratic state will have to try to emancipate and empower those who are relatively deprived.19

One upshot is that respect for religious freedom may allow the private promotion of such gender roles, for instance by religions—as long as such promotion did not become domination. Justice would require several corrective measures to prevent domination of women’s preference formation, for instance in the curriculum of private schools. This position seems closer to Rawls’s Political Liberalism.20

But on this interpretation, Okin’s objections against domination in the socialization processes require that we go beyond the Principle of Equality of Opportunity, to correct for domination that affects aspiration levels and life plans:

It is crucial that attention be paid to the power of convention, custom, tradition, culture and religion in people’s (especially women’s) lives. Religion and other aspects of culture have powerful effects on people’s perceptions of themselves, their primary attachments, their needs and desires and, therefore, their beliefs about what they have a right to—in short, on their identities.21

This interpretation seems to avoid some of the criticisms raised against perfectionist views that focus on autonomy and actual choice, and still ground most, if not all, of Okin’s concerns.

We must explain why actual choice is not so central to this version of contractualism. It thereby avoids the criticism that it rests on a comprehensive conception of the good, and acknowledges the value of unchosen community within limits—while it still insists on the need for real exit options. We then consider whether Okin’s examples of injustice fit this theory.

3. The Role of Real Choice in Liberal Contractualism

David Miller, Samuel Scheffler, and others have questioned whether universalist liberal theories can account for “obligations to other members that arise simply by virtue of the fact that one has been born and raised in that particular community.”22 “The idea that unchosen ties to a community or tradition can carry moral weight may seem, at the very least, completely alien in spirit.”23 Miller also
criticizes liberals’ failure to grasp the normative significance of cultural belonging: “cultures, unlike ships, are not vessels to be boarded and abandoned at will.”

These criticisms might hold against Mill’s ideal of the autonomous individual, but do not seem relevant against liberal contractualism. For our purposes, Liberal Contractualism may be described as a tradition of contractualist political theory that includes such authors as Brian Barry, John Rawls, and T. M. Scanlon. The contractualist account of normative legitimacy holds that the principles of legitimacy we should hold institutions to are those that the persons affected would unanimously consent to under conditions which secure and recognize their status as appropriately free and equal. These standards of legitimacy are specified by consideration of what interests and principles no one could reasonably reject as a basis, given their mutual interest in acting on such nonrejectable grounds. Hence the word contractualist. This commitment is honed by the claim that institutions are legitimate only if they can be justified by arguments in the form of a social contract of some specific kind. The notion of possible consent allows us to bring the vague ideals of equal dignity to bear on the questions of legitimacy and institutional design.

Even though hypothetical consent is crucial to liberal contractualism, the role of actual choice and consent is surprisingly small. Actual, tacit, or hypothetical consent is not the source of moral obligation to comply. Contractualism agrees that we may have many duties that we have not explicitly or tacitly consented to. The main use of “consent” in this tradition is instead to specify the vague ideals of equal dignity for questions of constitutional and institutional design. As Okin expressed it: hypothetical consent is used to justify institutions in ways that “consider the interests of all possible selves equally . . . from the position of everybody, in the sense of each in turn.”

Jean Hampton put the point eloquently thus:

[W]hat we “could agree to” has prescriptive force for the contractarians not because make-believe promises in hypothetical worlds have any binding force upon us, but because this sort of agreement is a device that (merely) reveals the way in which (what is represented as) the agreed-upon outcome is rational for all of us.

This form of hypothetical consent does not provide the source of moral duty, but is an expression of one important condition for when such duties hold, be they voluntarily acquired or born into. This version of contractualism does not hold that individuals are only bound by voluntary consent. Thus Miller’s worries don’t apply. Religion need not be freely chosen from a smorgasbord of offerings on the market of philosophies of life. Growing up in a family or religion which fosters and predisposes to certain conceptions of the good life and certain life plans over others is thus not in itself a fundamental problem to be deplored in this liberal tradition.

It seems that Okin would agree the problem is not all deep attachments to the cultures we are born into. Rather, the main problem seems to be oppressive aspects of such cultures.
Why Contractualists Value Community: Shaping Values, Expectations, and Life Plans

How can liberal contractualism defend the value of cultural membership? Consider Kymlicka’s argument for cultural membership. He seems inspired by Mill’s autonomous individuality: it is “only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value.” This premise is yet “another sectarian doctrine,” problematic in public reason.

Even though Okin at times seemed to base her arguments on similar premises, I think we can express the legitimate need for certain forms of unchosen cultural membership on less contested grounds. The central point is that fairly stable institutions and practices are necessary if we are to develop expectations, interests, aspirations, and plans of life of any kind. Predictability suffers if others’ compliance is completely voluntary. To satisfy legitimate expectations is an important interest, and stable social institutions and relations are crucial for making and pursuing life plans. We thus have good reason to maintain social institutions, insofar as it is only under fairly stable institutions and other practices that expectations can be created and met. Thus Liberal Contractualism acknowledges and indeed grants the fundamental importance of “communitarian” concerns for constitutive attachments and commitments, found within the traditions and roles we take part in, and which are not chosen by the individual.

Yet any particular institutions and communities unavoidably favor some plans and expectations over others. I submit that the impact of these involuntary communities requires that individuals must not be subject to indoctrination and domination. The need for such constraints on the forms of socialization is not based on Mill’s interest in autonomy, but rather on what I take to be a less contested interest to avoid domination. The main concern is not to ensure that we can choose life plans completely unencumbered, but to ensure that no one is subject to the arbitrary and unconstrained will of others, especially not when there are other ways of allocating power and immunities. We find this concern for non-domination in Wollstonecraft and republicanism. I suggest that this concern is more acceptable in public reason than comprehensive liberalism.

Liberal contractualism may therefore grant the value of community, but still worry about large power inequalities in inescapable and totally encompassing religious communities. Such conditions subject some to socialization in the hands of the powerful, with drastic effects on their aspirations and life plans. Before turning to some implications, we should consider why, if autonomous choice is not crucial, real exit is still important.

4. The Role of Exit: Neither Necessary nor Sufficient for Creating Binding Duties

Liberals often insist that individuals should be allowed to exit the religious communities they were born into. Many authors have argued that exit is crucial
for legitimate religious communities. Some go further and hold that as long as members have the formal possibility of exit, little more is required or permissible. Okin argued convincingly that the relevant form of exit would have to be not only formal. Women must be actually able to conceive of exit from the religion as a feasible and valuable option. Susan Okin, Brian Barry, and others hold that “the option of exit should be genuinely open.” But why are they and Liberal Contractualism concerned to ensure exit, if autonomous choice of life plans is not recognized as a common, fundamental interest?

I suggest that exit is an important possibility because other modes to distribute discretionary power present avoidable risks to individuals’ important interests. The interest in changing one’s life plan and religious affiliation is fundamental in a sense that is not based on an ideal of autonomy. We must recognize and regard as important the interest some of us have in changing religious views or cultural membership. The objective is not to promote autonomy in general, but to enable citizens to live autonomously should they so wish. In conflicts, this interest must count for more than the interest church leaders may have to prevent others from exiting. Liberal contractualism does thus not hold that all must have such an interest in “standing back” from their religious beliefs. It seems that at least three conditions on exit must still be secured. First, that the person not only is formally permitted to leave, but actually able to leave. Thus, her options or capability set must include such an exit. That is, there must be real opportunities outside that community. Raz points out that there must be “a wider society open to individuals wishing to leave their groups of origin.” Such formal capabilities are important, but also not enough.

Second, the best alternative to staying must has a decent value, at least in the minimal sense that the person does not risk complete social death or absence of settings for recognition, membership, and connectedness—not to mention physical death. This requires that her religion or any other social group is not hegemonic regarding her social networks.

Third, and more demanding even than some readings of Sen’s and Nussbaum’s capability approach, she must know about some of these alternative options, and be actually able to choose on an informed basis. Okin notes about exit that

those most likely to need it are those least likely to be able to employ it. Neither may they see it as a desirable or even an imaginable option.

Christine Korsgaard suggests that

we may believe that a human being is free, if ever, when she not only has a range of options but an education that enables her to recognize those options as such and the self-respect that makes her choice among them a real one. Ignorance, lack of imagination, and lack of self-respect are not just external constraints on the range of your options: they can cripple the power of choice itself. The possession of freedom of the will may itself be lucky.
5. Preventing Domination: Some Implications

Liberal contractualism is committed not only to secure real exit opportunities for those who so wish, but also demands that the state must prevent domination. Individuals must have background conditions that enable them, as Rawls says, to “come freely to accept their religious beliefs, on the basis of reflective thought and reasoned judgment.” There are several important implications from this concern to prevent domination regarding such reflection about gender-specific aspiration levels and career plans. These requirements are important to prevent domination—yet they may leave a gender bias in exit and employment patterns.

Liberal Contractualism is prepared to allow religions that proclaim gendered social roles to professional career choices, but requires that the institutions limit the impact of this socialization. Thus parents and their church might be permitted to raise children according to their own religious conception regarding gender roles. However, to prevent domination they should not have a monopoly on teaching such gender roles. In particular, children must understand that the broader social order permits individuals’ choice of careers, and allows individuals to exit a religion without legal sanctions.

Parents may thus not prevent their children from receiving information about such alternatives regarding careers and the rights of religions. Even private religious schools must convey this information. All must know that others in the political community have life plans different from their own, yet enjoy the same legal protection and standing. There are further reasons for insisting on information about other religions, including the need to ensure that citizens with voting rights can and will use those rights with due consideration for other citizens of different faiths.

Children must also be brought up with certain civic virtues, and a reflective attitude toward the political system and institutions—though not necessarily a critical stance toward their own religion.

It is difficult to see with what right a religious community can claim that members should not be allowed such information, necessary to allow exit, in order to secure the good of the survival of the church. Parents cannot opt their children out of this education simply because that makes it more difficult to pass on their own religious beliefs about gender roles. The Liberal Contractualist claim is that this information is required to prevent domination, and that this interest overrides the interest of church members in continuing the membership through such practices that violate members’ legitimate interest in avoiding domination. A church may well object that women with this kind of education are likely to protest and exit. However, even if it is a correct prediction, this is not a sound objection.

6. Would Susan Okin Agree?

Is this account more accommodating to religious views than Okin would allow? Would she prefer to make such gender socialization illegal? I believe that
the account offered here match her views, at least to some extent. Consider three points she made in her writings.

She first was skeptical of socialization where children are educated in sheltered settings—that is, when they get no alternative account. Yet she might agree that the problem of socialization is not the general fact that children are disposed toward some life plans rather than others, but the phenomenon of domination by these sources of inculcation. When the effects of such socialization are mitigated, it seems she would be less worried.

Second, she argued that we would outlaw any religious teaching of different roles for different races, so why permit it regarding different genders? However, a somewhat parallel case would seem to be the legal case against Bob Jones University’s prohibition against interracial dating on religious grounds. Her reaction seemed to be not that the university policy should be outlawed, but that the school should not continue to enjoy tax-exempt status.

Third, she argued against Rawls’s way of drawing the distinction political-nonpolitical by giving some illustrations. Imagine a religious group that promulgated the metaphysical view that women have the souls of pigs. She held, plausibly, that such speech is detrimental to the fair value of women’s political liberty. On my account, such claims would be permitted by religions in educational settings, but children should be exposed to other views as well, and get a firm understanding that men and women enjoyed equal political standing in the society at large. Thus the indoctrination effects of these religious claims would be small. Still, the account I have offered allows socialization to gendered roles in the nonpolitical settings of religions. She objected to such distinctions between the political and the nonpolitical. One example she cited involved an incident from the European Union. Italy’s prime minister Berlusconi chaired European Council meetings with male and female heads of states and of governments where negotiations had stopped, partly due to his leadership style. He suggested that since they were not getting anywhere in the political discussions anyway, they should instead start discussing women and football.

Okin and I would agree this is a statement that clearly conveys that women are not taken seriously, and indeed that those women present are not taken seriously as politicians. This is detrimental to the fair value of women’s political liberties—at least insofar as Berlusconi is taken seriously as a politician.

However, his statement does not illustrate the weakness of Rawls’s dichotomy of the political/nonpolitical distinction. Rather, it violates Rawls’s conditions on public reason: Berlusconi uttered this in what must be regarded as the “public political forum”: the discourse of judges and government officials, and the oratory and statements of candidates to public office. That is a different setting than the topic of these reflections.

I submit that this interpretation of Okin as concerned to avoid domination does seem to fit many of her expressed views on the issues of just gender socialization.
7. Why Inequality of Result Should Still Be a Reason for Concern

The two interpretations of Okin’s work have different implications for what justice requires regarding career choices. On the former interpretation based on autonomy, skewed output in terms of exit rates or career choices is itself a problem of injustice. For the latter interpretation based on nondomination, skewed output is a rebuttable indication of injustice. It is a sign of injustice if the pattern is due to domination. But it is not necessarily an indication of injustice, if the pattern arises because younger generations have accept the religion they were born into without suffering domination. If so, exits and career choices may be patterned according to the gender roles and other distinctions drawn by religious organizations, since justice does not require fully autonomous choices where one’s religious culture plays no role.

These two different interpretations of Okin raise important and interesting questions about the standards of justice with regard to aspirations and preference formation. Statistical differences in career choices for men and women—inequality in result—may be an indicator of violation of the form of equality of opportunity worth fighting for. But gender-skewed career choices might not be the effect of unjust preference formation, as long as they are not the effect of domination.

The requirement of justice might thus not be to prevent all gender differentiated role socialization, but to prevent standard forms of domination—including problematic forms of inculcation to such gender roles. This should of course not be taken to deny that religions often motivate violations of women’s civil or political rights and their rights to physical integrity. Such violations are clearly outrageous. But if they raise philosophical issues, these are different. Other issues of alleged gender injustice cannot be dismissed, such as certain practices concerning marriage and divorce practices, and the damages perpetrated on non-Westerners, primarily the global poor, and women in particular, by means of the global basic structure.

Conclusion

The paper has explored two interpretations of Okin’s theory of justice. Their differences should perhaps not be overdrawn. Liberal Contractualism recognizes the value of religious community and its role in inculcating aspirations, but insists that religions should have limited domination over pupils. Their hegemonic influence over women’s aspiration levels is incompatible with both accounts.

We should be concerned if a gendered pattern of exit and employment is due to domination or lack of a sense of real opportunities. Observed inequalities of result between groups should lead us to investigate whether fair equality of opportunity and fair opportunity for shaping life plans is violated. This is especially appropriate when the inequalities have an impact on individuals’ future resources.
or power, and when the pattern reflects previous patterns of domination, social exclusion or other forms of social injustice. What also remains unjust, according to both interpretations, is the different power and economic benefits of the gendered labor market. Typical women’s careers are underpaid and otherwise provide unfair conditions of work. We might wonder whether gendered career choice would still be a matter of injustice, if this was not so.

Susan Okin contributed substantially to our awareness of these issues of legitimate preference formation and the gendered history of the contractualist tradition. She also indicated how the tradition could be improved. And her insights lead us to pose new questions and challenges. In all these ways she showed, by example, the high ideals and aspirations of our profession.

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Notes

7 Okin (2002), 218.
8 The European Union’s Constitutional Treaty for Europe, the EU Equal Treatment Directive, CEDAW, the International Convention on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
15 Ibid., 229.
16 Okin talks of autonomy-based policies at Okin (2002), 226.
25 Susan Moller Okin, “Reason and Feeling in Thinking about Justice,” *Ethics* 99, no. 2 (1989): 244. Note in passing that this succinct formulation of a particular interpretation of Rawls’s arguments for maximin behind the Veil of Ignorance also withstands economists’ criticism that maximin involves an implausible risk aversion: “the veil of ignorance” can be perceived as thinking only for themselves, only because they do not know which self they will turn out to be and, therefore, must consider the interests of all possible selves equally. . . . In the absence of knowledge about their own particular characteristics . . . they must think from the position of everybody, in the sense of each in turn” (cf. Thomas M. Scanlon, “Contractualism and Utilitarianism,” in *Utilitarianism and Beyond*, ed. Amartya K. Sen and Bernard Williams [Cambridge: Cambridge University Press, 1982], 103–28, at 124–25).
35 Barry (2001), 244.
39 Okin (2002), 207.
43 My interpretation of parents’ rights in this regard may violate the EU Constitutional Treaty Art II-74, 3: 3, which states, “The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.” And the International Convention on Civil and Political Rights Art 18.4.
45 Okin (2002), 226.
46 Okin (2002).
49 Rawls (1999), 134.