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FEMINIST CRITIQUE OF THE DOMINANT POLITICAL-PHILOSOPHICAL CONCEPTIONS OF JUSTICE

Abstract: *The aim of this article is to explore prevalent absence of conceptions of gender justice within mainstream political theories and to point out the crucial importance of gender justice for theories of justice and for practicing justice. The first part explains Aristotle's theory of justice and offers the feminist critique. Plato's theory of justice explained in Republic, with ideas about philosopher queens, is examined in the second part. The third part discusses premodern and some contemporary theories of justice that preserve patriarchal patterns of devaluating women within a private-public dichotomy, while the fourth part presents the mainstream and feminist theories of justice that overcome a dominant pattern and affirm gender justice in a converging manner. The concluding remarks sum up the crucial role of gender justice for benchmarking further philosophizing on justice.*

Key words: Aristotle, Plato, Justice, Patriarchy, Private-Public Dichotomy, Dialectic of Patriarchy and Emancipation, Family Justice, Gender Justice, Intersectionality.

1. INTRODUCTION

Ancient Greek political philosophy had embedded the framework dichotomy of private and public sphere, which was unavoidably connected with a patriarchal pattern of devaluating women and their reduction to the sphere of private life. Women in Ancient Greece did not have legal and political subjectivity, they did not belong to the *zoon politikon* and free citizenship. Women were invisible (politically and legally) in Ancient Greek political philosophy as well as in the entire premodern history of political philosophy.

Justice is the central category of political philosophy from its beginnings in Ancient Greece to the present. Aristotle gave the most appropriate outline of the interconnection between justice and the political order,

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with justice primarily meaning a just political order. Aristotle's conception of justice as the just political order has represented the paradigmatic understanding of justice. The just political order within the polis was the main target of the analysis.

Throughout the history of political philosophy, justice has been linked to the public sphere, within the background dichotomy between the public and the private sphere. Discussions on justice were persistently accompanied by an assumption that domination of men over women is generally speaking natural and self-understandable, that there is no issue of justice in the family and in the private sphere, *i.e.* that privacy and the family do not bear any relevance to justice conceived primarily and exclusively as a matter of the public sphere.

This applies to traditional political philosophy, with Plato¹ being the most extraordinary exception in regards to proposing that women be relieved from the familial roles and empowered as equally eligible for the highest political roles. However, the mentioned exception refers only to Plato's conception of an ideal state in *Republic*, in which the traditional conception of the private sphere and of the dichotomy between the private and the public sphere had been erased. However, as soon as Plato revived the mentioned dichotomy in his later book *Laws*, the traditional patriarchal devaluation of women and reducing their roles to those related to giving birth, caring about the family and domestic tasks was also revived.

The ignorance and invisibility of women and family/gender justice within the discourse of justice applies also to most contemporary political theories of justice, again with some exceptions, which will be discussed in the fourth section below.² The major difference between traditional and contemporary theories of justice is that the former ones openly and systematically considered women as lower value persons, without full political and legal subjectivity, in other words, they "devalued women politically based on their biology."³ Contemporary theories were created in the epoch of universal human rights, and they cannot openly devalue women on the basis of biological differences. They try to avoid this by using gender neutral language, implying that their assumptions apply to all indiscriminately, or adding women to men in the used expressions.⁴ However, at

1 *The Republic of Plato*, 1961, translated by A. Bloom, New York, Oxford University Press.

2 Vujadinovic, D., Zaharijevic, A., Gender Justice: Reassessing Theories of Justice from Feminist Perspectives, in: Lacey, N. *et al.*, 2024 (forthcoming), *Reassessing Feminist Legal Theories*, Springer Nature Switzerland, Springer Cham.

3 *Ibid.*

4 *Ibid.*

the present there are still theories of justice that have been locating women primarily in the private sphere, following past trends, and considering them in a biased, devaluating manner.

There is, on the other hand, a minority number of mainstream political theories of justice, that deconstruct a male-streamed legacy of justice discourse and fruitfully point to the importance of gender justice for justice as such, and insofar they have been converging with feminist theories of justice.

2. ARISTOTLE'S UNDERSTANDING OF DISTRIBUTIVE JUSTICE

According to Aristotle's paradigmatic legacy, justice has had a moral and political meaning, in addition to the legal one, throughout the history of the concept. Justice in moral terms is the highest virtue among other moral virtues like fairness, prudence, goodness, objectiveness, trustworthiness. Justice in political terms is the proportional distribution of power, honor, goods; a fair share of resources – of economic, political, social wellbeing, *i.e.*, the proportional distribution of resources; distributive justice implies a different share in power due to differences among free citizens belonging to monarchic, aristocratic or democratic part of *demos*; in other words – “equality for equals” is dependent on qualities, political virtues and knowledge, and consequently inequality for those unequal implies them possessing, proportionally speaking, fewer political virtues and qualities. Justice in legal terms is equated with the universal character of legal norms, universal formal equality; treating each other as equally valuable human beings, which, as Aristotle reminds in *Politics*, should also encompass justifiable/legitimate judging (notion of equity, or correction of law), in accordance with the law, and conducted in an unbiased manner.

In *Nicomachean Ethics*, Aristotle differentiates the commutative and distributive justice. Both have a strong legal dimension, and both presuppose lawfulness and the legal equality of free citizens. The first is the trade- and exchange-focused justice, based on contracts and equal transactions, and it is primarily economic and legal conception. The second is proportional and primarily political, focusing on regulating order within the political community: “Of particular justice and that which is just in the corresponding sense, (A) one kind is that which is manifested in distributions of honour or money or the other things that fall to be divided among those who have a share in the constitution (for in these it is possible for one man to have a share either unequal or equal to that of another),

and (B) one is that which plays a rectifying part in transactions between man and man.”⁵

Aristotle further makes a differentiation: “Should a man suffer what he did, right justice would be done – for in many cases reciprocity and rectificatory justice are not in accord; e.g. (1) if an official has inflicted a wound, he should not be wounded in return, and if some one has wounded an official, he ought not to be wounded only but punished in addition. Further (2) there is a great difference between a voluntary and an involuntary act. But in associations for exchange this sort of justice does hold men together – reciprocity in accordance with proportion and not on the basis of precisely equal return.”⁶

Aristotle’s conception of distributive justice is the main point of consideration, due to the abovementioned paradigmatic content. Distributive justice means political acting of the state toward citizens, *i.e.*, regulating social relations, for the sake of the common good. It also implies mutual relations of free citizens within the political community, guided not by selfish personal interests, but by the common good.

Aristotle indicates an essential interrelation of procedural justice and proportional equality, and an interconnection of procedural justice and political power sharing within right lawful political orders in his political works *Nikomachean Ethics* and *Politics*.⁷ In *Nikomachean Ethics* he states that distributive (political) justice is manifested in “distributions of honour or money or the other things that fall to be divided among those who have a share in the constitution⁸ (for in these it is possible for one man to have a share either unequal or equal to that of another).”⁹ In *Politics* he developed similar ideas, starting from explaining proportional equality more generally and subsequently applying it to the issue of power sharing, stating that “[a]ll men think justice to be a sort of equality [...] and that equals ought to have equality”, and “[n]ow what is just or right is to be interpreted in the sense of ‘what is equal’; and that which is right in the

5 *The Works of Aristotle*, 1952. Translated into English under the editorship of Ross, W.D.; *Nikomachean Ethic* (translated by Ross, W.D.), Clarendon, Cornell University Press (digitalized, 2014), pp. 2536–2787, p. 2637.

6 *Ibid.*, p. 2643.

7 *The Works of Aristotle*, 1952. Translated into English under the editorship of Ross, W.D.; *Politics* (translated by Jowett, B.), Clarendon, Cornell University Press (digitalized, 2014), pp. 2788–3049.

8 In another translation of *Nikomachean Ethics*, this is not called “constitution” but “political community”. See the translation from Greek to Croatian: Aristotle, 1998, *Nikomahova etika* (translated by Ladan, T.), Zagreb, Globus.

9 *The Works of Aristotle, Nichomachean Ethic*, 1952, p. 2637.

sense of being equal is to be considered with reference to the advantage of the state, and the common good of the citizens.”¹⁰

Aristotle’s statement in *Nikomachean Ethics* (A), already indicates that he considers distributive justice primarily in regards of political power sharing within right lawful political orders, being monarchy, aristocracy and republic. The later quoted statements in *Politics* confirm that he applied his conception of distributive justice to the mentioned rightful political orders, and that he did it most appropriately for the case of the best mixed government, in which each class (members of different classes) have a proportional share in the power, depending on different measure of political virtues (wisdom, knowledge, freedom).

According to Aristotle’s understanding, distributive justice means, firstly, justice in the legal sense, which equates to lawfulness (legal equality of free citizens reduced to the formal equality of the free adult male citizens, with ruling based on good laws, and in the context of a rightful, constitutional political order).¹¹ Good laws are just laws; justice is equal to lawfulness.¹² Laws are universal; their aim is the common good and justice for all. However, their “universal” character refers only to male/freemen, the citizens of the polis, and Aristotle does not have any need to legitimize something what is self-understandable. However, he adds to the issue of “universality” of laws by including the notion of equity, or correction of law, due to the fact that laws cannot cover all specific cases, and the judge has to decide “[w]hen the law speaks universally, then, and a case arises on it which is not covered by the universal statement, then it is right, where the legislator fails us and has erred by oversimplicity, to correct the omission – to say what the legislator himself would have said had he been present, and would have put into his law if he had known. Hence the equitable is just, and better than one kind of justice – not better than absolute justice but better than the error that arises from the absoluteness of the statement. And this is the nature of the equitable, a correction of law where it is defective owing to its universality. In fact this is the reason why all things are not determined by law, that about some things it is impossible to lay down a law, so that a decree is needed.”¹³

Secondly, Aristotle assumes a moral meaning of justice – justice as the highest value, which is the basis for acting toward others, in mutual

10 *Works of Aristotle, Politics*, 2015b, p. 2881.

11 Lawfulness in general, and also in Aristotle, means universality of law/legal norms, equality of citizens before the law, and unbiased implementation of law by the judges and courts.

12 *Works of Aristotle, Nichomachean Ethic*, 1952, p. 2634.

13 *Ibid.*, p. 2656.

relations, and which serves the common good (good of the community or good of others instead of the personal good/interest). Justice is the well-being of others.¹⁴

Aristotle explains why political justice has to be lawful, regulating the mutual relations of the citizens. He also speaks about unjust action when there is “assigning too much to oneself of things good in themselves and too little of things evil in themselves.” He assumes that tyranny enables this kind of unjust acting: “This is why we do not allow a man to rule, but rational principle, because a man behaves thus in his own interests and becomes a tyrant.” However, state officials act justly/proportionally, *i.e.*, in the interest of others or for the common good, in the following situation: “The magistrate on the other hand is the guardian of justice, and, if of justice, then of equality also. And since he is assumed to have no more than his share, if he is just (for he does not assign to himself more of what is good in itself, unless such a share is proportional to his merits – so that it is for others that he labours, and it is for this reason that men, as we stated previously, say that justice is ‘another’s good’), therefore a reward must be given him, and this is honour and privilege; but those for whom such things are not enough become tyrants.”¹⁵

Justice is explained as the individual acting for the common good, *i.e.*, not in individual interest but according to the principle of fair share. “We have now defined the unjust and the just. These having been marked off from each other, it is plain that just action is intermediate between acting unjustly and being unjustly treated; for the one is to have too much and the other to have too little. Justice is a kind of mean, but not in the same way as the other virtues, but because it relates to an intermediate amount, while injustice relates to the extremes. And justice is that in virtue of which the just man is said to be a doer, by choice, of that which is just, and one who will distribute either between himself and another or between two others not so as to give more of what is desirable to himself and less to his neighbour (and conversely with what is harmful), but so as to give what is equal in accordance with proportion; and similarly in distributing between two other persons.”¹⁶

Concerning the just (political) individual acting, he concludes: “This, then, is what the just is – the proportional; the unjust is what violates the proportion. Hence one term becomes too great, the other too small, as indeed happens in practice; for the man who acts unjustly has too much,

14 *Ibid.*, p. 2645.

15 *Ibid.*, pp. 2646–2647.

16 *Ibid.*, p. 2645.

and the man who is unjustly treated too little, of what is good. In the case of evil the reverse is true.”¹⁷

And thirdly, and primarily, justice is related to political distributive justice. This is proportional justice, proportional sharing of power, honor, goods, positions, etc. according to the proposed merits, according to the value criteria, *i.e.*, unequal sharing of merits among those who are unequal according to political value criteria, political virtue, *phronesis*, excellence, expertise.

According to Aristotle, distributive justice is primarily justice of the political order. Distributive justice is proportional; a due proportion of equality is at stake, “what is equal in accordance with proportion”; the aim is equality for equals.

In *Politics*, Aristotle says about just political order: “The conclusion is evident: that governments which have a regard to the common interest are constituted in accordance with strict principles of justice, and are therefore true forms; but those which regard only the interest of the rulers are all defective and perverted forms, for they are despotic, whereas a state is a community of freemen.”¹⁸ Rightful are constitutional political orders – the rule of one, a minority or majority, when they serve to the common good.¹⁹

Further in *Politics* Aristotle elaborates on the conception of distributive justice as the proper share of power in the just state, *i.e.*, the state that serves the common good. “The end of the state is the good life, and these are the means towards it [...] Our conclusion, then, is that political society exists for the sake of noble actions, and not of mere companionship. Hence they who contribute most to such a society have a greater share in it than those who have the same or a greater freedom or nobility of birth but are inferior to them in political virtue; or than those who exceed them in wealth but are surpassed by them in virtue.”²⁰

Concerning the participation of masses (*demos*) in the decision-making, Aristotle applies the idea of proportionality (to their contribution to

17 *Ibid.*, p. 2639.

18 *Work of Aristotle, Politics*, 1952, 2015b, p. 2867.

19 “The words constitution and government have the same meaning, and the government, which is the supreme authority in states, must be in the hands of one [royalty, monarchy, kingship], or of a few [aristocracy], or of the many [constitutional government]. The true forms of government, therefore, are those in which the one, or the few, or the many, govern with a view to the common interest; but governments which rule with a view to the private interest, whether of the one or of the few, or of the many, are perversions.” *Ibid.*, p. 2868.

20 *Ibid.*, pp. 2872–2873.

“the political society”), awarding them political power, “(T)he difficulty which has been already raised, and also another which is akin to it – [...] what power should be assigned to the mass of freemen and citizens, who are not rich and have no personal merit – are both solved. There is still a danger in allowing them to share the great offices of state, for their folly will lead them into error, and their dishonesty into crime. But there is a danger also in not letting them share, for a state in which many poor men are excluded from office will necessarily be full of enemies. The only way of escape is to assign to them some deliberative and judicial functions. For this reason Solon and certain other legislators give them the power of electing to offices, and of calling the magistrates to account, but they do not allow them to hold office singly.”²¹

Concerning distributive or political justice, as a fair share of power in governing the state for the common good and in accordance with rightful laws, Aristotle speaks about proportionally equal participation in governments of those endowed with equal wisdom, knowledge, virtue, and unequal participation of those with unequal/lower merit. The main point is that in the best mixed government representatives of all classes (those belonging to monarchy, aristocracy, and democracy) take part in the government but only due to their merit, each without exceeding their own merit: “(I)t is evident that there is good reason why in politics men do not ground their claim to office on every sort of inequality any more than in the arts. [...] Whereas the rival claims of candidates for office can only be based on the possession of elements which enter into the composition of a state. And therefore the noble, or free-born, or rich, may with good reason claim office; for holders of offices must be freemen and taxpayers [...]. But if wealth and freedom are necessary elements, justice and valor are equally so; for without the former qualities a state cannot exist at all, without the latter not well [...]. But, what if the good, the rich, the noble, and the other classes who make up a state, are all living together in the same city? Will there, or will there not, be any doubt who shall rule? [...] Some persons doubt whether the legislator who desires to make the justest laws ought to legislate with a view to the good of the higher classes or of the many, when the case which we have mentioned occurs. Now what is just or right is to be interpreted in the sense of ‘what is equal’; and that which is right in the sense of being equal is to be considered with reference to the advantage of the state, and the common good of the citizens. And a citizen is one who shares in governing and being governed. He differs under different forms of

21 *Ibid.*, p. 2875.

government, but in the best state he is one who is able and willing to be governed and to govern with a view to the life of virtue.”²²

Just distribution of power, honor, political positions, money, and goods according to merits is also defined, as mentioned above, as equality for equals and inequality for unequals. However, already Aristotle relativizes the meaning of who are “equal” and “unequal” according to merits, because the meaning of “merits”/virtues/criteria for deserved honor and awards is differently estimated in different political orders – monarchy (excellence), aristocracy (prudence), democracy (freedom). According to him, the best and most just political order is the republican one, because there is a truly just distribution of power, honor, positions, in the sense that those with the most excellence have the most power and honor, and then those freemen belonging to less valuable citizens, and to *demos*, gradually have less power.

The unequal distribution of power and differentiated participation in decision making – accorded to the monarchic, aristocratic and democratic strata within the republican political order – represents the main meaning of distributive justice according to Aristotle.

The equality of all free citizens is one premise; another is the equal participation in the highest levels of government of those with the most excellence (monarchical element), then equal participation of those with prudence and knowledge (aristocratic element), in less important and lower levels of government, and, finally, equal participation of *demos* in the least important levels of government. Mutually unequal social strata participate proportionally unequally in government, but those belonging to the same social strata take part equally in the proportional distribution of power. Justice means that all participants in political decision making are equal before the law as free citizens and are all expected to take part in politics, but are mutually unequal, due to the merit that belongs to their social strata from the point of participation in the political decision making.

In short, distributive justice in its core political meaning is rooted in Aristotle’s understanding “to each his due”, in a sense that all adult male freemen must take part in citizenship, political decision making, while all are *zoon politikon*, but those belonging to higher classes and endowed with wisdom, knowledge and virtues should participate proportionally more in the political decision-making than the common people.

In *Politics*, Aristotle most strikingly elaborates the conception of distributive justice as the proper share of power in the just state. In short, for Aristotle justice means that all participants in political decision making

22 *Ibid.*, pp. 2878–2881.

are equal before the law as free citizens, but are mutually unequal due to the merit of the political virtue that belongs to their given social strata.

However, women do not belong to political society and do not participate at all in any share of political virtue and decision making.

2.1. NO ROOM FOR WOMEN IN ARISTOTLE'S CONCEPTION OF JUSTICE

According to Aristotle, women were not subject to distributive justice (not being considered as political subjects, free citizens, *i.e.*, only males were freemen) nor commutative justice (not being considered as legal subjects). He sharply differentiated the political justice/“justice of the citizen” from “justice” in the private sphere (“the justice of a master”, “the justice of a father”, or “household justice”). “The justice of a master and that of a father are not the same as the justice of citizens, though they are like it; for there can be no injustice in the unqualified sense towards thing that are one’s own, but a man’s chattel, and his child until it reaches a certain age and sets up for itself, are as it were part of himself, and no one chooses to hurt himself (for which reason there can be no injustice towards oneself). Therefore, the justice or injustice of citizens is not manifested in these relations; for it was as we saw according to law, and between people naturally subject to law, and these as we saw’ are people who have an equal share in ruling and being ruled. Hence justice can more truly be manifested towards a wife than towards children and chattels, for the former is household justice; but even this is different from political justice.”²³

Due to the fact that free citizens are male adult born in the given polis, justice is a matter of the state’s acting toward citizens, freemen, and is a matter of mutual relations of adult male free citizens, and not slaves, children and women. The merit is connected with the qualities/virtues of the leading classes and freemen as a whole, and women are completely invisible and non-existent in that context.

3. PLATO – JUSTICE OF THE IDEAL STATE

Plato intended, as did Aristotle, to define justice as the main political virtue, related to polis and the (just) political order. However, when he had elaborated in *Republic* the sense and content of polis as a just political order, he reduced justice to the interrelations of the three estates. With his constructing the ideal state, which is just only if different

23 *Work of Aristotle, Nichomachean Ethic*, 1952, p. 2647.

estates fulfil different functions, the polis – as defined by the *demos* and free citizenship – disappears, while the *demos de facto* disappears (it is no longer proposed for the third estate to take part in political decision making, and thus it stops being part of the *zoon politikon/demos*).

In *Republic* a just political order is identified as the appropriate functioning of the three estates: the estate of the rulers, the estate of the guardians, and the estate of the producers. According to Plato, justice no longer has anything to do with equality, freedom and fair share in political decision making, as it had according to Aristotle. The freemen/free citizens/*demos* has expired, the *zoon politikon*, expressed in the political participation of all the citizens has been lost; the *demos* had been transformed into the third estate. Ideal state is characterized as just, as stated in book V of *Republic*, and its justice feature is derived from the norm that each estate carries out its purported functions.²⁴ Furthermore, private property is abolished and hence the private interests of the guardian classes are also eliminated. The best governed city is that “which is most like a single human being”.²⁵ The best governed city has been governed by philosophers, among which women of higher classes/governing estates can achieve the position of the philosopher queens.

3.1. “WINDOW OF OPPORTUNITY” FOR GENDER JUSTICE IN *REPUBLIC*

The “window of opportunity” for gender justice emerged in Plato’s theory of justice, which identified the just political order with the ideal city, the republic, in which each class/estate fulfills its purported function and in which the rulers are philosophers, who can be both female and male. Plato’s ideas about the abolition of property is interconnected with the abolition of the family, and the abolition of wifehood and the absolute minimization of motherhood, which had revolutionary implications for liberating women from the traditional patriarchal familial roles.²⁶ To be more precise, these revolutionary implications are related to the idea that women not only would enter the public political sphere but that could even hold top governing positions, as well as that the public–private dichotomy as a self-understandable patriarchal matrix has been seriously

24 Plato, 1961, *The Republic of Plato*, translated by Bloom, A., New York, Oxford University Press, 420b, 423e.

25 *Ibid.*, 372e.

26 Okin, S. M., *Philosopher Queens and Private Wives: Plato on Women and the Family*, in: Shanley, M.L., Pateman, C., 1997, *Feminist Interpretations and Political Theory*, University Park, Pennsylvania State University Press, pp. 11–31.

brought into question. However, in case of Plato, the price of both changes is the abolition of the family and the private sphere; he also adds the link between privacy and private interests and private property, and considers women and children as an element of private property, due to the fact that in patriarchal social roles, relations and structure, women and children represent a kind of a property of the husbands and fathers. The question is whether this solution is feasible at all, and an even more legitimate question is why the family and private sphere should be eliminated instead of reformed. In other words, why can't patriarchy be overcome, with its private-patriarchy dichotomy, without abolishing the family? Can't the family and privacy exist beyond patriarchal determination and its framework? Why would the family and private life be predestined to patriarchal molding? Is patriarchy and private-public dichotomy the only possible destiny, frame and mold for the family and private life? Is Plato's solution actually acceptable or does it offer fake alternatives – either the existence of the family within patriarchal privacy and private property without women in public life, or no family or privacy (and no private property for the guardian classes, for the sake of including women among political rulers).

Plato's theory of justice did not address the principles of equality, freedom, or especially fair share, but was linked to ideas of concert among the estates, harmony based on the absence of private property/the ideal of community of property, the elimination of private interests/possessiveness among the rulers/guardians, the unity of interests. The abolition of private property and the family, with its husbands, wives and children (as the subsection of private property) was proposed for the ruling classes/estates; only the ruling classes had the capacity to overcome selfishness (inborn among most human beings focus on selfish interests and private property), with the help of carefully planned education, while, on the other hand, it was beyond the capacities of the inferior classes in the ideal city.

The idea of female rulers, the philosopher queens, comes as a direct consequence of the abolition of private property, which also meant the consequential abolishing of the (patriarchal) family. In book V of *Republic*, the common good has been secured as the major aim of the city, by abolishing private property and the private interests of the guardians, so that their rule would be entirely focused on the welfare of other citizens, and the consequence was the abolition of the family (as a private possession) for the guardian classes.

Within the ideal state, Plato considered guardians to be one family, with bonds of fraternal love among the rulers held together the ideal society of the republic as the political community. There is no more private

marriage and own children, communal childrearing leads to the elimination of maternity as a full-time occupation, and women can no longer be defined by their traditional role.²⁷

The guardian class as a whole must share the governing function. Therefore, the difference in procreative function between the sexes is no longer relevant and does not represent an obstacle for women to play an equal role in the ruling class. Women are weaker physically, but individual members of both sexes are capable of performing all the functions needed in the city, insofar as the “philosopher monarchs” can be women as well as men.²⁸ What is revolutionary in Plato’s statement is that women are relieved from the traditional role and are considered as equally capable of fulfilling many roles outside of the traditional domestic sphere, furthermore, they are capable of being the highest ranking rulers, philosopher monarchs/queens.

However, Plato’s “revolutionary” assumption about philosopher queens, female guardians, has a threefold patriarchal background. Firstly, female persons, daughters and wives, were considered as the private property of their fathers, brothers, husbands (depending on the context), and as was the case in Aristotle, in Plato’s case, the starting point was that women were considered private property, and deprived of an independent political and legal status. Secondly, abolishing the family in Plato’s case had not only a revolutionary but also a traditionalist inspiration: traditionalist, because Plato accepted the real state of affairs framed by the patriarchy in the polis, that women were the possessions of men, either of their fathers or their husbands possession; revolutionary, because Plato proposed only for the ideal state to separate biological femaleness, *i.e.* the palpable and inevitable biological differences between sexes related to procreation (pregnancy, lactation, and a degree of difference in physical strength), from the conventional female sex roles, and enable women to be equally rulers like men. Thirdly, Plato’s ideas about abolishing private family life

27 *Ibid.*, p. 19.

28 “This argument, simple as it seems, is unique in the treatment of women by political philosophers, and has revolutionary implications for the female sex. Plato’s bold suggestion that perhaps there is no difference between the sexes, apart from their roles in procreation, is possible only because the requirement of unity among the ruling class, and the consequent abolition of private property and the family, entail the abolition of wifehood and the absolute minimization of motherhood. Once the door is open, the possibilities for women are boundless. The annihilation of traditional sex roles among the guardians is total – even the earliest childcare is to be shared by men and women. Plato concludes that, though females as a class are less able, the best of women can share with the best of men in the highest functions involved in ruling the city. The ‘philosopher monarchs,’ as they should always have been called, were to include both sexes.” *Ibid.*, p. 20.

were based on the fact that in the real polis, the sexual life within the family was reduced to a procreation, while *eros*, *i.e.* affection and emotions, were primarily outside of the family, furthermore linked to the prevailing homosexual *eros*, as a part of men's "privacy", which remained outside of their families.²⁹ Emotions were outside of the family and procreative sex, and, insofar, abolishing the family and privacy did not actually mean a serious emotional deprivation.³⁰ In short, the patriarchal background of Plato's "revolutionary" ideas was that the family had to be abolished in order to open space for women to be equally rulers as men, meaning that the family had by default been constructed in a patriarchal manner, and could not be differentiated from that. Because it could not be other than the patriarchal family and it could not be reformed, it had to be abolished. Erasing the public–private dichotomy was only possible by eliminating the private/the family within this kind of mindset.

Reforming the private and the public sphere for sake of fairly sharing family duties and public freedoms and obligations between females and males is hardly imaginable for Plato. "Revolutionary means" in Plato is the suspension of the family; reforming it far from conceivable. It is, however, also far from imaginable for many contemporary thinkers and policy-makers to differentiate the family from the traditionalist/patriarchal family, and to conceive the need for reforming the family and genuine revolutionary alternatives/reformed family modalities.

Concerning Plato, it should be kept in mind that in his other dialogues he considered women prevalently in a patriarchal manner, like when he asserted that the female sex had been created from the souls of the most wicked and irrational men, or that women were "by nature" twice as bad as men.³¹

Plato keeps to a certain degree high estimation of women in *Laws*, although the highest offices are reserved for men, and women are considered to a great extent as legal minors, like in the real Athenian polis. "Besides not being eligible to own property, they are not allowed until the age of forty to give evidence in a court of law or to support a plea, and

29 *Ibid.*, p. 17.

30 Interlinked also with the abovementioned patriarchal background, the wives of Plato's contemporaries "were valued for silence, hard work, domestic frugality, and, above all, marital fidelity". Adultery and sanctions existed only for women; on the other hand, women were reduced to mothers and housewives, they were not educated and were not permitted to experience life, culture, intellectual stimulation outside the household. "Accordingly, it was almost impossible for husbands and wives to be either day-to-day companions or emotional and intellectual intimates." *Ibid.*, p. 15.

31 *Ibid.*, p. 11.

only if unmarried are they allowed to bring an action. Women, especially if married, are still to a large extent *femmes couvertes*.”³²

In *Laws* Plato assumed that only differences in rearing and education between the two sexes practically led to differences in their subsequent abilities and achievements,³³ and that the legislator should proclaim same education, training, and civic duties for both sexes.

Plato did keep seeds of better consideration of women than Aristotle and better compared conditions in the polis to real life, even in *Laws*, for example with ideas that education of kids does not belong to mothers, that meals are communal for women, that extramarital intercourse is punished equally for both sexes, with proposed divorce laws that were more equal than in the real life. In addition, “the female sex must share with the male, to the greatest extent possible, both in education and in all else.”³⁴

However, attributing a certain high esteem to women even in *Laws* had been in contradiction with the main line of argumentation in this latter book. A high esteem of women could not persist consistently within Plato’s theory of the second-best state, while the reviving and reintroducing of private property was on the agenda, and, consequently, the reviving of marriage and the family. Revived private property meant also a revived identification of women and children with other possessions/private property, and revived patriarchal private–public dichotomy. Women were private wives and were treated as property rather than as persons. Marriage was compulsory for both sexes, but the male person decided who would marry, while the female person was “given” in marriage.³⁵

Plato clearly could not affirm equal capacities of women in *Laws* like as in *Republic*, because the returning of the private property led to reviving of the traditional family and conventional female roles.³⁶ As Okin presumes: “Despite all his professed intentions in the *Laws* to emancipate women and make full use of the talents that he was now convinced they had, Plato’s reintroduction of the family has the direct effect of putting them firmly back into their traditional place.”³⁷ The striking difference between the roles of women in *Republic* and *Laws* appears due to the abolition and later the reinstatement of private property and the family.³⁸

32 *Ibid.*, p. 25. (Okin refers to Plato 1926, *Laws*, translated R.G. Bury, Cambridge, Massachusetts, 937a-b.)

33 *Ibid.*, p. 22.

34 *Ibid.*, 805c-d.

35 *Ibid.*, pp. 22–26.

36 *Ibid.*, 740a-c.

37 Okin, S. M., 1997, p. 27.

38 *Ibid.*, p. 28.

Once again, Plato's "revolutionary ideas" have been limited by the mainstream patriarchal understanding of the family, the private–public dichotomy, and the predefined patriarchal female roles in the family and the private sphere.

4. FEMINIST CRITIQUE OF THE JUSTICE DISCOURSE

Traditional political philosophy and conceptions of justice had been defined by the political and legal devaluation and invisibility of women, due to the cultural and political domination of the patriarchal system of values and social relations. The male patriarchal culture within traditional political philosophy had therefore been present in terms of the sharp dominance of male authors as well as in terms of invisibility of women within the political philosophy discourse. Discussions on justice throughout the history of political theories had been related to assumptions about the domination of men over women being natural and inevitable in the family and private sphere and insofar irrelevant for justice as a matter of the public sphere. As elaborated above, Aristotle's legacy has been paradigmatic in that context.

As already mentioned, traditional political philosophy, as well as a great majority of contemporary political theories consist, generally speaking, of writings by men, for men, and about men. Not only was the whole traditional political philosophy in the mentioned track, but the same track persists – dominantly, comparatively speaking – also in contemporary political theories of justice.³⁹

Modern and contemporary political philosophy have evolved in their categorical discourse due to the epochal civilizational step forward toward principles and values of universal human rights and universal equality of all human beings. Modernity introduced the ideas of political emancipation, and broadened horizons of equality for women, influenced by political revolutions, the industrial revolution of the 18th and 19th centuries, and other factors (such as the two world wars, mass education, development of the international law of human rights, etc.).⁴⁰

The starting point should be linked with the New Age theory of natural rights. D'Entreves⁴¹ constructively points to the revolutionary char-

39 For more about the topic see Vujadinović, D., *Feminist Reconsideration of Political Theories*, in: Vujadinovic, D., Cuvillo, A. A. del, Strand, S., 2023a, *Feminist Approaches to Law – Theoretical and Historical Insights*, Springer Nature Switzerland, Springer Cham, pp. 1–31.

40 See Vujadinović, D., 2023a, pp. 1–30.

41 D'Entreves, A. P., 2009, *Natural Law – An Introduction to Legal Philosophy*, 8th ed., New Brunswick, Transaction Publisher.

acter of the theory of natural rights of the 17th and 18th centuries, in the sense that a discontinuity occurred with 2,000 years of tradition of natural law theories, when the combination of rationalism, individualism and radicalism was expressed in the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen, with proclaiming the natural, unalienable and sacred rights of men. This represented the end of one epoch and the beginning of the modern Europe.⁴² The French Declaration implies rationalism (natural laws are unquestionable principles) and individualism (unalienable rights of individuals are on agenda).⁴³ His explanation of the revolutionary step forwards is based also on the argument that the modern theory of natural law becomes the theory of natural rights/rights of individual citizens.⁴⁴

After the New Age theory of natural rights and articulating rights of man during and after the civic political revolutions, the 20th-century political theory and international politics and law have brought to life the articulation of the concept of human rights. The United Nations proclaimed the Universal Declaration of Human Rights in 1948, while the Holocaust experience triggered the new focus of international law on the protection of individual human rights.⁴⁵ Additional steps forward in the meaning of human rights occurred in the 1970s, with the explicit announcement that human rights were considered the global and central focus of international law.⁴⁶

Regarding women's human rights, there had been no automatism in considering them in the mentioned context of the revolutionary steps forward within the New Age theories of natural law, the declarations' premises of rights of man and citizen, and even contemporary theories of human rights. Namely, the horizons of women's equality were then opened in principle, but not in practice, necessitating the long struggle for their rights. Women's rights were invisible in the US Declaration of Independence and it took a long time, from 1776 up to 1920, before women were granted an equal right to vote in the United States (with African Americans achieving this right only in 1965).⁴⁷ The same is true for the French Declaration of the Rights of Man and the Citizen, as it also took France a

42 *Ibid.*, p. 51.

43 *Ibid.*, p. 52.

44 *Ibid.*, p. 61.

45 Vujadinović, D., Human Rights: A Dworkinian View, in: Jovanović, M., Vujadinović, D., (eds.), 2013, *Identity, Political and Human Rights Culture as Prerequisites of Constitutional Democracy*, The Hague, Eleven International Publishing, pp. 95–117.

46 Moyn, S., 2010a, *The Last Utopia – Human Rights in History*, Cambridge, Harvard University Press; Myon, S., 2010, Human Rights in History, *The Nation*, 11 August. See also: Beitz, C. R., 2009, *The Idea of Human Rights*, Oxford, Oxford University Press.

47 <https://www.history.com/topics/black-history/voting-rights-act>

long time to recognize women's right to vote – from 1789 until 1944.⁴⁸ Women had to struggle seriously, persistently and strongly for the recognition of women's rights as human rights.⁴⁹ Patriarchal legacy had been and has been strong and the invisibility of women persists in real life spontaneously as well as by the intention of male dominated centers of power throughout the premodern, modern and contemporary periods.

Seemingly, the patriarchal legacy of the political and legal invisibility of women, as well as of their devaluation and reduction to the private sphere, have been persistently kept on to a significant extent also in both contemporary political philosophy and contemporary legal and political practice. This reproducing of patriarchal patterns within both (separately or converging) biased mainstream mindsets and biased political and legal practices comes from the fact that the patriarchal legacy has been kept on up to the present through the reproducing of the “old patriarchy”⁵⁰ and the producing of the “neo-liberal neo-patriarchy”⁵¹.

Namely, the modern and contemporary times have been designated by the so-called dialectic of patriarchy and emancipation, which means that emancipatory tendencies have been present globally as well as locally, but at the same time elements of patriarchy have existed globally and locally as well. More exactly, elements of both mutually contradictory civilizational tendencies, *i.e.* of intersectional gender-based discrimination, on one hand, and overcoming of particular power relations and sources of discrimination, on another, have been present within each individual human being, each social relation and/or event, each local and/or global political, social, economic, cultural framework. The mentioned dialectic within gender (in)equality issues always has concrete historical and intersectional manifestations depending on the historical, political, cultural, legal, socioeconomic context.⁵²

Modern and contemporary theories do contain emancipatory ideals of universal human rights, equality, liberty, justice, democracy – which could or should have been interpreted in a gender competent manner. However, their capacity for deconstructing and critically overcoming patriarchal heredity in values and ideals has often been lost in their underlying “male-dominated” articulation of allegedly universal ideas. Sometimes,

48 *Ibid.*

49 See for example: Offen, K., 2000, *European Feminisms, 1700–1950: A Political History*, Redwood Press, Stanford University Press.

50 Vujadinovic, D., 2023a, p. 4.

51 Campbell, B., 2013, *End of Equality – The Only Way is Women's Liberation*, London, New York, Calcutta, Seagull Books; see more in: Vujadinovic, D., 2023b, pp. 16–18.

52 *Ibid.*, pp. 23–26.

authors of very progressive constitutional theories, theories of democracy and human rights, continue by some sort of the “routine” to use the discourse of human rights and constitutional principles in a universal manner, which, however, contain male-dominated implications while keeping the invisibility of women’s rights and gender (in)equality.⁵³

The difference between the past theories of justice and the new ones, as already mentioned, is that the former differentiated women from men and devalued women biologically and politically. The new theories try to avoid this kind of differentiation by using false gender-neutral language, or the notions “he or she”, “men and women”, “persons”, “self”.⁵⁴ The categorical apparatus with essentialist characteristics has been expressing the West-centric worldview of white, male, middle/upper class political subjects behind universal and allegedly neutral concepts, including the category of justice.⁵⁵

Contemporary theories of justice too often ignore the political issue of gender and family, and support this ignorance with falsely gender-neutral language, which hides male-dominated background ideas and reality. As Okin elaborates: “The judgement that the family is ‘nonpolitical’ is implicit in the fact that it is simply not discussed in most works of political theory today. In one way or another, [...] almost all current theorists continue to assume that the ‘individual’ who is the basic subject of their theories is the male head of a fairly traditional household. Thus the application to relations between sexes, or within the household, is frequently, though tacitly, ruled out from the start.”⁵⁶ As Okin states, this kind of idea has been typical for contemporary theories of justice, and they refuse to “recognize the family as a political institution of primary importance” in spite of the fact that there is “the wealth of feminist challenges to their assumptions.”⁵⁷

The theories of justice developed from the 1970s onwards exposed a lack of awareness of gender justice in the general framing of justice. Gender justice is almost entirely absent from the liberal takes on justice, such as Bruce Ackerman’s *Social Justice in the Liberal State*, Ronald Dwor-

53 Vujadinovic, D., 2023, p. 4.

54 Okin remarks critically “[t]heir merely terminological responses to feminist challenges, in spite of giving a superficial impression of tolerance and inclusiveness, often strains credulity and sometimes result in nonsense. [...] Thus gender-neutral terms frequently obscure the fact that so much of the real experience of ‘persons,’ so long as they live in gender-structured societies, *does* in fact depend on what sex they are.” Okin, S. M., 1989, *Justice, Gender and the Family*, New York, Basic Books, p. 11.

55 *Ibid.*, pp. 10–14.

56 *Ibid.*, p. 9.

57 *Ibid.*

kin's *Taking Rights Seriously* and *Sovereign Virtue*, William Galstone's *Justice and the Human Good*, equally so from the communitarian theory of Alasdair MacIntyre's elaborated in *After Virtue* and *Whose Justice? Which Rationality?*, as well as from the libertarian theory, exemplified in Robert Nozick's *Anarchy, State and Utopia* and Roberto Unger's *Knowledge and Politics* and *The Critical Legal Studies Movement*.⁵⁸

The fact that contemporary theories of justice, like the examples of theories of justice mentioned above, persist in ignoring family justice and gender justice seems strikingly and especially problematic when having in mind the already existent and persuasive postmodern feminist critiques, and even more having witnessed the existent family injustices related to issues of divorce, child custody, sexual harassment and family violence, which have become ever more visible and demand just solutions by the police, courts and society, and when also having witnessed gender injustices/gender gaps in all spheres of public life across the globe.⁵⁹

Moreover, there are modern and contemporary theories – such as neoconservative, neoliberal, far right doctrines and populist ideologies – that continue to promote either openly or implicitly patriarchal values and power relations, and confine women to traditional family roles, while gender inequality has been embedded in their basic structure of ideas.⁶⁰

5. GENDER JUSTICE WITHIN THE JUSTICE DISCOURSE

Concerning the mentioned general critical overview of contemporary mainstream political theories and theories of justice, it is even more important to mention the exceptional examples of theories that include issues of gender justice.

At first place, Rawls's⁶¹ theory of justice contains capacities for revisions of its categorical apparatus in a way to incorporate family justice into his understanding of justice as fairness. Namely, Rawls does take family into consideration within the "original position", but in these considerations he neglects the prevalent gendered division of labor within the family, along with the associated imbalances in the distribution of power, responsibility, and privileges. However, as already said, Rawls's theory of

58 See Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

59 Okin, S. M., 1989, p. 7. See more in: Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

60 *Ibid.*, p. 5.

61 Rawls, J., 1999 (1971). *Theory of Justice*, Cambridge, Belknap Press of Harvard University Press.

justice allows for a reconstruction from the critical feminist perspective, because the mere incorporation of the issue of family justice into the conception of justice as fairness (within the “original position”) represents a great step forward. In addition, to follow Okin in her argumentation, Rawls’s second principle of justice, the difference principle, opens the space for considering justice in the case of “the least advantaged” (vulnerable groups), and insofar opens the door to a feminist reconstruction of his theory of justice.⁶²

There are a few more mainstream political theories that have been the exception, taking gender justice within the justice discourse even more directly into consideration.

Michael Walzer’s communitarian theory⁶³ contains certain capacities for a feminist reinterpretation due to his so-called “separate spheres” criterion for justice, and especially his statement that it is wrong to perceive the contemporary family as separate from the sphere of distributive justice. The focus here is on the interrelation between family injustice and injustice toward women outside of the family, in the public sphere. Walzer states that an oppression over women is only partly situated in the family⁶⁴ because there is also “a kind of political and economic misogyny”. However, the initial roots of oppression are in the family, “[t]hus the denial to women of the right to vote, or to hold office, or to own property, or to sue in court, and so on. In each case, the reasons given, when anyone bothers to give reasons, have to do with women’s place within the family. So kinship patterns are dominant outside their sphere. And liberation begins outside, with a succession of claims that this or that social good should be distributed for its own, not for familial reasons”.⁶⁵ The radical change in the family will happen when women’s life stops being placed in the private sphere and when the private–public dichotomy, here captured by the old trope of separate spheres, is overcome.

Walzer achieves clear insights about the importance of overcoming the family oppression and injustice. However, he does not clearly recognize patriarchal power relations as the basic source of family injustice and he wrongly expects a spontaneous overcoming of family injustice and of the private–public dichotomy. Contrary to his spontaneity expectations, the needed radical changes in the family and private sphere require a

62 Okin, S. M., 1989, p. 103.

63 Walzer, M., 1983, *Spheres of Justice*, New York, Basic Books.

64 *Ibid.*, p. 239.

65 Walzer mentions that anti-suffragists had been against large-scale political participation of women in politics as it would introduce new forms of conflict, new calculation of interests into the kinship system. See *ibid.*, pp. 240–241.

well-articulated gender equality welfare state intervention as well as radical changes in the legal, political, economic, and cultural spheres.⁶⁶

Another relevant exception among contemporary political theoreticians of justice who takes into account gender justice in an even more explicit way than Walzer did, is Philip Green.⁶⁷ Within his proposed model of egalitarian democracy, similar to the social democratic welfare model of distributive justice, which is both political and social at the same time, Green elaborates ideas about overcoming gender inequality as the constitutive element of egalitarian democracy. He interconnects unequal division of labor in both economic production/reproduction and biological reproduction as sources of gender inequality/gender gap and gender injustice. Division of labor in both the economic sphere and the family/sex and biology, are taken as the specific source of gender inequality: “Democratic division of labor makes possible the bridging of the gender gap, but that will not happen automatically. Gender discriminations, unlike those which confront racial and other, similar minorities, have their origin neither in the division of labor in production, nor in invidious, exclusionary social practices; at least, not in those alone. Gender distinctions, rather, to some very significant extent, and most especially in contemporary capitalist societies, also have their root in the division of labor in reproduction.”⁶⁸

Green does not accept the argument of the public–private dichotomy in its simplified interpretation, because he believes that the hierarchy within the sphere of reproduction and the hierarchy within the sphere of production replicate each other, *i.e.*, both the private and public sphere have been generating gender inequalities, the gender gap.⁶⁹ He clarifies that even if there are no longer separate spheres for women and men in work, education, homemaking, and civic participation, if the division of labor in the sphere of reproduction is not overcome, women will still have one more obligation, which is always the source of their stereotyping by men and even by themselves.⁷⁰

The work–family balance is one of his focuses. Both parents should participate in the democratic division of labor in production and reproduction at the same time. “Just as shared parenting is necessary to make possible the equality of men and women, so communal responsibility for

66 Vujadinovic, D., Zaharijevic A., 2024 (forthcoming).

67 Green, P., 1985, *Retrieving Democracy*, Abingdon, Routledge.

68 *Ibid.*, p. 96.

69 *Ibid.*, p. 97.

70 Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

childcare, in some form, is required to make possible the equality of parents and nonparents, within the division of labor.”⁷¹

Besides his relevant ideas about sharing parental and childcare responsibilities and the implications for the restructuring of the family in many respects, Green points to violence as an inherent component of the patriarchal family, which should be eliminated by the proposed family restructuring and overcoming the patriarchal sexual division of labor and consequential devaluation of women.⁷²

For liberal feminist Susanne Moller Okin, patriarchy is the common root of women suffering injustice.⁷³ The patriarchal nature of the family and the ideology that surrounds it has influenced and determined all women, regardless of whether they live in traditional families themselves. This has had strong implications for the gendered nature of public life. Okin had to reject the main pillar of liberalism, the division between public and private, because of her insights about the mutual dependence of family injustice and public injustice.⁷⁴ For her, public injustice is only one dimension of injustice, which is always deeply rooted in family injustice. She made a crucial philosophical breakthrough in the justice discourse; however, her critical reconsidering of family justice is still limited to within the binary heteronormative form of the family.⁷⁵ In addition, her theory of gender justice has been limited to the family justice.

On the path of developing richer feminist conceptions of justice/gender justice, it is worth mentioning socialist feminist philosopher Nancy Fraser,⁷⁶ who combines the issue of justice and identity politics, the struggle for redistribution with struggles for recognition. Intersectionality in her approach is implied through explicit interconnecting principles of redistribution and recognition (justice discourse and identity politics discourse). The struggles for recognition are not counter-posed to the struggle for justice/redistribution; recognition injustices and redistribution injustices have been mutually crossed. According to her, the political-economic dimensions of gender-based discrimination and redistribution injustices are those related to the fundamental division between paid productive labor and unpaid reproductive labor, as well as the disparity

71 Green, P., 1985, p. 100.

72 Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

73 However, the recognition of this common axis “is not to deny or de-emphasize the fact that gender may affect different subgroups of women to a different extent and in different ways.” Okin, S. M., 1989, p. 7.

74 *Ibid.*, p. vii.

75 Vujadinovic, D., Zaharijevic A., 2024 (forthcoming).

76 Fraser, N., 1997, *Justice Interruptus*, Abingdon, Routledge.

within paid labor between higher-paid male-dominated and lower-paid female dominated public and domestic service occupations. On the other hand, the “cultural-valuation” dimensions of gender-based discrimination or “recognition injustices” are related to sexuality, subjection to androcentrism, masculinity, cultural sexism, devaluation of the feminine expressed in sexual harm, assault, sexual exploitation, domestic violence, stereotypical representation in the media, harassment and disparagement in all spheres of everyday life, attitudinal discrimination, exclusion or marginalization in public spheres and deliberative bodies, and denial of full legal rights and equal protection.⁷⁷

Fraser herself refuses to choose between class politics and identity politics, social politics and cultural politics, equality and difference, redistribution and recognition.⁷⁸ Her aim is to develop a critical theory of recognition in order to distinguish the claims for recognition – which advance the cause of social equality – from the claims for recognition – which undermine it.⁷⁹ For her intersectional approach the relevant struggles are those for identity and recognition of differences, which do not undermine the cumulative importance of gender-based class discrimination.

Fraser develops the discourse on intersectionality, and analyzes the so-called bivalent (combined) modes of differentiation, based on class and gender, and class and race. Bivalent collectivities are those oppressed collectivities that suffer injustice based simultaneously on political economy and culture. According to her, gender- and class-based discrimination require different remedies that are nonetheless interlinked, “they intertwine to reinforce each other dialectically because sexist and androcentric cultural norms are institutionalized in the state and the economy, and women’s economic disadvantage restricts women’s ‘voice’, impeding equal participation in the making of culture, in public spheres and in everyday life. The result is a vicious circle of cultural and economic subordination. Redressing gender injustice, therefore, requires changing both political economy and culture.”⁸⁰

According to Fraser, intersections of class, race, gender, and sexuality complicate the locus of struggle but also call for coalition building among social movements that are attempting to transforming deep structures of both political economy and culture/identities, in order to combine their powers and struggle results.⁸¹ Her intersectional insights differentiate

77 *Ibid.*, p. 20.

78 *Ibid.*, p. 3.

79 *Ibid.*, p. 5.

80 *Ibid.*, p. 21.

81 *Ibid.*, p. 32.

and combine aspects of gender-based class exploitation and racial discrimination, namely, redistribution injustice and racial divisions of labor (as applied onto exploitable and superfluous labor as well as concerning divisions within paid labor), which is combined with recognition injustice related to Eurocentrism and privileging whiteness, accompanied by cultural racism (devaluation and disparagement of people of color, particularly women of color).⁸²

In short, Nancy Fraser makes steps toward a more intersectionally conceived gender injustices in the public sphere, and her insights, however, could be advanced with inspiration coming from Green's interrelating of injustices in the spheres of economic reproduction and biological/family reproduction, as well as with Okin's groundbreaking and landmark-pointing to the importance of family justice for justice in general.

Iris Marion Young⁸³ advances feminist thought on justice beyond liberalism, socialism, and multiculturalism. She goes beyond Okin's conflation of all forms of oppression with patriarchy, and Fraser's bivalent model of recognition and redistribution. For her, there are at least five different faces of oppression that cannot be further reduced: exploitation, marginalization, powerlessness, cultural domination, and violence.⁸⁴ Her conception of social justice does not have an exclusive focus on gender but encompasses gender-based oppression in an all-encompassing intersectional⁸⁵ approach. Concerning exploitation, like Fraser, Young points to the division between paid and unpaid work within production/family reproduction, and to gender pay gaps within production work. Concerning marginalization, she tackles all groups of individuals who are "useless" from the viewpoint of a work-oriented society, such as the elderly, unemployed, single mothers, the disabled, young unemployed members

82 *Ibid.*, p. 22.

83 Taken from: Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

84 Young, I. M., Five Phases of Oppression, in: Heldke, L., O'Connor, P., (eds.), 2004, *Oppression, Privilege, and Resistance: Theoretical Perspectives on Racism, Sexism, and Heterosexism*, Boston, McGraw Hill, pp. 37–63; Young, I. M., 2011, *Responsibility for Justice*, Oxford, Oxford University Press.

85 The biggest contribution in developing discourse of intersectionality, as an analytical tool for understanding gender-based multiple discrimination/oppression and for understanding implications of social injustices and cultural injustices for gender injustice, could be attributed to Kimberlee Crenshaw and Patricia Hill Collins. See Crenshaw, K., 1989, Demarginalizing the Intersection of Race and Sex: A Black Feminist Theory and Antiracist Politics, *University Chicago Legal Forum*, pp. 139, 139–167; Crenshaw, K. et al., 1995. *Critical Race Theory: The Key Writings that Formed the Movement*, New York, New Press; Hill Collins, P., Bilge, S., 2016, *Intersectionality*, Cambridge, Polity Press; Hill Collins, P., 2019, *Intersectionality as Critical Social Theory*, Durham, Duke University Press.

of minority groups, and native people.⁸⁶ Powerlessness refers to all those who do not truly participate in decision-making, as well as all those who are invisible, silenced, and unaware of their suppressed capacities and their vulnerability to manipulation and indoctrination. Powerlessness in the case of gender-based social injustice has all of the mentioned features, shaped by patriarchal heredity both in the private and public sphere. Cultural imperialism, in the sense of taking the culture of the ruling class and global centers of power as the norm, affects women of different races across the globe. Thus, the fight against cultural imperialism encompasses issues of redistribution and recognition, combining social justice and gender justice, within an intersectional approach. As such, it has become a hot topic in critical feminist race theory, Global South feminism, and anti-colonial feminist theory, but also in self-reflexive Western feminist theories, which attempt to overcome the West-centric, white, and middle-class oriented mindsets.⁸⁷ The fifth source of oppression, violence, is the most obvious and visible form of oppression. Gender-based violence has been existent and persistent even within the most democratic societies and among white people's higher classes, well-educated individuals and partnerships; it affects in even sharper manner, however, women and vulnerable/marginalized groups in the contexts of gender-based discrimination multiplied with discrimination based on race, class, ethnos, sexual orientation, age, ability, etc. Hate crimes and sexual violence represent prevalent examples of violent oppression.⁸⁸

Young's analyses related to social inequality and powerlessness are complementary with Collins and Bilge's interpretation of global social inequalities from the viewpoint of power relations that emphasize intersections of neoliberalism, nationalism, and capitalism, and offer deeper and more robust interpretations of global social inequalities.⁸⁹

Young's analysis of gender-based violence can be also complemented with Beatrice Campbell's⁹⁰ ideas, which point to root causes of gender-based violence in the power relations based in "old patriarchy", accompanied by "neoliberal neo-patriarchy".⁹¹ Power relations, rooted

86 *Ibid.*, p. 53.

87 Vujadinovic, D., Zaharijevic, A., 2024 (forthcoming).

88 *Ibid.*

89 Hill Collins P., Bilge, S., 2016, *Intersectionality*, Cambridge, Polity Press, p. 26.

90 Campbell, B. 2013, *End of Equality – The Only Way is Women's Liberation*, London, New York, Calcutta, Seagull Books.

91 Notion of "neoliberal neo-patriarchy" is used to encompass the general issue of reproducing patriarchy differently in different concrete historical contexts of the modern and contemporary times, and to point out the phenomenon of reproducing patriarchy within neoliberal globalization in different concrete historical mo-

in the devaluation of women and possession of women, have been the patriarchal source of gender-based violence. Neoliberal modalities of reproducing “old” and “new” patriarchy have been boosting gender-based violence, both globally and locally. As Cambell states: “Geographies of violence make spectacular appearances in the neoliberal, neopatriarchal era. For every great city there is a slum or a war zone that the world’s great places depend upon and determine. For millions of people, new times and new democracies mean insecurity, violence and death, with states, social elites, and subalterns employing violence, as mechanisms of control or of coping with the consequences of neoliberal policies. Violence is not an evidence of failure but of a way of functioning. Violence splatters everyday life. [...] Armed conflicts proliferate. [...] Modern warfare is a riot of insurgencies and counterinsurgencies, rupturing distinctions between public and private, soldier and civilian. A priority for militarism [...] is how violent masculinities are made and maintained. The product is terror, rape, plunder and predatory ‘trade’ and smuggling. Violations of human rights are not side effect but the decisive methodology. [...] ‘Humanitarian imperialism’ left Afghanistan the worst place in the world for a woman [...]. Crime and proliferating armed conflicts can be seen as a neoliberal paradigm: free trade unfettered by social responsibility, organized by uncountable fraternities of police, militias and mafia. The most violent regions of the world are associated with the privatization of the public sector, policing and security.”⁹²

The biggest contribution in developing discourse of intersectionality as an analytical tool for understanding gender-based multiple discrimination/oppression and for understanding implications of social injustices and cultural injustices for gender injustice, could probably be attributed to the representatives of critical race feminism Kimberlee Crenshaw⁹³, as well as Patricia Hill Collins⁹⁴ and Irma Bilge.

dalities, but generally with indications about essentially threatening the achieved improvements and achievements in regards to gender (in)equality in economic, political, legal, cultural sphere. The title of the book, *End of Equality*, implies the notion of worsening trends of the state of women’s patriarchal subordination and multiple discrimination within the new forms of patriarchy in the neoliberal era. For arguments about worsening trends in this context in Britain, South Korea, India, China, etc., see *ibid.*, pp. 19–53.

92 *Ibid.*, pp. 55–61.

93 See, for example: Crenshaw, K., 1989, pp. 139, 139–167; Crenshaw, K. *et al.*, 1995. *Critical Race Theory: The Key Writings that Formed the Movement*, New York, The New Press.

94 Hill Collins, P., 2019, *Intersectionality as Critical Social Theory*, Durham, Duke University Press.

Collins and Bilge point to an importance of intersectionality as an analytical tool for understanding power plays, differentiated into five modalities: interpersonal domain of power, disciplinary domain of power, organizational domain of power, cultural domain of power, and structural domain of power.⁹⁵ They also elaborate six core ideas of intersectional framework: social inequality, power, relationality, social context, complexity and social justice. They accentuate that power relations are expressed in sexism, exploitation, racism and mutual crossing of different domains of power. Complexity means intertwined social inequality, power, relationality and social context, and the result is multiple social injustice⁹⁶ – accumulation of gender/class/race-based redistributive injustice and gender/sex/sexual orientation/culture/ethnos/age-based recognition injustice.

6. CONCLUDING REMARKS

The mentioned theories focus from different angles but in a mutually cumulative manner on the ideas about the importance of gender justice for justice in general. The mentioned ideas about different dimensions of gender justice can serve as the basis for summing up and outlining the meaning and essential importance of gender justice for justice as such. In other words, they can serve as the repository of crucial gender equality dimensions of justice theory and practice, or as guidelines for further development of contemporary theories of justice.

In order to open a new “window of opportunity” for gender justice, it is not necessary to abolish family and private sphere as in Plato’s case. Instead of abolishing the family, it is necessary to transform the family, as proposed by Green, in order to overcome its reduction to the patriarchal traditional family and to advance gender equality in both the private and public sphere. With advancing emancipatory tendencies, the family becomes more and more based on the fair share of obligations to the household, caring for children and elderly members, based on mutual respect, autonomy and power balancing instead of hierarchy and subordination, plus more developed social system of care for children and elderly members. With the eventual diminishing of the “old” patriarchy sources of violence, the family has been gradually losing inherent causes for being violent by default. However, the intersection of neoliberalism, nationalism, and capitalism has boosted additional sources of violence, which have to be eliminated or diminished. The family does not need to be abolished,

95 Hill Collins, P., Bilge, S., 2016, pp. 7–13.

96 *Ibid.*, pp. 25–30.

but rather transformed inherently by transforming the private and public sphere in accordance with the principles of fair share and equality, the rule of law and human rights protection, as well as the fact that certain elements of a traditional private sphere (such as reproductive rights, protection from gender-based violence, rape, sexual harassment, femicide, protection from human trafficking based on sex and sexual orientation) have become a matter of public scrutiny and public law.

According to this analysis, gender justice encompasses family justice but also has a wider meaning related to the fair share of rights, duties, competences, and power relations within the private and public sphere, among women, men and non-binary individuals.

Any contemporary theory of justice that disregards gender justice can be described as incomplete. Gender justice is about changing the world and its becoming the space where justice is really possible. Gender justice crucially questions the dichotomy of private and public and the binary patriarchal understanding of the family.

Gender justice entails overcoming gender-based intersectional oppression. Issues of patriarchy, redistribution and recognition are embedded within all forms of oppression – exploitation, marginalization, powerlessness, cultural domination, and violence. An intersectional understanding of gender justice means addressing and deconstructing intersecting gender injustice and injustice based on race, class, age, sexual orientation, etc., and combatting different aspects of power imbalances, marginalization and violence.

An intersectional understanding of gender justice aims to essentially advance the justice discourse and practice in terms of inter-connecting: 1) social justice, 2) recognition justice (inclusion, justice for vulnerable groups), and 3) binary and non-binary aspects of gender justice, and all of that within the transformative attempts related to the private/ public dichotomy.

Gender justice imposes the need for ending exploitation and the profound transforming of capitalism, overcoming intersectionally decoded gender-based power imbalances, and radically reducing violence both as wars and as gender-based violence (sexual harassment, sex trafficking, femicide, rape as a war crime and a crime within family and private life).

Gender justice conceptions tend to overcome West-centrism and cultural imperialism, and open up a space for understanding discrepancies between the Global North and Global South, in a self-reflexive manner. Eco-justice is also very much part of this debate.

Gender justice calls for reconsidering contemporary theories of justice so as to make them more inclusive, self-reflexive and appropriate, capable for corresponding to the struggle for redistribution and recognition, overcoming patriarchy, power imbalances, and violence.

Due to the above said, the accumulation of relevant insights and convergence of gender sensitive mainstream theories with most advanced feminist theories of justice, in terms of intersectionality, diversity and inclusion, contributes to creating the most prominent ideas on gender justice and justice in general. The synergy between the abovementioned mainstream political theories and feminist theories of justice could be ground-breaking and land-marking for incorporating gender justice into the justice discourse and for establishing the highest standards for the future relevant mainstream (*i.e.*, gender-mainstreamed) theories of justice.

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FEMINISTIČKA KRITIKA DOMINANTNIH POLITIČKO-FILOZOFSKIH KONCEPCIJA PRAVDE

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APSTRAKT

Cilj ovog članka je da se istraži odsustvo/prisustvo koncepcija rodne pravde u okviru dominantno prihvaćenih političkih teorija i da se ukaže na ključni značaj pravde u rodnim odnosima za teorije pravde generalno uzev, kao i za praktikovanje pravde. Prvi deo istražuje Aristotelovu koncepciju pravde i nudi feminističku kritiku. Platonova teorija pravde sadržana u *Državi*, sa idejama o ženama filozofkinjama vladarkama, predmet je istraživanja u drugom delu članka. U trećem delu se razmatraju predmoderne, kao i određene moderne teorije pravde, koje zadržavaju patrijarhalni model obezvređivanja žena u okvirima dihotomije privatno–javno, dok su u četvrtom delu prikazane neke od glavnih političkih teorija i feminističke teorije pravde koje prevazilaze dominantni model i afirmišu rodnu pravdu na načine koji međusobno konvergiraju. Zaključne napomene sumiraju ideje o ulozi rodne pravde za trasiranje daljeg filozofskog promišljanja pravde.

Ključne reči: Aristotel, Platon, pravda, patrijarhat, dihotomija privatno–javno, dijalektika patrijarhata i emancipacije, pravda u porodičnim odnosima, pravda u rodnim odnosima, intersekcionalnost.

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