

Envisioning Gender Justice

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More than a decade after the Fourth World Conference on Women in Beijing there is significant interest in reassessing how far the project of gender equality has progressed. According to a major review by the UN, the answers are at best ambiguous (UNRISD/UN 2005). Gender inequalities continue to be a reality, even as there is a less favourable economic and political environment for promoting equality today than that which existed ten years ago, despite the remarkable gains for women during this period.

The anniversary of the Beijing conference has led to heated debates regarding gender mainstreaming as the main strategy for promoting equality and advancing women's positions in and through development. Generally speaking, international experience with gender mainstreaming has not been positive. Despite some important advances, feminist aspirations for social transformation remain unfulfilled. For some, the failure of gender mainstreaming initiatives stems from its de-politicization, whereby it has moved from being a process of transformation to an end in itself pursued with solely instrumentalist intent. A central problem has been the difficulty of finding a fit between the technical project of mainstreaming gender equality in policy, programme and projects, and the political project of challenging inequality and promoting women's rights. A decade of 'gender mainstreaming' seems to have blurred the distinctive focus on transforming unequal power relations between the genders developed by both national and transnational women's movements.

The decade of the 1990s was a time of hope and achievement for the international women's movements, feminist activists and academics. The expansion of democracy, growth of social justice movements and particularly women's movements world-wide brought agendas of rights and justice to the forefront of international policy debates. The movements for gender justice in this period owed a great deal to the expansion of spaces where these demands could be articulated and debated; spaces that were opened up by international UN conferences in the 1990s on environment, human rights, population and women.

In the new millennium, however, the project of *gender justice* has been critiqued as being unsuccessful for several reasons. On the one hand, there is, as mentioned before, a less favourable economic and political climate for pursuing equality projects per se. On the other hand, gender mainstreaming, which represents the main strategy for pursuing gender equality through development, has lost its trustworthiness as a strategy for social transformation.

"What is clear is that from the very founding of women, gender and development the 'women's point of view' was not singular but heterogeneous and multiple. This continues to constitute a challenge to the dominant Western feminist will to enforce a gynocentric philosophy and practice, which centres and magnifies patriarchal power and marginalizes other vertical social relations" (Saunders 2002: 7).

It is in this context that the language of justice, rights and citizenship needs to be re-assessed by foregrounding the reality of power relations. This reminds us of the political nature of the project and focuses on the sites where struggles for equality are being contested.

Gender Justice

Contemporary discourses on *gender justice* have many different starting points: philosophical discussions of human agency, autonomy, rights and capabilities; political discussions involving democratisation and citizenship; and discussions in the field of law about judicial reform and practical matters of access to justice. Across these debates we find the same unresolved dilemmas: can absolute and universal standards be set for determining what is right or good in human social relations? How should the rights of the individual be offset against the needs of the family, the community, the ethnic 'nation' or the territorial state? (see Eisenberg/Spinner-Halev 2005). What is the appropriate role for the state and the international community in promoting *gender justice*?

Gender justice is often used with reference to emancipatory projects that promote women's rights through legal changes and women's interests in social and economic policy. However, the term is seldom given an accurate definition and is too often used interchangeably with notions of *gender equality*, *gender equity*, *women's empowerment*, and *women's rights*, which makes it difficult to pin down. Any concrete definition of *gender justice* is based on a specific political ideology, a set of convictions about what is 'right' and 'good' in human relationships, and how these desirable outcomes may be attained. Conventions about women's subordination to men and the family are often rooted in assumptions about what is 'natural' in human relationships. These perspectives on women's rightful subordination are legitimated by socially and legally embedded views on propriety. It is not surprising, therefore, that concepts of *gender justice* that seek to enhance women's autonomy or rights are contentious and provoke strong debates.

But this is not the only reason they are controversial. Different understandings of the means for achieving *gender justice* also impose competing roles and expectations on national and international actors. Therefore, on the one hand there is an implied minimal role for the state as a guarantor of basic liberties, whereas on the other there is space for an interventionist role

for states as well as an international system, so as to compensate for past injustices and provide concrete welfare benefits to those suffering from gender-based scarcities. Such varying interpretations of the role of governments and the public sector, and of the legitimate expectations of members of national 'imagined' communities or international 'virtual' communities, produce very different qualities of citizenship. As a result, the terms and conditions of membership of national communities, the entitlements and obligations of citizens, become part of the debate on the meaning of *gender justice* (see Yuval-Davis 1997).

Anne Marie Goetz (2007) contends that the term *gender justice* is increasingly used by activists and academics because of the growing concern and realization that terms like *gender equality* or *gender mainstreaming* have failed to communicate, or provide redress for the ongoing gender-based injustices from which women suffer. She shows that although discussions of gender justice have many different starting points they share similar, unresolved dilemmas. The philosophical considerations about human nature, rights and capabilities are linked to practical political and economic arrangements in order to establish entitlements that are attached to citizenship, and to the problems of blatant discrimination or hidden biases in the law and legal practice.

Goetz defines *gender justice* as the ending of, and the provision of redress for, inequalities between women and men that result in women's subordination to men. Seeing *gender justice* as outcome and as process helps differentiate between *what* is to be achieved and *how* it is to be achieved. *Gender justice* as a desirable goal implies access to and control over resources, combined with agency (the ability to make choices). As an ongoing process, *gender justice* brings an additional essential element: accountability, which implies the responsibility and answerability of precisely those social institutions set up to bestow justice. The constitution of gender injustices can be read from basic contracts (formal or implicit) that shape membership in a range of social institutions—the family, the community, the market, the state, and even the institutions of establishment religion. Understanding the ideological and cultural justifications for women's subordination within each arena can help identify how to challenge patterns of inequality.

Third world feminists have highlighted the significance of a situated and context-specific discussion on *gender justice*, citizenship and entitlement. There are several points of convergence in the concerns and themes in the international corpus developed in the fields of gender, law, citizenship and rights. However, there are manifest regional differences referring to theoretical orientation and empirical focus that reflect different histories and the particularity of contexts within which *gender justice* is framed. As a form of justice that pertains to the power

relations between the sexes, just gender relations refer both to simple equality between women and men as well as to equality that takes differences into account. The recognition of difference, however, in no way precludes the fact that equality remains a fundamental principle of justice and that in the letter and practice of law, all people are treated as moral equals.

Women's struggles for equal citizenship unfold a number of important characteristics. First, there is an alignment of demands for *gender justice* with broader campaigns for human rights and the restoration of democracy. Such issues were intensely felt in postcolonial and post-fascist countries. Second the renegotiation of ideas of active citizenship, whereby citizenship is seen as something that goes beyond a solely legal relation conferring rights on passive subjects, which implies participation and agency. And lastly, citizenship is understood as a process that demands overcoming social discriminations, which is alleged as being multi-dimensional, and entailing social, economic and political forms of exclusion (see Yuval-Davis 1997).

There has been significant disagreement among scholars as to the applicability and relevance of the concept of gender as socially constructed relations, which has led in consequence to debates on how *gender justice* can be defined. Those who question that unequal gender relations are a central feature of social and economic relations are more likely to take a less politicized definition of *gender justice*. They are more likely to adopt 'neutral definitions' such as 'empowerment of women *and* men', a phrase commonly found in agencies that have embraced gender mainstreaming. On the contrary, those who see unequal gender relations as being central seem to take an explicitly critical position that defines *gender justice* as being about overcoming women's discrimination and subordination. Regardless of these differences, common interpretations of *gender justice* pertain to fair treatment of women and men, where fairness is evaluated based on substantive consequences and not on the basis of a notion of formal equality that uses an implied 'sameness' standard. Moreover, fairness is evaluated at the level of inter-personal relations and institutions, whereby given a long history of gender hierarchy realignment of the scales in women's favour is undertaken. This is accompanied by inquiry into the randomness characterizing social constructions of gender (see also Butler 1990) and the need to take corrective action toward transforming society as a whole to make it more just and equal.

Feminists have questioned tight and linear definitions that approach citizenship as the straightforward, one-to-one relationship between state and the individual citizen. In contrast, conceptions of citizenship that take into account the fact that one's experience of citizenship is mediated by other markers of belonging, for instance on the basis of race, ethnicity, caste or

class are put forward. Feminist and gender studies have emphasized the importance of such a situated understanding of citizenship for women, and how crucial it is that any such analysis proceeds from an understanding of women's lived experiences.

"Principles of inequality influence and shape, in uneven ways, different subjectivities. They also extend further to structure, and be read from, such things as the 'doing gender' as it takes a cultural and institutional form" (Cooper 2004: 53).

The discussion on *gender justice* and citizenship discriminates between formal and explicit exclusions of women from full citizenship status. Here, formal citizenship is understood as the relationship between the state and the citizen, whereas substantive citizenship is that which goes beyond the limitations of formal politics and law to encompass the economic, social and political relationship between social groups and structures of power. Despite current revisions of constitutions in many countries the formal restrictions to women's citizenship seems still to be the norm rather than the exception. The exemption of customary and religious law from the prohibition of discrimination under the constitutions of various countries has meant that unfair rules persist, which pertain to access to resources. These are unjust to women and other less powerful members of the family and perpetuate often a situation where women are treated as legal minors.

Intersectionality

Current discussions on the issue of social justice are increasingly employing the model of intersectionality, which tries to explain and demonstrate how different forms of discriminations overlap and intersect and thereby produce 'marginalized' subject positions who are vulnerable to power structures in a very specific way (see Crenshaw 1995). Herein power is understood to have multiple sources and to take many forms even as these diverse forms of power interact, manifesting themselves in context-specific ways to produce particular conjunctures of oppression. This model helps challenge uni-dimensional, essentialist notions of power and violence and facilitates to rethink the issue of resistance.

An intersectional approach unfolds how *gender justice* includes unique elements that go beyond related concepts of justice in class or race terms, which complicate both its definition and enactment. First, women cannot be identified as a coherent group along with other sets of marginalized people such as ethnic minorities or socially excluded immigrants. Gender cuts across these and all other social categories, producing differences of interests—and conceptions of justice—between women. Second, unlike any other social group, relationships be-

tween women and men in the family and community are a key site of gender-specific injustice, and therefore any strategy to advance *gender justice* must necessarily also focus on power relations in the 'private context'. Third, patriarchal social relations produced in the private sphere pervade most economic, social and political institutions. Indeed, the term *gender justice* provides a direct reminder of this problem of institutionalized bias by prompting us that justice itself, in its conception and administration, is very often gendered, responding to a patriarchal standard derived from the domestic arena.

Dilemmas in defining gender justice

As a cursory re-evaluation of the main contemporary perspectives on *gender justice* shows, there is considerable dispute on key elements regarding the issue of *gender justice*. The debate addressed questions of minimum standards or levels of resource access by women; the cultural bias entrenched in notions of choice, agency and autonomy; the types of public policy needed to address and rectify gender injustices; and the locus of responsibility for addressing gender injustices. To elaborate: It is difficult to set the standards of *gender justice* against which we can assess whether social arrangements are gender-just or gender-unjust. The dilemma of whether absolute standards be set for universal application or should standards be appropriate to specific cultures and economic contexts remains unresolved. Further unanswered questions are: How can key elements of notions of *gender justice* such as self-efficacy or agency be quantified? Are concepts of rationality, choice and autonomy 'Eurocentric'? These are highly contested issues relating to debates in the legal field about the relative merits, relevance, and viability of abstract, impartial and formal legal systems, versus localized and informal legal systems immersed in community norms that are more directly meaningful to and acknowledged by common people.

What becomes clear despite the controversy is that there is more to *gender justice* than equal treatment, whether of women and men, or of different vulnerable women. Liberal remedies for inequality such as the lengthening of civil and political rights to marginalized groups do not produce equal levels of political participation and even less equal economic rewards for men and women, even when they have matching levels of human capital (educational qualifications and health status) and equal labour-force participation. That has prompted demands for affirmative action or reverse discrimination policies to compensate for historical exclusion. This raises debates about how far principles of justice must take into account human differences, debates about the gendered biases embedded in political and market institutions that limit women's capacities to profit from equal opportunities, or even 'unequal' special access

privileges. Debates about the role of public authorities in addressing inequalities in the private sphere are relevant here, as are debates about the obligations of states to protect rights by taking 'negative' steps (prevention of violence) as opposed to 'positive' measures (specification and provision of entitlements). The issue of equal outcomes as opposed to equal opportunities also relates to debate about 'substantive' versus 'procedural' democracy and about the status of distinctions between economic and social rights versus civil and procedural rights.

Where resources are scarce, basic welfare goods that are critical for the achievement of *gender justice*—such as basic education and health care, child care, or social security—may not be fundable from a poor country's own resources. If there is (ever) agreement on an international standard of human rights and gender justice, will this call for a basic global standard of welfare services? Will gender justice demand institutions that reach across borders, linking an account of gender justice to one of transnational economic justice? And last but not least, how can feminist politics be meaningfully transversal?

As Nira Yuval-Davis puts it: "Transversal politics might offer us [...] a way for mutual support and probably greater effectiveness in the continuous struggle towards a less sexist, less racist and more democratic society, an agency within the continuously changing political, economic and environmental contexts in which we live and act" (Yuval-Davis 1997: 132).

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ICTJ's Gender Justice program seeks truth, justice and accountability for gender-based human rights violations committed in the context of systematic abuse. Human rights violations can have unique consequences for women and others targeted because of their gender or sexual identity. ICTJ helps by providing tailored responses to fulfill their rights to justice and dignity. We stand with victims in seeking acknowledgement and accountability for sexual and gender-based violations committed in situations of systemic abuse.

Achieving gender justice to tackle poverty. Oxfam understands gender justice as the full equality and equity between women and men in all spheres of life, resulting in women jointly, and on an equal basis with men, defining and shaping the policies, structures and decisions that affect their lives and society as a whole. Further improvements in legislation and policy are necessary but not sufficient. Achieving gender justice is not only a matter of basic rights. It's also a key means of achieving fairer societies and overcoming poverty. The organization supports the gender justice movements to become driving forces in oppression. The AWID closely works with activists and policy makers worldwide to influence gender policies and practice. The organization envisions the world in which every person participates as an equal member of society, regardless of their gender, has access to quality reproductive healthcare and where any woman can take her own decisions free from discrimination and coercion. That making gender justice a reality is vital for bringing comprehensive change decisive for betterment of human life. As such, this essay is going to curse the past mischief, and advocates and plausibly argues the need for the conception of gender justice in our every walk of life. To cite this article. Alemnew Gebeyehu Dessie, *Envisioning Gender Justice in Our Hearts and Minds: A Promising Tool for Change*, Humanities and Social Sciences. Vol. 3, No. 5, 2015, pp. 177-184. doi: 10.11648/j.hss.20150305.13. Reference. Global Fund for Women envisions a world where movements for gender justice have transformed power and privilege for a few into equity and equality for all. Our feminism is rooted in intersectionality. We know that there is no gender justice without racial justice, queer justice, immigration justice, and climate justice. We define gender justice as the systemic redistribution of power, opportunities, and access for people of all genders through the dismantling of harmful structures including patriarchy, homophobia