

## Feminist Social Justice: Interruption toward Universalism, Abstraction, and Impartiality

**Abby Gina Boang Manalu**

Departemen Filsafat, Fakultas Ilmu Pengetahuan Budaya, Universitas Indonesia, Kampus UI Depok,  
Jawa Barat, Indonesia 16424

abby@jurnalperempuan.com

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### Abstract

This paper is a theoretical study toward the philosophical idea of justice that excludes the feminist perspective. Since Greek philosophy, the discussion of justice has been one of the central of social theories. The concept of justice is the center of moral and theoretical theory. The idea of justice becomes very important because it determines how the political, social, and economic practices in a society. The discourse of justice should be starting from the concrete situation of injustice. Ironically, various injustices rooted in gender discrimination often escape the analysis of mainstream justice theories. In society, sex and gender categories are intertwined with one's status, power, opportunity, and position in society. As a critique of the discriminatory mainstream justice discourse, this paper demonstrates the importance of accommodating the ethical principles of interactive universalism to ensure that justice is not deprived of the principle of caring. This paper finds that a feminist social justice approach is what is needed to respond to the current situation.

Keywords: feminist social justice, the other, intersectionality, interactive universalism

### Introduction

Every day, in many parts of the world, women face social injustice and discrimination. Women often experience violence, torture, and discriminatory treatment at home, the workplace, and the communities. Hence, gender-based injustice and discrimination should be recognized and examined in the discussion of social justice concepts and practices.

Kant's legacy of the mainstream theory of justice—Rawls believes that justice should be based on liberty and equality (Rawls 1971). By this view, everyone has an obligation to respect the liberty and dignity of others. With this idea, everyone has a responsibility to improve their capacity to pursue the life they want, based on what they think is the most important. Unfortunately, human dignity is often violated because of gender and sexuality (Benhabib 1992; Nussbaum 1999).

In many countries, including Indonesia, there are many women whose rights to liberty and equality are violated because of their gender and sexuality. In the context of land and forest access and governance, for example, Andi Pratiwi & Abby Gina's research on *Jurnal Perempuan* 103 entitled *Rural Women's Agency on Forest and Land Governance in The Midst of Change: Case*

*Study in Five Provinces* (2019) showed that there was a problem of inequality of women's access to land and forests due to their gender. The research showed that social structures—cultural values excluded the women from land access and governance. Also, the exclusion of women from resources stemmed from the assumption that affairs in the public sphere were the domain of men. The patriarchal bias made the subjectivity of women as citizens and as human beings doubted.

Gender bias has been a challenge for women's groups in obtaining legal recognition of their profession as fisherwomen. On *Jurnal Perempuan* 95 research on fisherwomen, Arivia & Gina (2017); Pratiwi & Gina (2017) argued that in the fisheries sector, the existence of women was not recognized. Given the fact that women physically work in the fishery, the fishery still belongs to masculine work. Hence, recognition from the community and country for women in the fisheries is still absent. Whilst, legal recognition is the basis of social security. In the case of fisher women in Morodemak and Dipasena, they have to struggle to be recognized as fisher women, not housewives.

The principles of justice in liberal tradition uphold equal respect for humans, but practically, throughout

the eras, violations of basic human rights due to sexual orientation, gender identity and expression happen when individuals or communities are not in a heteronormative matrix.

Sri Agustin, the Director of Ardhanary Institute (2021), on her research entitled *The Black Box* showed various crimes against women in their households due to their sexual orientations as LBT (Lesbian, Bisexual, Transgender). Agustin explained that there were LBT women who were forced into marriage by their families in order to follow heterosexual norms, some other cases showed that there were corrective rapes against LBT women committed by their families for the sake of the woman's sexual orientation. Rape is not about sexual relation, but about practicing violence. Rape is an exercise of power to dominate a woman's body with the intention of dehumanizing others (Griffin 1971). Ironically, the theory of justice in general is unable to see that these crimes and injustices are closely related to complex problems of oppression and discrimination.

The mainstream theory of justice, from Hobbes to Rawls, tried to design principles and procedures of justice whose starting point was the abstraction of the community's experience and interests of the protection of rights as a part of society. A number of achievements of the theory of justice were then used as the basis of policies, institutional practices, legal products, and so on. As a result, institutional practices that referred to the mainstream theory of justice failed to analyze the structure of social inequality caused by gender relations, thus often failing to provide justice for the most vulnerable groups. The mainstream theory of justice failed to recognize that a concrete situation and intersection of social identities could bring multiple social inequalities to a person or a community. Due to the insufficient coverage of the mainstream theory of justice, feminists then introduced a new justice that accommodates obedience and diversity of experiences of women and other marginalized groups.

The main feminist critique of the mainstream theory of justice relies on the idea of abstract subject, disembodied, out of context— historicity, and gender-neutral. Furthermore, feminists such as Philips (1993), Young (1990), and Benhabib (1992), view that the discussion of justice in the context of democracy is gender-blind. The mainstream theory of justice fails to explain that the patriarchal system of society has an asymmetric impact on women. Thus, feminist scholars work on some projects of justice through caring as an entry point of the involvement and recognition of the voice of the concrete other.

Seyla Benhabib, a Turkish-American philosopher, is one of the important thinkers who promote the feminist concept of social justice. Benhabib tries to bridge the principles of justice and ethics of care to inclusive justice. The idea of interactive universalism is expected to be a procedure that ensures justice by treating differences. According to Benhabib, the theory of justice must rely on an open and inclusive conversation. By this view, justice must involve engagement and dialogue between all parties. Apart from the monologic mainstream theory of justice, the feminist theory of justice is exercised in a dialogical manner in order to broaden understanding, recognition, and concern.

This paper narrates a number of feminists' ideas, one of which is Benhabib's interactive universalism as one of the social justice procedures. Feminist social justice approach ensures care; the understanding of the types of oppression; participation of concrete other; iterative dialogue, and activism. Participation and conversation are the keywords of feminist justice theory because open conversation always produces iteration<sup>[1]</sup> in society.

## Research Method

This research is a literature study rooted in the concept of "mainstream" justice from John Rawls (1921-2002). He was a political philosopher of the liberal tradition. In his writing entitled *Theory of Justice* (1971), Rawls designed the principles of justice to present a just society based on the ideas of liberty and equality. Rawls's thinking is an important achievement in the discourse of justice, however, in the spirit of universalism and objectivism, Rawls fails to accommodate the situation of inequality in society caused by the gender system. Rawls, like other mainstream justice theorists, established gender-blind principles of justice.

Using the method of critical reflection, this paper shows that feminists try to frame theories of justice by referring to concrete realities in society. By referring to the feminist theory of justice, especially Seyla Benhabib's interactive universalism, it is shown that there needs to be a new attitude in discussing justice. The concept of mainstream justice is derived from abstract subject (Kant's legacy) and universal subjects. This justice responds to injustice by focusing on legalistic procedures and policies in general. However, a number of studies have shown that injustice does not disappear or reduce only by inducing changes at the legalistic level but also by examining and revitalizing the core issue, culture, and meaning in society and civilization.

## The Concept of Social Justice

Justice is a core moral and political philosophy. The principle of justice is the basis for individuals to interact with others. The idea of justice is also very important as the basis for various social institutions that exist in society. Traditionally, the idea of justice is closely related to the concept of equality. In academia, the idea of social justice is closely related to John Rawls' thought (1971). Rawls' thought talks a lot about the basic structure of society.

For us, the primary subject of justice is the basic structure of society, or more exactly, how the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions, I understand the political constitution and the principal economic and social arrangements (Rawls 1971, p. 6).

The basic structure of society in Rawls' thought refers to social institutions that distribute rights—duties also determine the distribution of benefits from social cooperation. Furthermore, Rawls imagines that those who respond to or are involved with this basic structure are men. According to him, justice must be examined in this structure. In his theory of justice, he also states that the family is an institution where awareness and the justice system should be instilled in the individuals. In *A Theory of Justice* (1971), Rawls proposes the idea of the original position, the veil of ignorance, the principle (maximin)<sup>(iii)</sup> to ensure that everyone chooses rationally and in a structured manner that will lead to a situation of justice.

The original position principle in Rawls' theory insists everyone to think of a hypothetical position in which everyone has no information about themselves. By this view, everyone does not know their age, educational background, economic status, ethnicity, interest and talent, physical condition whether they are disabled or not, sexual orientation, gender, and the like, because they are behind the veil of ignorance. The information that a person knows is only about the existence of primary needs for a person to survive, namely; freedom; chance; income; and self-respect as a human being.

Among the essential features of this situation is that no one knows his place in society, his class position, or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance (Rawls 1971, p. 118).

According to Rawls, the subject in the original position and the veil of ignorance, will rationally choose the fairest choice—without bias in order to ensure that he or she is not harmed. Thus, according to Rawls the distribution of income, opportunity, and welfare will be fair. In a simple manner, Rawls insists us to imagine that every subject is in the same situation, abstract, and universal. For him, to ensure justice, elements such as information of identity and social context need to be eliminated because they will potentially bias someone's choice. In this regard, if someone is asked to determine what is good for the group, they will choose a biased background, biased culture, and so on.

Rawls in his theory of justice is very concerned with the issue of the distribution of basic needs. According to Rawls, the distribution can be carried out fairly by ensuring that the distribution process is carried out based on equal opportunity and the difference principle. Rawls argues that inequality occurs if this condition creates the greatest benefit to the least advantaged group. The difference principle is important to ensure that no one arbitrarily exploits the maximum benefit and to ensure that the most vulnerable group in society is protected. According to Rawls, society needs to adopt the difference principle if they want a situation where no one gains or loses arbitrarily in the distribution of social assets (Rawls, 1971, p. 102).

Rawls' thought was very progressive in his time because it took into account the difference principles. The different situation is described in idea of the generalized other. This idea is the forerunner to consideration of the aspect of justice in distribution. That is, he has noticed that in society, on the one hand, there are groups of people with privileges, but on the other hand, there are vulnerable groups that are less privileged. Rawls' theory of justice also has an important meaning because it has succeeded in framing a justice procedure. However, feminist scholars, in particular Benhabib (1992), criticize Rawls' original position. In particular, Benhabib views that in order to ensure inclusive justice, the idea of the generalized other is not enough, because justice in reality is very complex and requires a contextual response. The concept of the generalized other has opened the room for recognition of the existence of vulnerable groups but has failed to see that there is a much more complex type of inequality.

Rawls has tried to protect vulnerable and non-privileged groups in society through the concept of the generalized other<sup>(iii)</sup>, but the problem is, the standpoint of the generalized other is abstract. It is problematic,

especially when this ethical concept is being applied to policies or program plans of a country or social institution.

A number of feminist scholars argue that the justice theory approach which focuses on the generalized other is unable to see the gender structure that has already positioned women as a disadvantaged group. Furthermore, this theory is also unable to see that it is not only gender but also the intersection of gender with other social identities that can bring layered injustice to vulnerable groups. The idea of intersectionality which is currently a major concern of feminist groups is completely impossible to recognize, involve or accommodate in an approach based on the principles of classical liberalism originated from the abstract and universal subject.

### The Gender Blind Justice

The theory of justice is actually centered on questions about how and why people are treated differently. The theory of justice should question what the justification is if a person can be treated differently in social institutions such as law, tradition, values, and cultural practices. By focusing on this question, feminist scholars see that the gender category is very relevant and should be brought into the discourse of justice. Feminists narrate that in the long history of civilization, women's rights are limited. Also, women face a lot of restrictions formally and informally due to their sex. In the context of Rawls' phenomenal theory of justice, although there has been much progress, there is still a big problem because the feminists' agenda for equality and justice is not accommodated.

He fails entirely to address the justice of the gender system, which—with its roots in the sex roles of the family and with its branches extending into virtually every corner of our lives is one of the fundamental structures of our society. If, however, we read Rawls taking seriously both the notion that those behind the veil of ignorance are sexless persons, and the requirement that the family and the gender system as basic social institutions are to be subject to scrutiny, constructive feminist criticism of these contemporary institutions follows. So, also, do hidden difficulties for a Rawlsian theory of justice in a gendered society (Okin 1987, p. 65).

According to Susan Moller Okin (1946-2004), a feminist of the liberal tradition, Rawls' theory of justice fails to address the issue of justice in the gender system. Meanwhile, gender inequality in family institution is reproduced and spreads to almost all basic structures of society. However, Rawls considers that the people who are behind the veil of ignorance are human beings

without sex. However, for feminists, especially Okin, when it comes to family justice, it is a social institution that needs to be examined.

Rawls indicates on several occasions that a person's sex is a morally arbitrary and contingent characteristic, and although he states explicitly that the family itself is one of those basic social institutions to which the principles of justice must apply, his theory of justice fails to develop either of these convictions (Okin 1987, p. 45).

According to Okin, Rawls' idea of the subject of the original position behind the veil of ignorance is inconsistent and gender-biased. Because at the beginning of the conversation about family, Rawls assumed that the family institution was a fair institution built with a fraternity perspective. He imagined that the subjects involved in the discourse of justice were men. They talked to each other, and they made political moral choices. He saw that in the public decision process, the man as the head of the family was the representative of his family. A number of feminist scholars argue that this idea is problematic because it naturalizes that in the family institution, men are the ones who make decisions in the public sphere. This is why women's interests are often ignored in public decisions and policies; their voices are unheard.

According to feminist scholars, social, political, economic, legal, and cultural structures have positioned women in an unfair position (Kiss 2017, p. 487). Systematically, the naturalization of sex and gender in the social structure has positioned women as subordinate to men. The implication of the naturalization of gender norms in the social system is that the issue of discrimination and oppression against women is not considered as a form of social injustice. Oppression against women is considered a natural thing—an everyday problem.

In Rawls' theory of justice, Rawls clearly shows that the imagined subject involved in the social contract is a man. Ironically, this theory is inconsistent with the veil of ignorance which states that a person does not know his or her original position, sex, gender, and so on. However, it is built from the abstract subject of the man who is the head of the family.

Why is Rawls' subject a man? In the patriarchal tradition, there is a metaphysical assumption that men are autonomous subjects and are able to make rational decisions, so that they are entitled to be involved in the public sphere. While women are basically defined as disordered beings, not fully moral subjects, not having the capacity for reasoning like men, failing to grow in the Oedipal period, and so on, thus, making the credibility of

women as moral subjects who speak about public matters, and the justice has been questioned (Okin 1987, p. 43).

Gender inequality in the family, in relation to the gender division of labor, has an impact on the absence of equal opportunity as imagined by Rawls. The assumption is, everything related to women is part of the private sphere, thus, it is not the domain of law and policy. So, this theory of justice has problems with the main principle of feminism which advocates "the personal is political". Standpoint feminists believe that liberalism theories and movements that demand civil rights fail to accommodate injustice and oppression that occur in the personal sphere. Carol Hanisch (1970), a radical feminist, points that the idea of the personal is political brings personal issues such as domestic violence and injustice as political issues.

This framework is the basic reason why it is difficult to pass policies to regulate household affairs. For example, the process of promulgation of the Domestic Violence Bill, or currently related to the ratification of the Elimination of Sexual Violence Bill which alludes to domestic violence. There are still many patriarchal beliefs and practices that consider household affairs are not the public domain. Based on this logic, crimes in the private sphere are often considered private, thus, not a legal or state affair. Therefore, as a response to the theory of justice and civil rights movement that do not accommodate justice for women, feminist theory then examines the issue of social inequality against women due to the gender structure operates within the beliefs, moral practices, and methodological approaches to existing theories of ethics and justice.

### **The Ethics of Care as the Initial Step to Recognize the Voice of the Concrete Other**

Feminists' responses to the mainstream theory of justice vary. Some argue that the concept of justice which excludes women's voices and experience negates the principle of justice. Moreover, some others argue that at least another idea is needed to replace the word of justice. The idea of ethics of care brings women's experiences and aspirations into the discourse of justice theory. Many feminists radicalize, juxtapose, and substitute the idea of justice with the idea of care.

In response to the failure of "mainstream" theory of justice to accommodate the interests and experience of women, in 1982, Carol Gilligan's ethics of care demonstrated another way to respond to social problems. Gilligan is an American feminist, ethicist, and psychologist. If the mainstream ethics are built on reflection that has the nuance of fraternity, initially, the ethics of care has the nuance of maternity. The main contribution of feminism to the discourse of justice through the ethics of care is as a foundation of political recognition. The ethics of care theory brings the narrative of women's concrete experience into knowledge.

Gilligan's ethics of care (1982) is a response to Kohlberg's gender-biased theory of moral development. Lawrence Kohlberg, a psychologist known primarily for his research into moral psychology and development (1927-1987) as well as other misogynistic philosophers, viewed that naturally, there were essential differences in the way women and men reasoned and made moral decisions. Kohlberg stated that women could not achieve perfect moral development. Gilligan in his book entitled *In a Different Voice* responds to the idea not as incompetence but as a different capacity for reason.

In the ethics of care, Gilligan raises the idea that there are differences in reasoning between women and men. Women focus more on responsibilities than on the distribution of rights. For Gilligan, women's reasoning is based on context and narrative rather than formal and abstract models. It is like the idea of justice which is built on the foundation of rights and obligations. According to Gilligan, care is built on responsibility and relationships (Gilligan 1982, p. 19). This ethic is very concerned about the uniqueness and fulfillment of the needs of the other.

The ethics of care and justice possibly happen only when there is an attitude of empathy towards the other. It is important to rest on the idea that each other is built from a different concrete history, identity and affective structure. In short, the idea of care requires every moral subject to understand the needs of the other, including what motivates them, what they are aiming for, and what they want. This idea has become a solid foundation of the politics of recognition. The idea of care demands recognition of particularity. Then, the implication of recognition is being responsive to the needs of the other.

**Table 1.**  
**Comparison of the Principle of Justice and the Ethics of Care**

Principles of Justice	Ethics of Care
The issues and subjects discussed are abstract	The issues and subjects discussed are concrete
Subject has no sex (sexless)	Subject has sex
Universal	Particular
It examines injustice in the public sphere	It examines injustice in the private sphere
Equality	Equity
Rights-oriented	Responsibility-driven
Impartial	Partial
Distribution	Politics of recognition

Source: Jaggar (1995) & Kiss (2017), abstracted by the author

In feminism, several schools of thought argue that the theory of justice needs to be abandoned and replaced with other ideas, because it has a fundamental flaw; it fails to map the issue of gender inequality. Some thinkers argue that the notion of justice is no longer relevant and needs to be replaced by the principle of care (Noddings 1986). Nel Noddings is a feminist who focuses on educational theory and the ethics of care theory. Her idea of rejecting the concept of justice certainly receives criticism from non-feminists and feminists. Because the concept of care without clear principles and procedures has the potential to produce injustice. The theory of care without a clear distribution procedure produces ambiguity, such as there is no limit on who is the giver and the receiver, who can expect and demand care, how we distribute care to our own community or to the other. Another lack of the theory of care is how care relates to social responsibilities and benefits that have been regulated and discussed in social contract theory and mainstream theory of justice.

The idea of care— feminine ethic imagines that with the principle of interrelation, many social conflicts can be resolved by the principle of care. But this idea must be examined. Because this is only possible to happen when there is an understanding and cooperation from all parties, whereas in a social context, such situations are often not real (Sterba 1994).

Although it lacks in procedures, the idea of care has an important meaning in the discourse of justice, because it is an interruption that demands justice to be discussed in a concrete and not an abstract situation. The spirit of care is to present accommodative justice to the current humanitarian situation, which must have sensitivity, responsiveness, and empathy. Without accommodating this idea, feminists believe that the transformation of

society towards justice is impossible. It is proven that idea of the mainstream justice that is deprived of the involvement of women’s knowledge has failed to bring about good world order.

Project of modernism intensively discussed justice by referring to the social contract, but in that period of time, crimes against humanity, war, exploitation of humans and the environment, racism, and other social problems were flourishing. The main theory of justice ignored the diversity of human situations, the possibility of individuals and/or groups to become marginalized communities, and there were also sub-marginal groups as the most vulnerable groups. Then, feminist reflection based on concrete experience became the basis of advocacy for the recognition of differences and affirmative needs for vulnerable groups.

Based on the approach of care, a number of policy initiatives that are responsive to concrete situations have begun to be carried out. Therefore, the idea of ethics of care raises the questions of what kind of fair treatment should be done to those who are vulnerable and who will do the care job. Some of the theories of justice refer to Rawls’ (1971) difference principle which ensures that the most vulnerable groups are protected and benefited (maximin principle), but feminists detect that Rawls’ attention to iterating on the family structure, distribution of rights within the institution is very little, or nothing at all. Meanwhile, inequality in the most primary social institutions occurs in the family.

Disappointment among feminists towards the “mainstream” theory of justice is due to the negation of the experience of women, the experience of discrimination within the family institution, and the distinctive public-private sphere in the theory of justice.

The idea of mainstream justice thus turns a blind eye to a number of discriminatory phenomena in the family. In fact, to transform society into a situation of justice, the context of community needs to be identified, examined, and intervened. Life in the domestic sphere is the most subtle institution in building a society. At that point, injustice is perpetuating, then public life as its extension can certainly replicate the situation of injustice.

The idea of care becomes important as an interruption to the stability of the theory of justice, but the essentialist nuance of the ethics of care should be examined carefully. Do not let the excessive association of care with the feminine character drag back the naturalization of gender, reinforce the sexist division of roles, in which women are transferred to private space, nurturing, domestic area, while men are re-naturalized as public, rational, and political beings. The glorification of ethical values based on the reflection of paternal or maternal experiences is not sufficient to produce social justice.

### **Abstraction & Impartiality**

Rawls' theory of justice is problematic because it inherits a Kantian deontological ethic, especially in terms of excessive abstraction. For feminists, the justice approach needs to be built on concrete human experience. That is, when it comes to public decisions or policies regarding the distribution of social burdens and benefits, it is important to use a bottom-up scheme. For many feminists, an overly abstract theory of justice has implications for the co-optation of the substance of justice itself.

Feminism believes that the invisibility of women's experiences in the theory of justice results in undetected and categorized violence and deprivation of rights and opportunities against women as a form of injustice. In the context of feminism, the abstraction of sex and gender tends to fall into neglectful generalizations on particularities.

The ethics of care have had a great impact by becoming a starting point for recognition of the other, but in the history of feminist, it turns out that the examination of injustice which stops at categories of sex and gender in general is also problematic. Because the subject of woman is removed from the context, although it is true that in almost all parts of the world, women experience discrimination from patriarchy, but contemporary feminist thought views that there are special situations that also need to be seriously examined. Sex and gender

categories need to be seen within the framework of intersectionality. Kimberle Crenshaw (1989) sees that in the context of marginalization, for example, black women experience several types of oppression at the same time: they come from the working class, they are women, and they are black. However, in many theories of justice, including classical liberal feminism, this experience of intersectionality is not recognized. Because the oppression only reflects the experience of white middle class women. This means that different economic, social, political, cultural and civic contexts are negated.

Another idea that has attracted the attention of critics of feminism theory is impartiality, Young (1990) & Benhabib (1992) believe that the impartiality offered by the "mainstream" theory of justice is a veil to perpetuate hierarchy and to perpetuate the interests of dominant groups. Young suggested that the notions of universalism and impartiality should be abandoned. Furthermore, in the current context, the principle of justice must engage the principles of particularity, heterogeneity, and partiality.

The abstraction principle of Kant's deontology, the issue of injustice and oppression of women becomes invisible. The oppression that is discussed is usually only a question of distribution. The oppression is actually broad and complex in scope. It is the tyrannical practice of the ruler/dominant group towards the lower hierarchical group. Structural oppression means the widespread and systematic practice of oppression in economic, political, cultural, and family institutions (Young 1990). Women as one of the vulnerable groups are their targets, but because the subjects in the main justice theory are abstract, general, bodiless, and genderless subjects, the theory fails to see it as a form of injustice. In a simple term, oppression reduces a person's chances of becoming human.

In Young's idea (1990), there are at least five types of oppression, including: (1) Exploitation—using other people's labor to gain profits without providing fair compensation. Another type of oppression is (2) Powerlessness, a situation where vulnerable and powerless people are governed and controlled by those who hold power. The next type of oppression is (3) Marginalization, the practice of exclusion of individuals and/or groups from equal opportunities, for example the marginalization of communities based on ethnicity, gender, and sexuality. This oppression is internalized. Thus, the victims are not able to describe the situation of injustice they experience. In other words, they are silenced. Another oppression is (4) Cultural Imperialism, a situation

where certain cultures are considered superior to other cultures, which also results in exclusion. The practice of cultural imperialism can be found in patriarchal culture, white culture as well as in heteronormative culture. The last type of oppression is (5) Violence. Violence is a form of oppression that is easy to recognize. The violence aims to harass and humiliate others. For Young, universalism and impartiality as the basic principles of justice theory create inequality for women and vulnerable groups.

Just like Young, Benhabib also sees a number of problems with the principles and application of universalism, but she believes that the principle of universality can still be maintained by revitalizing some of its aspects. According to her, universal principles are there when the moral conversations are open. In response to a top-bottom as well as bottom-up approach to justice; abstract vs concrete; universal vs particular, Benhabib offers a procedure of justice via interactive universalism ethics.

### **Feminist Social Justice: An Effort to Bridge Justice and Care**

Benhabib views that there is a gap in the Kantian theory of justice. According to her, the theory of justice that only accommodates the generalized other is not enough. However, Benhabib believes that some parts of mainstream justice principles can still be used as the basis of social justice feminism. For Benhabib, the invisibility of women—gender in the theories of justice cannot simply be solved by placing the category of women in the theory of justice. According to her, the exclusion of women needs to be recognized. Issues such as the affective aspect in the idea of care that has been removed and the daily interactions of the concrete other that have been silenced need to be discussed.

In the ethics of interactive universalism, Benhabib radicalizes the idea of the generalized other by entering into conversations about the concrete other. In contemporary moral theory, these two ideas are considered incompatible with each other and even positioned as antagonists. Not only these two ideas, the logic of the dichotomy also operates on the notion of autonomy and nurturing; independence and attachment; public and domestic; and even further on the idea of justice with the good life. The aim of radicalization of the idea of the concrete other in the ethical theory of interactive universalism is not to eliminate the generalized other, nor to build a moral theory specifically compatible with particular ideas, but to show that there

are limitations to the discourse of justice that rely on universal moral ideas (Benhabib 1992, p. 158).

The starting point of the concrete other obliges every moral agent to see others as rational beings who carry a concrete history, that each person carries their own constitution of identity and affective constitution. With this starting point, we abstract what builds our commonality and focus on individuality. That is, the idea of the concrete other is a concept to ensure that the universalism discourse does not fail to examine the particularity aspect. With the concrete other, ethical discourse has the possibility to consider the ideological limits and biases that arise from the morality of universalism through previous untested and thoughtless oppositions. Substitutionalist universalism (Rawlsian model) has ignored the concrete other, while interactive universalism recognizes that every generalized other is also a concrete other from a meta-ethical and normative perspective. The idea of the concrete other becomes the basis or offer, so that the ethics of justice and the ethics of care are possible to bridge. With this idea, it is possible to think about the gender prepositions of both ideas.

The idea of interactive universalism believes that normative conflicts can be resolved rationally on the basis of fairness and also the principle of reciprocity. The moral view of interactive universalism begins with differences as the basis of reflection and action. That is, universality is a regulatory idea that does not reject the body of the subject and does not reject the inherent identity, but this idea commits to develop moral attitudes and also encourage political transformation that can produce perspectives that can be accepted and agreed by everyone.

Universality is not an ideal consensus of a fictitious self but rather based on a concrete process of moral and political dialogue that is embodied and strives for autonomy (Benhabib 1992, p. 152-153). The interesting thing about this idea is the dream of a just global society which refers to cosmopolitan norms. Universalism is not understood as an idea that eliminates plurality but as a prerequisite for maintaining and growing diversity which refers to the aspect of fulfilling human rights. The notion of justice by the feminists, especially Benhabib, has spoken about justice in a global context. The principle of mainstream justice concerning the recognition of the concrete other, the recognition of equal rights for everyone needs to be understood as the basis of global justice. This means that the principle of equal respect for everyone is universal, not dependent on membership in a country/community, but in the spirit of cosmopolitanism,

it does not mean that the particularity and connection of a person to the community (social cultural context) is eliminated.

According to Benhabib, the discussion of justice must go together with the ideas of solidarity, friendship, love, and care. With the ethics of care, we will ask questions and try to answer the needs of the other. Benhabib stated, when we treat the other based on the above norms, then we not only recognize their humanity (universality) but also their individuality (particularity) (Benhabib 1986, p. 341).

For Benhabib, social justice feminism can only be guaranteed through moral conversations that recognize and involve everyone. For her, justice is a process of understanding and giving empathy for the other. The better and deeper our understanding of the concrete other or situations of different people, the better our moral sympathy and understanding of justice will be. Each of us will be more sensitive to the oppression of the concrete other, as will our commitment to fight for it.

Research conducted by Jurnal Perempuan on Rural Women's Agency on Forest and Land Governance (Pratiwi & Gina 2019) showed that without a feminist justice approach, the voice of rural women as a concrete other was not recognized and accommodated in the discussion of equitable access to forest and land governance. A number of studies also showed that even though policies and programs for gender mainstreaming had been designed and established, there was a gap in the implementation. More so often, the issue of gender structure fails to be recognized and intervened. Consequently, instead of achieving justice, the public policies fail to intervene in the core issue.

The importance of feminist justice approach can be seen in the feminist-based research on fisherwomen. Efforts to provide justice in the form of acknowledgment the existence of fisherwomen start from knowledge that comes from women's daily lives. The struggle for recognition of the existence of fisherwomen starts from their concrete experience as fisherwomen. Fisherwomen as subjects and citizens, need to be involved in the formulation of existing policies. In the context of women, political recognition of their existence can only occur by ensuring that fisherwomen as a marginal group are involved in public discussion, in formulating policies related to their interests. In Young's oppression approach (1990), fisherwomen experience almost all types of violence, they are exploited as unpaid or unpaid workers and marginalized because there is no acknowledgement of their profession. They experience violence from their

families, communities, and the state. Without the feminist approach, the problem of fisherwomen can only be seen from one dimension, namely economic inequality, but with care, acknowledgement, and involvement of the concrete other, the structure of injustice becomes clear.

With feminist justice theory, it appears that despite gender mainstreaming and promises to promote gender equality through the country's programs, it turns out that the absence of an equal moral conversation and the application of the interactive ethical principles of feminism make the fisherwomen's struggles experience multiple obstacles. Although there is a Gender Mainstreaming program in every ministry, there is always a gap between policy and the implementation. Recognition of the profession of fisherwomen is impeded at the levels of RT (Neighborhood Unit), RW (Community Unit), and the Village Head, therefore the members of parliament (DPR RI – House of Representatives) are still thinking and acting in a patriarchal pattern. The difficulty of recognition of women's occupation as fisherwomen on identity cards—from housewives to fisherwomen—is caused by the prejudice and stigma of gender in the culture of the community. That is, the principle of moral discussion in terms of discussing social justice needs to start from the principle of care, the willingness to listen, the will to understand the other, and the expansion of understanding (Benhabib 1992). Losing them, then, as in the case of rural women's agency on forest and land governance and fisherwomen, justice does not really accommodate women's interests. Furthermore, Benhabib believes that in inclusive conversation, cultural iteration is possible. Conversation always results in a reinterpretation of meaning and cultural practices will occur. The involvement of the concrete other voices can change the structure of injustice.

In the context of research on fisherwomen in rural women's agency on forest and land governance conducted by Jurnal Perempuan, it is also shown that social justice feminism always starts from activism. Although a number of justice theories have talked about the meta-ethics and normative of justice, without social activism or praxis, change is impossible to happen. Social justice feminism ensures that justice that is pursued through legalistic channels and procedures involves women's concrete experience at the grassroots. It is also important to look at the women's agency and their good work. Justice can only be found by bridging the concrete experience of the other in the language of policies. McLaren (2008) states that failure to involve justice for

women often occurs because the struggle for justice is not carried out holistically. It is not enough to resolve injustice cases by legalistic procedures without changing awareness and practices at the local level.

The principle of interactive universalism shows that iteration in society—culture can only be done when all parties are involved in an equal and open conversation. Feminist social justice is there by presenting policies that are gender sensitive but also empower and support contextual responses by society. Social justice feminism presents policies that are gender-sensitive, empower, and support contextual responses by society.

Feminist social justice theory is based on care and the involvement of concrete other voices. This approach is sharpened by the notion of intersectionalism. In the mainstream feminism thought which is strongly influenced by classical liberalism, gender inequality is believed to be one-faced, but nowadays, feminist justice theory can more sharply dismantle layer upon layer of injustice against women and other minority groups. In the context of gender diversity and sexuality, for example, the idea of intersectional feminism theory of justice is able to show that rape has a plural faces. Agustine's research (2021) showed that it was not only gender norms that are the basis of rape against women's bodies, but a heteronormative matrix that was manifested in hatred of LGBTQ as the concrete other (survivors' narratives), as the basis and justification for rape of body considered the other. The theory of intersectionality is able to see that in reality, gender inequality experienced by women is plural and complex. This theory of justice is able to detect that it is not only gender as the basis for exclusion and discrimination, but also other identities such as sexuality, ethnicity, religion, age, and so on that can produce multiple discriminations. This theory is able to recognize, who is in a position with privilege and who is not. Various gender discrimination practices that lead to current injustice can be examined from a sharper lens; injustice operates in interlocking conditions.

The concept of gender-blind justice is ultimately manifested in public policies and the social structure of society. The failure to recognize and involve the concrete other has implications for the failure to implement social justice. Justice orientation is often targeted from the legalistic path without touching the efforts of change at the grassroots. According to Young (1990), injustice cannot be overcome simply by changing rules and policies. Furthermore, Benhabib states that injustice in culture and society can only be done through continuous conversation, because in conversation, every cultural

meaning and norm undergoes iteration. Culture is not a final meaning, but a dynamic contestation.

### Closing

Within the body of feminism, there are actually a variety of ideas about justice. Also, feminist theories pay attention to justice in different ways. Some theories focus on examining justice in relation to the institution of the family, some focus on the exclusion of women from the distribution of rights, and some other talk about the roots of the exclusion of women from ethical discourse. However, what each idea has in common is that naturalization of sex and gender or biological essentialism is the basis of the exclusion and discrimination of women.

Feminist approaches that adhere to the tradition of Rawlsian justice theory and those that prioritize the idea of care share the belief that sex and gender affect social status, power, and opportunity. Feminists believe that the exclusion of women from the public sphere is a manifestation of patriarchal ideology which positions women as the other in society and subordinate to men.

Feminists' examination of the discourse of justice has come to the conclusion that the social contract and the principles of justice are not constructed in an inclusive manner. Since the very beginning, all social rules have been built and maintained to defend the interests of the dominant group—men. Although Rawls's theory of justice has slightly considered that there are situations where certain groups/individuals are present in society with a set of privileges, Rawls's theory of justice contains a fundamental flaw because it is unable to map the issue of gender inequality.

Feminists have found that the gender system has systematically excluded women from equal rewards and equal opportunities. The presence of care is the entrance to the politics of recognition. Through the discourse of care which is identified as feminine nature, Gilligan was the first who brought the experience of women to ethical discourse. Although the idea of care contains a number of problems, it provides a basis for recognition, empathy, the existence of a concrete other, the importance of consideration of social context, the notion of equity, and intersectionality.

Based on the history of feminist thought and activism, there are at least a number of procedures to ensure justice, they are: (1) the acceptance and practice of care; (2) coming from an analysis of the existence of different oppressions (in Young's concept there are 5 types of oppression), (3) the recognition and acceptance

of the concrete other, this idea becomes important as the basis of intersectionalism in feminism, (4) the practice of democratic iterations; the involvement of all parties in conversations that result in the redefinition and reinterpretation of values and culture, and (5) activism. Feminist theory believes that justice is not only changed in an ethical or conceptual framework but must also change the level of social praxis.

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## Footnotes

- <sup>(i)</sup> The concept of democratic iterations is Benhabib's idea which is developed from the idea of iterability. Both believe that repetition always results in alteration or change. Benhabib uses this iteration idea to generate ideas about the ideal democracy that is sensitive to excluded and marginal constituencies. The idea of democratic iterations arises from concerns that many individuals and collective groups (immigrants) in a country whose uniqueness or collective identity are not accommodated by the country. Consequently, they are not accommodated, recognized, thus, they are excluded from the fulfillment of citizenship rights. Benhabib offers the idea of iterations as a normative and institutional solution to the paradox of democratic legitimacy. Democratic iterations are a way to mediate the formation of the will of the majority in the implementation of cosmopolitan norms.
- <sup>(ii)</sup> Maximin is an acronym for maximize the minimum, which means choosing the option that provides the maximum benefit or good for the most vulnerable people.
- <sup>(iii)</sup> The generalized other is a concept of subject built on Kant's universal moral tradition. Universal moral believes that everyone has equal rights. The generalized other articulates the experience of a group of people which represents human experience universally. According to Benhabib, the generalized other does not reflect universal human experience but reflects the experience of male adults, white (western) people, who own property or come from professionals. The idea of generalized other presupposes that everyone is in a symmetrical and substitutional position.

