Gender and Global Justice
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Introduction

Gender and Global Justice: Rethinking Some Basic Assumptions of Western Political Philosophy

Alison M. Jaggar

0.1 Philosophical questions of distributive justice

Concerns about the gendered dimensions of global justice have been articulated only recently within the discipline of philosophy. In this introductory essay, I explain how raising such concerns brings into question some of the most basic assumptions of Western political philosophy. I begin by situating reflections on global gender justice in the context of earlier philosophical thought about justice.

Central to justice is the idea of moral balance. Broadly speaking, to be concerned about justice is to be interested in assuring that all claimants should give and receive whatever they are justly due. Normative debate among political philosophers focuses on how the abstract idea of what is justly due should be interpreted substantively and applied in practice.

Western philosophers usually distinguish three main branches of justice, corresponding to three main types of concerns. One branch, retributive justice, addresses questions regarding the appropriate punishment of wrongdoers. A second branch, reparative justice, addresses questions of how to correct or rectify past wrongs. The third branch, distributive justice, addresses questions concerning the fair distribution of the benefits and burdens of participating in a co-operative enterprise. This is the branch that has received most attention from Western philosophers and the essays in this volume mostly fall within
this category, although it should be noted that questions of retributive and reparative justice also have gender dimensions and can also be raised in global contexts.

Alternative normative theories of distributive justice are structured as sets of answers to several framing questions. Those questions are, briefly: where, when, who, what, and how?

*Where?* asks what is the domain or sphere of life within which the moral demands of justice have application.

*When?* asks what are the social circumstances within which the demands of justice apply.

*Who?* asks which entities should be regarded as subjects of justice, meaning who or what are entitled to make justice claims deserving of moral consideration.

*What?* asks which entities should be regarded as objects of justice, meaning which kinds or categories of things should be distributed in a just manner.

Finally, *How?* asks which principles are the most morally appropriate for guiding the allocation of various objects to various subjects in various circumstances.

Any convincing answer to these questions requires a rationale. In other words, it requires addressing the further question, *Why?* Philosophical theories of justice not only offer answers to the central questions of justice but—like all theories—they also explain why they advocate these particular answers.

### 0.2 Western political philosophy from the sixteenth to mid-twentieth centuries

Between the late sixteenth and the mid-twentieth centuries, Western political philosophers, sometimes termed “modern” political philosophers, developed answers to these questions that were widely accepted by the end of the period.

*Where?* Modern Western philosophers agreed that the moral demands of justice held only among people who shared a common way of life, and they typically identified the external boundaries of this moral community with the frontiers of the sovereign state. They also identified “internal” limits to the moral demands of justice, drawing these boundaries around areas of supposedly personal life such as religion, household, and family. In these areas, the demands of justice were thought to be inapplicable.
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When? Most modern philosophers agreed that the circumstances in which the principles of justice had applicability were those of moderate scarcity. That is to say, they assumed that questions of justice arise only when the necessities of life are not so plentiful that all legitimate claimants can have as much of anything as they want and not so scarce that it is impossible to reach any satisfactory agreement about distributing the available objects.

Who? Modern philosophers tended to regard the legitimate claimants or subjects of justice as those human individuals residing within a particular jurisdiction. Prior to the advent of universal citizenship, even slaves and serfs were thought to be the source of some legitimate justice claims, but foreigners and animals were typically excluded as subjects of justice.

What? The main objects of justice or kinds of things thought appropriate for just distribution were typically taken to be political rights and responsibilities, on the one hand, and economic obligations and access to resources, on the other.

How? Typically assuming certain answers to the questions of where, when, who, and what, Western philosophical debate about justice focused mostly on the question of “how.” In other words, it sought to identify morally acceptable criteria to guide just distributions of available goods among legitimate claimants. Popular candidates to ground principles of just distribution have included: equal distribution, distribution according to need, and distribution according to desert.

Why? Underlying much of the thinking of modern Western political philosophers have been basic moral commitments to individual liberty and equality. Throughout the modern period, these values increasingly came to be regarded as default standards. Limits on liberty and departures from equality were both thought to require further justification and this was often presented as the best way of balancing these fundamental values.

0.3 Western political philosophy after World War II

The last half of the twentieth century saw a new flowering of political philosophy, responding to striking changes in the post-war world. The changes included extensive decolonization, the Cold War, and the establishment of social democracy in much of Western Europe. In many countries, new demands for equality were made by women and by the members of previously marginalized or stigmatized
communities. These changes inspired philosophers to begin questioning long-accepted assumptions about justice.

0.3.1 Rawls’s A Theory of Justice (1971)

John Rawls’s *A Theory of Justice* is the pre-eminent work of political philosophy in the second half of the twentieth century. Rawls’s theory incorporated much of the new political sensibility of the post-war era, but the world continued to change rapidly over the course of Rawls’s career, raising challenges for political philosophy that could be only partially accommodated within the framework established by *A Theory of Justice*. Here I will mention only a few features of Rawls’s rich and complex work.

Rawls offers a normative theory of justice which assumes its domain to be a single society, imagined as sovereign and economically self-sufficient. The theory takes justice to be a property that characterizes primarily social institutions rather than individuals’ characters or particular relationships. Institutions are relatively stable practices that organize social life. They provide the social context within which people make decisions and structure the options socially available to individuals by assigning costs and benefits to various choices. Rawls’s assertion that justice applies primarily to social institutions helps clarify the difference between ethics and political philosophy. Ethics assesses individual conduct and character, as manifested in the choices that people make, whereas political philosophy assesses the design of institutions that together establish the social frameworks within which people make choices. For Rawls, the task of political philosophy is to consider whether the main institutions that regulate everyone’s life opportunities distribute social burdens and benefits in ways that are just, or at least more just than feasible alternative arrangements.

At the normative level, *A Theory of Justice* emphasized the interdependence of liberty and equality. Rawls recognized clearly that establishing formal equality did not guarantee that people would be substantively equal, and that the worth of liberty could be diminished by lack of access to economic resources. For Rawls, therefore, citizens in a just society must not only be political equals; their equal claim on the society’s economic resources must also be recognized. One of Rawls’s boldest principles of economic justice asserted that inequalities in income were justifiable only insofar as they contributed to raising the lowest socio-economic position.
In terms of answering the questions that structure normative theories of justice, Rawls’s main innovation consists in his distinctive and remarkably egalitarian answer to the question of how the benefits and burdens of social co-operation should be distributed. At the time of its publication the book was hailed as a new beginning in normative political philosophy, following a famous declaration of the death of this field. However, Rawls’s theory is better seen as bringing three centuries of Western political philosophy to culmination. It provides the most explicit and developed expression of this tradition, thereby making its assumptions more available to critical scrutiny. Toward the end of the twentieth century, other philosophers began to challenge assumptions largely taken for granted by Rawls and by earlier Western philosophers. These assumptions concerned the domain, the subjects, and the objects of justice.

0.3.2 Late-twentieth-century challenges to long-established assumptions of Western political philosophy

0.3.2.1 Critical thinking about race and ethnicity

Following World War II, concerns over injustice to racialized people arose from several sources. One source was decolonization, especially in Africa and the Indian subcontinent. A second was the African-American struggle for civil rights in the United States, and a third the discrimination experienced by immigrants and students from the erstwhile colonies when they entered Europe and North America. Some of these concerns were soon reflected in Western political philosophy; here I will mention two manifestations.

In their influential little book, Black Power, published in 1967, US Black activists Stokely Carmichael and Michael Hamilton distinguished individual from institutional racism. Individual racism consists in personal hatred, contempt, or disregard for people of color. Institutional racism is revealed in social structures that systematically disadvantage people of color. Institutional racism sometimes makes overt reference to race, as in the case of systems such as Jim Crow and apartheid, but it may also be overtly race-neutral. Carmichael and Hamilton show how many seemingly race-neutral institutions in the United States, such as education and housing, often produce systematically less favorable outcomes for people of color. Such disadvantaging can occur even in the absence of overt or felt prejudice on the
part of white people associated with the institution in question. Rawls’s emphasis that political philosophy is concerned primarily with the justice of institutions may have been influenced by this groundbreaking activist work.

One prominent slogan of the US civil rights movement was “Black is beautiful,” which expressed the idea that injustice may be not only political and economic but also cultural and symbolic (Fraser 1997). In the 1980s and 1990s, this idea was the focus of a series of philosophical debates over what came to be called “multiculturalism.” The debates considered how cultural “recognition” might be accorded to groups such as racialized, ethnic, sexual, and religious minorities, whose identities had been publicly devalued and stigmatized.

I have selected for mention the institutional and the multicultural aspects of critical race theory because they go beyond demanding that individuals who belong to racialized or marginalized communities should enjoy political and economic rights that are formally equal with those enjoyed by members of the dominant group. Additionally, critical race theory challenges earlier conceptions of both the subjects and the objects of justice. It suggests that groups as well as individuals may be the sources of justice claims and that these claims may include demands for public recognition and valuation.

0.3.2.2 Western feminism

Western feminist philosophy emerged in the 1970s as an expression of the second wave of the women’s liberation movement, which began to rise in the 1960s. Like critical race theorists, feminist theorists also drew on the available resources of Western political philosophy, especially its longstanding commitments to liberty and equality. Yet in pressing the limits of both, feminists too brought into question some of Western philosophy’s basic assumptions about justice.

Feminist philosophers began by conceptually distinguishing sex, which they initially (and too simplistically) regarded as a biologically given binary, from gender, which they viewed as a complex set of social norms regulating everyone’s lives according to assigned masculine and feminine gender identities. Using the idea that people’s social situations differ according to their gender, feminist theorists identified both overt and covert forms of institutional gender injustice. In addition to overtly discriminatory policies, such as those explicitly prohibiting women from certain occupations, covert gender bias existed in many facially gender-neutral institutions of daily life, such as the standard
working day structured on the assumption that workers have no care-
taking responsibilities (MacKinnon 1987). Feminist theorists articu-
lated their recognition of this type of injustice by asserting that some
institutions had a disparate impact on women, not because women had
a distinct sexual nature but because their social situations were system-
atically different from men’s.

Just as the critical race theorists had gone beyond demanding liberty
and equality for people of color on the same terms as white people, so
some feminist philosophers went beyond demanding liberty and equal-
ity for women on the same terms as men. They too challenged long-
held assumptions about justice. A distinctive insight of second-wave
Western feminism was expressed in the slogan “The personal is politi-
cal,” which drew attention to the gendered power inequalities structur-
ing many aspects of personal life. These inequalities, which previously
had been regarded as idiosyncratic rather than systemic, included
domestic violence, incest, and the expectation that women take primary
responsibility for caretaking. Feminist theorists argued that the home
should not be excluded from the domain of justice but rather recog-
nized as a site within which the demands of justice held sway (Okin
1989).

Feminists’ focus on injustice in personal life expanded previous
conceptions both of the site or domain of justice and also of its objects.
Feminist philosophers argued that not only political rights and res
ponsibilities, material resources, and cultural respect should be distri-
buted justly; so too should customary responsibilities for domestic and
care work.

0.4 Philosophical work on justice at the global level

Until the mid-twentieth century, political philosophers tended to think
that the international sphere could not be a site of justice because it
had no sovereign to enforce any agreements made and so could not be
a system of social co-operation. Instead, they regarded the interna-
tional sphere as a potential battleground, in which states must be
perpetually prepared for a war of each against all. In other words,
political philosophers assumed that the moral demands of justice held
only within states, not among them. Following World War II, however,
the international scene was radically transformed in ways that under-
mind this traditional assumption about the domain of justice.

Several developments raised the idea that the demands of justice
reached beyond state borders, an idea that was institutionalized in the
United Nations Charter model of international relations, replacing the Westphalian model that had existed since the seventeenth century. One aspect of this idea was a cosmopolitan concern for the rights of all human beings everywhere, a concern expressed in the landmark 1948 United Nations Universal Declaration of Human Rights. The Nuremberg and Tokyo war crimes tribunals, as well as other later tribunals, were designed to demonstrate that these rights must be respected universally. In 2002, the International Criminal Court was established as a permanent international tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression. Another aspect of the idea that the international realm was a domain of justice was the establishment of international economic institutions designed to promote economic development and regulate global trade. These institutions began with the post-war agreements made at Bretton Woods and culminated in the World Trade Organization. In the latter part of the twentieth century, the idea spread that the world was in some sense a single community, an idea expressed in the popular 1960s expression “global village.” In response to these developments, political philosophers began to recognize the international realm as a domain of justice—meaning that it was a sphere in which assessments of justice made sense—and some began to speak of a “global basic structure.” But who were the subjects or claimants of justice in this domain, what was to be distributed, and how or according to which principles?

In the last quarter of the twentieth century, philosophers working on global justice began to address a wide range of topics to which earlier philosophers had paid little or no attention. Reflections on the topics of just war and human rights have a long philosophical ancestry, but much new work in these areas has challenged the moral authority of the state in unprecedented ways. On the one hand, the authority of states is reinforced by their being charged as guarantors of human rights but, on the other hand, this charge simultaneously limits their authority, since states that fail to discharge this responsibility are often thought to lose their moral legitimacy. Ultimate state sovereignty has been challenged from the perspective of individual citizens, who are now recognized as having the right and even the responsibility to resist violations of human rights on the part of their own governments; from the perspective of groups of citizens, who may wish to establish minority rights or even form their own state (the questions of multiculturalism and secession); and from the perspective of states concerned about calamities in other countries (the question of humanitarian intervention). Morally motivated worries about the limits of state sovereignty have given rise to further questions about legitimate global governance
and political freedom. For instance, philosophers are increasingly recognizing the moral urgency as well as the philosophical interest of reflecting critically on the responsibility of states for environmental damage beyond their borders and on international migration. Special attention has been focused on issues of global distributive justice, in part because economic inequalities among countries are glaring and have even increased since 1970.

Recent work on global justice breaks with two long-established philosophical assumptions about justice. It treats the international as well as the national sphere as a domain of justice and it asserts that both states and individuals may be subjects or claimants of justice. Philosophers concerned with the gendered dimensions of global justice raise even deeper challenges to the assumptions about justice that for centuries have undergirded Western political philosophy.

0.5 Philosophical work on global gender justice

It is sometimes assumed that philosophers working on the gender dimensions of global justice address only a limited range of issues believed to have special relevance to women. Examples of such issues are female seclusion, genital cutting, religiously based systems of law pertaining to marriage and inheritance, and sex trafficking. However, to limit the field of global gender justice to such issues would be to construe it too narrowly. All of the issues addressed by global justice theorists have gendered dimensions and feminist philosophers concerned with global justice take as their task the critical exploration of these dimensions. Thus, philosophical work in global gender justice addresses the gendered dimensions of war, human rights, global governance, political freedom, nationalism, migration, indebtedness, poverty, climate change and more.

Philosophical discussions of topics pertaining to global justice are frequently framed as a conflict between the moral claims of nationalism, on the one hand, and cosmopolitanism, on the other; for instance, this framework structures much of the philosophical debate on global poverty. Nationalist philosophers argue that individuals’ nationality is a morally weighty characteristic and that people should be concerned first about meeting the needs of their compatriots; only after those needs are met should citizens of wealthy countries consider assisting impoverished people abroad (Miller 2006). By contrast, cosmopolitan philosophers argue that national identity is morally irrelevant to the injustice of poverty on a global scale (Singer 2002; Pogge
However, framing the discussion of global poverty exclusively as a debate about the moral salience of state boundaries obscures transnational divisions that stretch across national boundaries. One of these divisions is gender. Even though women’s situations relative to men’s vary widely both among and within different regions of the world, women everywhere tend to suffer more than men of the same ethnicity, class, and even family from poverty, overwork, sexual violence, and political marginalization.

One task undertaken by philosophers concerned with the gender dimensions of global justice has been to trace the ways in which contemporary transnational institutions and recent global policies, most of them facially gender-neutral, have had systematically disparate and often burdensome consequences for specific groups of women in both the global North and the global South. Below, I sketch several examples.

First, the expansion of global trade has resulted in many hitherto well-paid jobs being moved to low-wage areas in the global South. Here, many women have become a new industrial proletariat in labor-intensive export-based industries, especially in much of Asia, where governments have tempted multinational corporate investment with stereotypes of Asian women workers as tractable, hard-working, dexterous—and sexy. Within these industries, wages and working conditions are often very poor and sexual harassment is endemic. At the same time, the offshoring of many erstwhile Northern jobs has had a disproportionate impact on working women in the global North, especially women of color. The replacement jobs available often are contingent or part-time positions in the service sector, typically low-paid and lacking health and retirement benefits.

Second, the expansion of export agriculture and the relaxation of trade rules have allowed wealthy countries to dump heavily subsidized agricultural products on poor countries. Women, who comprise most of the world’s farmers, have been disproportionately affected by the decline in small-scale and subsistence agriculture resulting from these developments. More generally, the expansion of global trade has had a devastating effect on the livelihoods of many women in the global South, as small women-run businesses in areas such as food processing and basket making have been wiped out. With the decline of small-scale and subsistence agriculture, many women have been driven off the land and into shantytowns, where they struggle to survive in the informal economy. Women predominate in the informal economy, which is characterized by low wages or incomes, uncertain employment, and poor working conditions. Many women are forced into
prostitution, accelerating the AIDS epidemic, and the women who remain landless in the countryside are often forced to work as seasonal, casual, and temporary laborers at lower wages than their male counterparts.

Third, many poor countries are heavily indebted and have been forced to undertake programs of so-called structural adjustment in order to qualify for more loans. A central feature of structural adjustment programs is a reduction in government-funded services for social welfare, such as food subsidies, education, and healthcare. These cutbacks have tended to affect women’s economic status even more adversely than men’s, because women’s socially assigned responsibility for caring for children and other family members makes them more reliant on such programs. Reductions in social services have forced women to create survival strategies for their families by absorbing these reductions with their own unpaid labor. The effect of these strategies has been felt especially in the global South, where more work for women has resulted in higher school dropout rates for girls. Longer hours of domestic work and less education contribute to women’s impoverishment by making it harder for them to attain well-paying jobs.

Fourth, arms expenditures have risen sharply since 1990, despite the end of the Cold War, and wars have proliferated. Militarism often affords men certain opportunities, though obviously it harms those who are wars’ casualties. Arguably, militarism is disproportionately harmful to women, especially poor women and their children. Women enjoy relatively few benefits from public spending on war industries and they suffer disproportionately when tax revenues are diverted from social into military programs. Although the combatants in war are predominantly male, the majority of the casualties are women and children, who also constitute 80 percent of the millions of refugees dislocated by war. Rape is a traditional weapon of war and military activity is usually associated with organized and sometimes forced prostitution.

Fifth, the integration of the global economy has increased the sexualization of women, partly via a multi-billion dollar pornography industry. Many women have been drawn into some aspect of sex work, including servicing the workers in large plantations, servicing representatives of transnational corporations, servicing troops around military bases, and servicing UN troops and workers. In some parts of Asia and the Caribbean, sex tourism is a mainstay of local economies. Prostitution is of course not new, but globalization has encouraged it by dislocating large populations, disrupting traditional communities,
and impoverishing many women, who see few other options for a livelihood.

Finally, the period since World War II has seen a rapid degradation of the non-human environment, including land desertification and pollution of the earth, air, and oceans. Human-caused climate change has become undeniable. Much environmental damage is caused by Northern-controlled industries and especially by military activity. However, poor women pay a disproportionate share of the costs of environmental damage because they are especially vulnerable to disruption of the climate, lack of food, fuel, and water, and because they must give increased care to family members whose health is damaged by toxins.

Once these and other transnational gender disparities are made visible, it is hard not to wonder whether the entire global political and economic order may manifest systematic gender injustice. In order to address this question, philosophers must weigh the benefits and burdens of the prevailing system of global co-operation for groups partially identified by gender. However, normative political philosophers are more than accountants, applying a prefabricated moral calculus; they must also assess the adequacy of whatever measures are used to assess these burdens and benefits. One necessary although certainly not sufficient condition for the adequacy of such measures is that they should not be gender-biased. In other words, the measures should neither overvalue nor undervalue those benefits and burdens that accrue disproportionately to various gendered groups. So philosophers concerned with the gender dimensions of global justice confront a second and more deeply philosophical task, namely, investigating whether elements of gender bias may infect some of the central concepts used in philosophical discussions of global justice.

Existing feminist work provides reason to suspect that many of these concepts are not gender-neutral. For example, it was not until quite recently that war crimes were defined so as to include war rape and sexual torture. It is arguable that the definition of state-sanctioned repression should include family forms in which brides are sold and in which fathers and husbands exert strict control over women’s sexuality, dress, speech, and movement, and that slavery should be interpreted to include forced domestic labor. It is also arguable that the definition of genocide should be expanded to include female infanticide, the systematic withholding of food, medical care, and education from girls, and the battery, starvation, mutilation, and even murder of adult women. It is important to ask whether representations of national culture overemphasize masculine achievements or romanticize oppres-