

A NEW MOMENTUM: GENDER JUSTICE IN THE WOMEN’S MOVEMENT

Underlining the detrimental effects of classical egalitarian feminism in the development of women’s rights in Turkey, this article suggests bringing about a new perspective to the issue of women’s rights on the basis of an equality/difference dichotomy. Employing the term “gender justice,” the article provides a conceptual framework for the development of a supra-equality approach in which equality is inherent. This framework centers on justice, in opposition to the approach that seeks to establish “equality” enshrining the same rights and liabilities for men and women in social life. The article asserts that the establishment of policies specifically focused on women and justice, and based on the particular values and cultural dynamics of a society, rather than blind assumptions of universal equality, can contribute to eliminating unjust treatment resulting from differences.

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Gender equality is a well-established concept in the women’s movement. However, unresolved problems related to the equality/difference dichotomy have triggered new discussion topics resulting in the rise of new terms or concepts that claim to better address this dichotomy.

“Gender justice” is a concept that is appealing to certain circles of women’s movements all around the world due to the fact that equality, set forth by modernity, is not concerned with particular differences among women. As a modern concept, equality provides standard monotypes [for women] grounded in Western culture by attempting to equalize women and men, whereas “justice” points to a superior concept in which equality is inherent and refers to equity, balance, a higher understanding of fair treatment, and liabilities between men and women.

The struggle for women’s rights has a long history of gains and losses and has taken different forms all around the world. The concept of women’s rights developed in a specific region reflects the socio-cultural, political, and religious dynamics of that region. When evaluating the history of the women’s movement, a parallel development with historical conditions is revealed. The basis of the women’s rights movement, which began in the 18th century with the civil rights movement in Europe, is the idea of “equality (*égalité*),” one of the ideals of the French Revolution. The rights obtained as a result of pleas for equality and defined as “human rights” only prescribed an understanding of equality among men, putting forward an abstract concept of “human” that solely represents the male sex. Women, constituting a part of the rights movement and half of the population, were brushed aside. By the end of the 18th century, this idea of the legal and social aspects of equality was redefined on the basis of the concept of gender roles with a special emphasis on inequalities between men and women. The egalitarian feminist approach expressed by Mary Wollstonecraft (the author of *A Vindication of the Rights of Woman*) put forward the idea that women’s problems were a result of the gender roles imposed on women and the lack of equal opportunities for men and women, thus emphasizing gender equality.

Gender Mainstreaming or the Masculinization of Women

The inclusion of the understanding of “gender equality” – first referred to as “gender mainstreaming” at the 1985 Third World Conference on Women in Nairobi, Kenya and formally featured in 1995 at the Fourth World Conference on Women in Beijing – in order to provide systematic solutions for the problems of women, has since been well established in international legislation.¹ In cases where equality

¹ “The Inclusion of Gender Equality in the Main Plans and Policies in the European Union: The Analysis of the Cases of Holland, Romania and Turkey,” *Directorate General on the Status of Women*, Ankara, 2011, p. 4.

in itself does not suffice, alternative approaches were developed to solve various problems of women including legal equality, gender equality, equal opportunities, equality in rights and liabilities, and positive discrimination. Until now, the fundamental role of the concept of gender equality in national mechanisms has been described as follows by the Beijing Platform for Action: “to support the inclusion of gender equality in main plans and policies in all fields of politics.”² This has been defined as one of the objectives in solving women’s problems and including gender equality in main governmental plans and programs. However, despite all the legal amendments and ongoing solution-seeking the problems related to women and various gender roles imposed on women still prevail; the insufficiency of thinking solely in terms of equality has become obvious. Indeed, the policies and legal amendments implemented within the framework of equality did not prevent “gender-blind” approaches to the problems faced by women in social, political, and economic spheres.³

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The policies developed to improve the status of woman in society that were put forward on a social level and implemented on the basis of modernity’s standardizing concept of women ignored the differences between men and women, only enabling women to attain certain positions through masculinization. This, in turn, brought about fractures in female identity, generated by the need to hold together the different aspects of female identity trapped between public and private spheres. At the same time, as a result of this tension between private and public spheres, the gender roles imposed on men and women place men and women in different positions with respect to rights and liabilities.

Established by feminist approaches that regarded women as a separate social group, the discourse on women aimed to bring women together under the same roof via an emphasis on “universality.” This discourse was criticized on many occasions on the grounds that it created a homogenous image of women, thus ignoring the differences among them.⁴ Indeed, for a long time, feminist theory focused on the *common*

2 Shirin Rai, *Mainstreaming Gender, Democratizing the State?: Institutional Mechanisms for the Advancement of Women* (Manchester: Manchester University Press, 2003).

3 Gülnur Acar-Savran and Nesrin Tura Demiryontan, *Kadının Görünmeyen Emeği* [Invisible Labor of Women] (Istanbul: Yordam Kitap, 2008), p.157.

4 Ania Loomba, *Koloniyalizm Postkolonyalizm* [Colonialism Postcolonialism] Trans: M. Küçük, (Istanbul: Ayrıntı Yayınları,2000).

“The fact that the duty to administer the family has been laid upon men does not generate a hierarchical order in any sense and does not prevent the equality between women and men as human beings and subjects of God.”

experience of women and the *common repression* they suffered. Conversely, however, this focus resulted in the emphasis on the differences rather than similarities of women, and the assertion that the term “*woman*” was far from homogenous and unified.⁵ The ideal of feminist discourse, regarded principally as a Western discourse, with regard to universal sisterhood and its subsequent claim for “equal rights” was thus criticized for not corresponding to the cultural identities and dynamics of women in other societies. This criticism paved the way for the development of feminisms alternative to classical feminism.

Regarding men and women as two distinct social groups, feminist discourses are not rooted in the general conditions of all societies but rather are a result of certain historical conditions.⁶ Despite the fact that women, with a plea for equal rights, made accomplishments with respect to being regarded as citizens equal to men before the law, as the British psychoanalyst and socialist feminist Juliet Mitchell emphasizes, “equal rights are nothing other than a significant tip of the iceberg, whose roots are much deeper. This status of ‘equal rights’ as the tip of the iceberg is not only a reflection of the limitedness of the concept of equality, but also a signifier of the deep roots of the problem of oppression of women.”⁷

The Reductionist Nature of Feminist Approaches

One of the fundamental principles of democratic societies is the definition of equal rights for all citizens with no discrimination. Nevertheless, in no country did judicial and legal equality provide a full solution for the elimination of the oppression of women with regard to participation in political life and the public sphere. Feminist approaches, which aimed at solving the problems of women by reducing them to equality between women and men, also include self-criticisms. The efforts to equalize women with men by reference to the characteristics of the male sex do not provide women with any sort of privilege. Rather, it reflects the presupposition that women are weaker than and subordinate to men. In this quest for equality, the

5 Caroline Ramazanoğlu, *Feminizm ve Ezilmenin Çelişkileri* [Feminism and the Paradoxes of Oppression] (Pencere Yayınları, 1998), p.7.

6 Juliet Mitchell, Anne Oakley, and Fatmagül Berktaş, *Kadın ve Eşitlik* [Women and Equality] (Pencere Yayınları, 3rd ed., 1998), p. 24.

7 Mitchel et al. (1998), p. 26.

endeavor was to make women exist through masculinization, and thus women were detached from the female identity. As an alternative to classical feminist approaches based in sameness and similarity, post-feminist approaches, which principally focused on the differences, also emerged. Post-colonial feminism, which argued that egalitarian approaches deepen the inequality faced by disadvantaged groups in society, offered a local interpretation of feminism as opposed to the perception of universality held by classical Western feminism. Postcolonial feminism deconstructed the notions of “common oppression” and “common experience” emphasized by feminism and argued against the homogenous understanding of women inherent in feminism, suggesting, to the contrary, that there is variety in the local culture and traditions of each region.⁸

With the emergence of postcolonial feminism, mainly associated with Gayatri Chakravorty Spivak's article entitled “Can the Subaltern Speak?,” a third wave movement began within feminist theory.⁹ One of the fundamental criticisms articulated by post-feminist approaches is the assertion that the oppression of women is not solely caused by men, but that class, ethnicity, and social structure also play a considerable role.¹⁰ In fact, “gender not only involves the individual identities and personalities of women and men, but also the cultural structure of manhood and womanhood as well as gender positioning within institutions and organizations.”¹¹ Classical feminist approaches therefore also made way for the emergence of many different feminist approaches such as “black feminism,” which emphasized the role of ethnicity, class, and social structure. Through colonialism, the understanding of equality began to be made solely between Western white women and black men; by completely discounting black women, the patriarchal system facing them thus reproduced itself in a different way.¹²

The egalitarian policies focusing on preventing the discrimination of women due to their gender strive to eliminate the oppression of women in political life (through quotas, etc.) and other forms of public life (through equal employment opportunities, etc.) through the concept of “equal opportunities.” However, oppression still continues. There are many unforeseen problems rooted in society and its presuppositions

8 Chandra Talpade Mohanty, *Sınır Tanımayan Feminizm Teorisi Sömürgeleştirmekten Kurtarmak Dayanışmayı Örnek* [Feminism Without Borders: Decolonizing Theory, Practicing Solidarity] Trans: H. Pınar Şenoğuz, (İstanbul: Boğaziçi Üniversitesi Yayınevi, 2008).

9 Gayatri Chakravorty Spivak, “Can the Subaltern Speak?,” in Cary Nelson, Lawrence Grossberg (eds.) *Marxism and the Interpretation of Culture* (Chicago: University of Illinois Press, 1998), p. 271-313.

10 Cheryl McEwan, “Postcolonialism, Feminism and Development: Intersections and Dilemmas,” *Progress in Development Studies*, Vol. 1, No. 2 (2001), p. 93-111.

11 Nigar Demircan Çakar, “Neden Toplumsal Cinsiyet Adaleti?” [Why Social Gender Justice?], *Kadın ve Demokrasi Derneği*, <http://kadem.org.tr/neden-toplumsal-cinsiyet-adaleti/>

12 Kirsten Holst Petersen and Anna Rutherford (eds.) *A Double Colonization: Colonial and Post-Colonial Women's Writing* (Oxford: Dangaroo Press, 1986).

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that women are citizens equal to men before the law. These problems, which result in the oppression of women through the establishment of social roles, cannot be overcome simply with an abstract understanding of equality.

“One should note that, equality does not take into account the differences and equalizes/identifies the independent and distinctive entities with each other, standardizes two different entities and renders family no more than a senseless legal institution.”¹³ Instead of feminist discourse, which advocates discriminative policies between men and women, a complementary and holistic discourse must be created. Feminism regards women and men as separate social groups so as to maintain its function. On the contrary, for the establishment of social balance and harmony, holistic rather than discriminative policies must be implemented with respect to the cultural dynamics of each society, and women and men must be regarded as two equivalent entities with the same essence, complementing each other. The emphasis on universality inherent in classical feminism has been disabled with a simplistic reductionism with generalizing policies that ignore the problems of local cultures and practices faced by women living in different societies, rather than searching for solutions to such problems.

Men and Women: Not Equal but Equivalent

When the differences between women and men are analyzed, it can be concluded that there is no inherent superiority or inferiority in an ontological sense. Independent of “womanhood” and “manhood,” the fact that we were all created as human beings is a proof of ontological equality. Having the same essence and value as human beings, rather than as women or men, women must surely be granted the legal equality and the same opportunities to preserve such equivalence.¹⁴

The view of Islam toward women and men also supports this argument. Islam regards women and men as human beings and identifies differences in what they can do.¹⁵ It considers women and men as parts of a whole that complement each other, stating that “women constitute the other half as men, complementing a whole” by

13 Saffet Köse, *Genetiğiyle Oynanmış Kavramlar ve Aile Medeniyetinin Sonu* [Genetically altered notions and the end of the Family civilization] (Konya: Mehir Vakfı Yayınları, 2014), pp. 136-7.

14 E. Sare Aydın Yılmaz, “Eşitlik Üstü Adalet” [Justice above Equality], *Kadın ve Demokrasi Derneği*, 13 December 2014, <http://kadem.org.tr/star-gazetesi-acik-goruste-yayinlanan-esitlik-ustu-adalet-baslikli-yazi/>

15 Ejder Okumuş, “Ailede ve Toplumda Kadına Şiddet Üzerine” [On Violence Against Women in the Family and in the Society], *Journal of Associations and Civil Society*, Issue 26 (Spring 2014), p. 24.

accepting that “the two spouses cannot be reduced to each other, cannot be blended with each other but cannot be separated either.”¹⁶ That is why the relationship between men and women assumes no hierarchical superiority either within the family or in terms of mutual relationships between the two, and holds that there is only a difference with regard to functions and duties.

Within the framework of the report entitled “Women in a Changing Turkey” – based on interviews carried out with 5,036 women in 26 provinces of Turkey and conducted to analyze the economic and political condition of women in Turkey – women belonging to different social strata were asked about their opinion on the equality between women

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and men.¹⁷ 50 percent of the women interviewed believed in the equality of women and men, whereas 23 percent responded that they believed the two are not equal and are different from each other.¹⁸ The 50 percent rate does not directly reveal reductionist gender equality; on the contrary, it indicates equivalence between two genders in an ontological aspect and equality before the law. Therefore, the most important point here is the prioritization of the understanding of justice based on the differences and inherent characteristics of the two sexes, due to the fact that women’s socio-economic grievances and their loss of position cannot be resolved only with equality but with an understanding of justice. Thus, within this scope, “gender justice” is a term emphasizing this comprehensive and equality inclusive approach. It highlights the different features and characteristics of men and women by nature, and acknowledges different liabilities between men and women attributed by society and culture, but also notes that there is no hierarchical superiority or inferiority between sexes.

Some verses of the Koran are relevant to this discussion. The statement in an-Nisa 4/34, often referred to in discussions of Islam, states that “men are in charge of women,” and lays the burden of looking after the family on men within the scope of the division of labor.¹⁹ This verse considers the relationship between women and men in terms of functionality and signifies that the priority addressed here is not of

16 Huriye Martı, “İdeal Bir Eş Olarak Hazreti Peygamber” [The Prophet as an Ideal Spouse], *Küreselleşen Dünyada Aile Sempozyumu*, 14-16 April 2009, Balıkesir (Ankara: TDV Yayınları, 2010), p. 3.

17 Havva Çaha, E. Sare Aydın, and Ömer Çaha, *Değişen Türkiye’de Kadın: Türkiye’de Kadının Sosyo-Kültürel, Ekonomik ve Siyasal Durumu Araştırması* [Women in a Changing Turkey] (Istanbul: The Women and Democracy Association Press, 2014).

18 Havva Çaha, E. Sare Aydın, and Ömer Çaha (2014), p. 228.

19 Koran, an-Nisa 4/34.

nature, but of duty.²⁰ Some differences inherent in men and women may require that men could be regarded as *primus inter pares* (first among equals) in some cases. It should be noted at this point that this priority covers “duties” and “burdens.” Men have not been bestowed gratuitous privileges and concessions without any burden. If there is any “priority,” there is an absolute duty or burden laid upon men and the status of *primus inter pares* is only provided for the performance of this duty as required.²¹ The patriarchal order, resting on traditional codes regards this verse as a justification for superiority and demands women’s obedience to men. God’s Word (*kalam*), which holds that women and men complement each other in terms of duties and responsibilities, does not demand obedience to men, but to the order.

The fact that the duty to administer the institution of the family, which is required to ensure the continuance of this institution, has been laid upon men does not generate a hierarchical order in any sense and does not prevent the equality between women and men with regard to being human beings and subjects of God. The notion of equality refers to the sameness of two entities and the substituting of two equivalent entities. However, another notion presented by some prominent Islamic scholars concerned with women and family issues as an alternative to equality is equivalence. According to Köse, “Equivalence refers to the value and worth of two different entities before each other with their present differences and characteristics. The positioning of women and men on the basis of equivalence seems to be more illuminating and appropriate not only in terms of their inherent features, but also in terms of the statement of their positions within this equivalence.”²²

Contrary to the current dilemmas of the concept of gender equality as outlined here, the concept of “gender justice” denotes a just and fair sharing of social gender roles between men and women and a distribution of responsibilities considering the living conditions of today. “Gender justice” has been suggested as a result of efforts seeking result-oriented solutions to women’s issues. For example, there will be “equality” in the distribution of tasks between a woman and a man working in the same position; however, on the occasion of the woman having a baby and being responsible for breastfeeding her baby after a pregnancy, a just arrangement will be necessary in terms of tasks, different from the man working in the same position with her. Contrary to the concept of “equality,” which falls short on this point, the concept of “gender justice” will provide fair and proper sharing of roles in favor of women.

Generally, the practices and structures of public life are constructed for the requirements of men and ignore the needs of women. This forces women to struggle for

20 Okumuş (2014), p. 25.

21 Hüseyin Hatemi, *İlahi Hikmette Kadın*, [Women in Divine Wisdom] (Milenyum Yayınları, 2013), pp. 37-38.

22 Köse (2014), pp. 137-138.

equality with men in order to achieve the same level in a system designed for men. Thus, this struggle for equality still falls short of considering a woman's specific characteristics and needs. "Gender justice" respects the struggle for equality, and attempts to take a broader approach by bringing attention to women's specific conditions in women's rights. As an approach, "gender justice" will not be unjust to men, while protecting women, and will bring about constructive practices in developing an order that prioritizes social welfare. From this aspect, "existence of some 'nuances' in terms of distribution of tasks between genders and rules regulating the worldly affairs does not mean a contempt of women in Islam and the Divine Natural Law."²³

Conclusion

It is important to establish an understanding of justice in society that would remove the oppression faced by women resulting both from traditional values as well as modernity itself, and enable women to take part in social life without coming into conflict with their inherent characteristics. Undoubtedly, relying solely on legal and political practices without taking into account the physiological and spiritual differences would mean opposing the natural law.²⁴

"Problematizing equality does not mean a step back from this position. On the contrary, it means stressing an approach which could remove the oppression faced by women resulting both from traditional values as well as modernity itself. This approach involves an understanding of justice which would enable women to take part in social life without coming into conflict with their nature. Justice refers to an order surpassing men and women identities where the differences between human beings are taken into account but where such differences do not lead to disadvantages [for women]."²⁵

The term "gender justice" brings a new perspective and momentum to the advancement of women's rights worldwide, and it is emphasized in this article through the framework of the equality/difference dichotomy within the critical frame of feminist approaches. This article does not attempt to disregard legal achievements with respect to the political and legal rights of women. In other words, emphasizing the concept of justice does not discard equality. Equality is a must, yet it is not sufficient for the procurement of justice in the social, political, and economic lives of women and men. Thus, assuring a "gender justice" perspective/understanding [as a catch-all term], which comprises equality but goes beyond it in social roles and practices for men and women, is a necessity for today's modern society.

²³ Hatemi (2013).

²⁴ Yılmaz(2014).

²⁵ Yılmaz(2014).