

# SUSAN OKIN'S ANALYSIS OF JUSTICE WITHIN THE SPHERE OF FAMILY

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## **Abstract**

***This paper will present a brief account of Rousseau, Hume and Alan Bloom's view on family and justice along with Susan Okin's alarming view over the issue of justice in family who points out and criticizes the misogynistic elements in prevalent theories of justice and argues that unequal division of labour and naturalisation of female domination are the major causes for the hesitation to apply justice in families and she claims that family must be just because it is the most fundamental institution that can teach justice to children and adults. Okin elucidates the link between theory of justice and family while emphasizing the need to ensure a sense of distributive justice within the families. She argues that a supererogatory image of women and the "better than just" version of family cannot undermine and replace the need of justice within the families.***

***Keyword: Family, Feminism, Justice, Private Sphere, Public Sphere, Supererogatory Image***

## **1. INTRODUCTION**

The issue of 'justice' and 'family' is much discussed by the intellectualists from traditional to contemporary era, but what has been highly questionable is to recognise and establish a relation between these two notions. Feminist thinkers have criticised the vague conceptions of justice held by thinkers like Rousseau, Hume, Alan Bloom and many others who do not consider the family as a subject matter of justice. But these assumptions make us think that justice is demanded and ensured for

whom? Why there is injustice in family despite the claims for global justice? Why injustice done to women remains unaddressed in much renowned theories of justice? Can there be just adult individuals if a child never learns justice within the family? Is it possible to achieve our goal of a just democratic Society without rectifying the injustice done to women within the families? This paper will present a brief account of Rousseau, Hume and Alan Bloom's view on family and justice along with Susan Okin's alarming view over the issue of justice in family who points out and criticizes the misogynistic elements in prevalent theories of justice and argues that unequal division of labour and naturalisation of female domination are the major causes for the hesitation to apply justice in families and she claims that family must be just because it is the most fundamental institution that can teach justice to children and adults. The idea of justice that is demanded for women in family is basically a form of social and distributive justice that can be defined as (the just allocation of goods, benefits, opportunities, resources, burdens and accountability within the families and societies).<sup>1</sup>

## **2. MALE THINKERS' VIEWS ON JUSTICE AND FAMILY**

In order to explore the seriousness of this deeply rooted problem of inequality and injustice, it is important to shed light over some of the major arguments proposed by thinkers who are included in the list of great pioneers of social and political philosophy such as Jean Rousseau, David Hume, Michael Sandel, Alan Bloom and many others.

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<sup>1</sup> Susan M. Okin, "Gender, Justice and Gender: an Unfinished Debate," *Fordham Law Review* 72 (2004): 1539-1540.

According to Rousseau, there is a difference in controlling and administering a family and a political society, he maintains that the former is needed to be founded upon the principles of justice whereas the latter is founded upon love. Unlike a political government, a father in a family needs to consult only to his heart to speculate what is right and wrong for the family.<sup>2</sup> This statement has two implications, first is that father is the head or controller of the family and second is that the idea of justice is not needed in a family set-up. Both these implications highlight a very serious issue of patriarchal ideology that often works to support the oppression of women and it shows Rousseau's unwillingness to question the inequality faced by women within the families. He further states that women can be barred from participating in the public sphere and they can be governed within the families without any detrimental effects on their well being and their husbands will be the representatives of the family.<sup>3</sup> It is clear that upholding the distinction between public and private realm is a major source of the exclusion, oppression and depression faced by women in both the spheres. This view ignores and undermines the individuality of women, Rousseau converts women into non individuals whose interests and existence is submerged with the existence and, interests of the male of the family who will be their representative in the public realm of society.

Another explanation of the view that defends the unsuitability of justice within the family is given by David Hume who uses the notion of "enlarged affections" to justify his view over the issue of justice and family. He maintains that family is a perfect example of enlarged affection, which basically means that a person is equally concerned for oneself and his/her fellows. He believes that there is no division of possession and property between two spouses and hence there is no need for principles of justice within the family.<sup>4</sup> But Hume's vision of family relations is very far from reality he assumes that there is no division of possession between spouses, Okin has also pointed out that in practical affairs the possession that belongs to wife is automatically subsumed by husband but not vice versa hence Hume's view turns out

to inappropriate when applied to family units. As J.S. Mill has also pointed out, he says "the two are called one person in law for the purpose of inferring that whatever is hers is his, but the parallel inference is never drawn that whatever is his is hers."<sup>5</sup> It seems that this law of covertures is merely a tool to oppress women and to devoid them of any rights and possession.

Hume's view on family is defended by Michael Sandel, he claims that there are certain spheres in society in which it is inappropriate to grant the primacy of justice as a virtue. Sandel is against the famous Rawlsian claim that "justice is the primary moral virtue" he tries to challenge the very idea of liberalism.<sup>6</sup>

A common bedrock assumption behind all these claims against the application of justice within the private realm is the supererogatory image of women and family relations, due to which they don't see any need for questioning these relations and evaluating them from the lens of justice. As asserted by Ruskin that "women are assumed to be enduringly incorruptly good, instinctively infallibly wise..., not for self development but for self renunciation."<sup>7</sup> It is taken for granted that wives will always be ready to sacrifice their own interests, aims and goals for the sake of their husbands.

Alan Bloom is one of the most noted antifeminist thinker who has rejected and undermined almost all arguments given by feminists to ensure equality and to vanish prejudice prevailing in the traditional division of labour between the male and female within the family, he gives a naturalist explanation and justification for the traditional setup of family. He blames feminism for the destruction of the prestigious thoughts and books of the great traditional thinkers and for undermining already besieged setups of family. He maintains that feminism is against the nature and natural laws because it challenges the very natural biological destiny of women and since men are excused and qualified as "selfish" and as having "unqualified concern," the family situation becomes worse when women cease to make unconditional sacrifice and ever enduring commitments. According to him serving her husband, attaining and practising motherhood is the ultimate destiny of women because it is her natural inclination to have children, so

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<sup>2</sup> Susan M. Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989), 26.

<sup>3</sup> *Ibid.*, 26-27.

<sup>4</sup> *Ibid.*, 27-28.

<sup>5</sup> *Ibid.*, 30.

<sup>6</sup> *Ibid.*, 27.

<sup>7</sup> *Ibid.*, 31.

she must be fully responsible to bear and rear a child. It is to reach their destiny women need to charm men into marriages and therefore must take care of their husbands.<sup>8</sup> Bloom has declared that rearing and bearing children is the fate of women which is determined by nature but his claims are enforced by gendered patriarchal mindset rather than any logical and reasonable intellectual arguments because child rearing is a phase of female life but the whole idea of being a women does not revolve around bearing and rearing the children but it need not be imposed on women to restrict their liberty and opportunities.

Thinkers who have attempted to discuss about family structures often rest their theories on vague assumptions. As Rawls has asserted that "Family Institutions are Just" but a detailed analysis of family relations, family structures, gender, division of labour and inequality in the allocation of responsibilities and benefits remains unaddressed even in contemporary theories of justice.<sup>9</sup>

Susan Moller Okin has critically analysed these misogynistic in her various works, next section will provide a brief overview of her arguments.

### 3.OKIN'S VIEW ON FAMILY AND JUSTICE

Susan Okin is one of the great feminist thinkers who tremendously criticises the idea that justice is inappropriate as a virtue to be applied to family structures and she tried to locate the idea of justice as a central feature of just family and she criticises the very idea of naturalising the unequal division of labour prevailing within the families that uphold a patriarchal setup.

Okin elucidates the link between theory of justice and family while emphasizing the need to ensure a sense of distributive justice within the families. Okin argues that the allocation of social goods like paid work, financial resources, physical security, etc. are unjust and uneven. She further argues that a supererogatory image of women and the "better than just "version of family cannot undermine and replace the need of justice within the families. And since family is considered to be the

primary school where individuals learn to behave justly, a sense of generosity alone is insufficient to develop a just and well ordered society.<sup>10</sup> Okin criticises the better than just version of family and self renunciation and supererogatory image of women because it does not allow them and others to question or criticize the pre-existing standards of family. Her criticisms are not confined to family only, she explores the deeply rooted other factors that create hindrance in ensuring equality and justice for women. In one of her article she says that (most of the women's rights are infringed within the domestic or private spheres of society and the religious, cultural and familial customs and norms are used to justify the violation of their rights, it makes us rethink the very notion of human right since it ignores women's right by not considering the violation of human right as a violation of human rights.<sup>11</sup>

Okin asserts how a balance can be maintained between these two kinds of virtues i.e., generosity and justice which are understood and presented by thinkers like Rousseau and Bloom to be contrary to each other. She says the moral primacy of justice is not a problematic notion for institution like family, if it is generally believed that family set ups generally operates in accordance with generosity, love and care but it doesn't deny the justice when it is needed and demanded by family members, specially women then it can be concluded that it is a better than just association but they are worse if deny and undermine the claims of justice in spite of operating in accordance with affection and generosity.<sup>12</sup> Okin tries to demarcate the just and worse structures of the family often blurred in the writings of male thinkers like Hume, Rousseau, Sandel, Bloom and many others. But it is difficult to recognise as a separate virtue for women since child bearing, child rearing, unpaid domestic work, self renunciation are regarded as the defining marks for women and often considered to be superior to justice within the domain of family.

Okin critically analysis the view of male thinkers and points out that either these thinkers try to ignore or get over simply the family structures and its mode of operation. In her book '*Justice, Gender and Family,*' she proposes that one of the central reason for resistance to

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<sup>8</sup> Ibid., 34-35.

<sup>9</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 490.

<sup>10</sup> Ibid., 31.

<sup>11</sup> Susan M. Okin, "Feminism, Women's Human Rights, and Cultural Differences," *Hypatia* 13 (1998): 32-33.

<sup>12</sup> Okin, *Justice, Gender and the Family*, 31-33.

apply the principles of justice within the family is the abstract and idealised perception about family association and women, she says the claims about inappropriateness of justice as a virtue for family rests on an abstract, mythical and idealised vision of the family and this abstractness is much far from reality. If abstract models are considered to be the subject matter of justice than it can be said that there is no need of justice in realistic and practical associations like family and society. Okin argues that in an ideal society even criminal justice might be regarded as unnecessary but it is not compatible with the society we live in.<sup>13</sup>

Okin argues, just as it is absurd to think of early without justice, it is illogical to think of family without justice. She criticises the adherence to nature, lactation and reproductive biology in order to justify the restrictions made on women within the domestic spheres of society, these assumptions are not served by rational grounds and turn out to be ridiculous when analysed critically. She points out male thinkers often fuse child rearing with child bearing to justify the female domination but nursing and taking care of an infant is just a part of raising children and amendments in child caring and working clauses can make it possible for women both to breastfeeding feed their child and fathers to share the responsibilities of raising their child.<sup>14</sup> Emphasising the realistic nature of family associations, Okin further argues that it is not absurd, but necessary to think about an egalitarian family structure in order to build and develop a just society and adherence to nature is irrational because there is nothing in nature that resists males from participating in the nurturing of a child and she rejects Blooms assumption that man are selfish by nature due to which they won't participate in child rearing. Okin asks "since when did we shape public policies around people's fault? Our laws do not allow kleptomaniacs to shoplift, or those with a predilection for rape to rape? Why, then, should we allow fathers who refuse to share in the care of their children to abdicate their responsibilities? Why should we 1 allow the peculiar continuance of the contract that marriage has become, in which legal equality is assumed but actual inequality is assumed but actual inequality persists due

to unjust decision of labour."<sup>15</sup> Okin rightly points out that unjust and unequal division of labour is the root cause of the ideology that prevents the notion of justice to enter within the domains of domestic spheres of life that operates in accordance with the principles of patriarchal mind-sets of people.

Okin agrees with John Rawls who talks about family in his theory of justice and acknowledges that family institutions have profound effects in shaping the goals and characters of an individual and also have long term effects on one's personality, but Okin is not fully satisfied with Rawls' vision because it depends on certain unexplained assumptions.<sup>16</sup> Rawls theory becomes more sustainable when he asserts that "Heads of Families" will be those who will reason their hypothetical situation of the original position. This statement loses its edge regarding women as commonly men are considered to be the "Heads" of the families. Again the role and responsibilities carried by women since ages is assumed to be outside the sphere of justice.<sup>17</sup>

She further says that the kind of upbringing a child gets largely determines his/her notion of justice in future as an adult, she asks how can a child learn a sense of justice that is needed to establish a just society if the primary and formative factors are not guided by the idea of justice? She also suggests that equal sharing of responsibility and role rather than unequal division in family can serve as a foundation for just society because in family one can "learn to be just" and a perspective of justice should be formed by a "shared understanding" among the members.<sup>18</sup> Okin has rightly asserted that family structures set the basic factors that form and develop ethical values and virtues in a child and it influence the present society and shapes the model of future society, therefore the family must be guided by a sense of justice and equality.

#### 4.CONCLUSION

From the above discussion it is clear that although the notion of justice and family has always been a much discussed issue among the thinkers but they have tried to oversimplify the issue and did not consider the

<sup>13</sup> Ibid., 29.

<sup>14</sup> Ibid., 36.

<sup>15</sup> Ibid., 39-40.

<sup>16</sup>Susan M. Okin, "Political Liberalism, Justice, and Gender," *Ethics* 105 (1994): 23-43.

<sup>17</sup> Rawls, *A Theory of Justice*, 128.

<sup>18</sup> Okin, *Justice, Gender and the Family*, 17-18.

seriousness of the need to look and rectify the unjust family relations, either they undermine it or justify it behind the artificial laws of nature and by equating family relations with love, care and sacrifice in part of women. Okin is right in asserting that injustice done to women is a threat for the very idea of social justice and democracy.

### REFERENCES

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