On Conceptual Dichotomies and Social Oppression

Gila Stopler
Dana Freibach Heifetz

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Abstract: This paper aims to expose the philosophical and cultural mechanisms, which allow some forms of western religion (in this case mainstream Christianity) to join hands with western capitalism in the oppression of women and of the needy. Focusing on the example of the US, this paper claims that both mainstream Christian religion and capitalism perpetuate and entrench discrimination against women and the oppression of the needy through the use of the cultural/philosophical dichotomy between love and justice and its corollary dichotomy between private and public. Against this background, the second part of the paper examines several notions of love and justice, and offers a philosophical alternative to the dichotomous understanding of the two which is based on our claim that neither love nor justice are complete without the other and suggests a combined understanding of these concepts. Finally, the paper examines the practical implications of such a theoretical alternative for the social and cultural structures of the capitalist state, religion and the family.


This paper aims to expose the philosophical and cultural mechanisms, which allow some forms of western religion (in this case mainstream Christianity) to join hands with western capitalism in the oppression of women and of the needy. The paper analyzes this phenomenon on three levels, each level connecting two interrelated elements. The first level is religion and capitalism as the cause for oppression. The second is discrimination against women and neglect of the needy as the dual faces of oppression. The third level is the conceptual dichotomies (between love and justice, private and public) and their application in practice as the means through which the
oppression is created by religion and capitalism. Focusing on the example of the US, this paper claims that both mainstream Christian religion and capitalism perpetuate and entrench discrimination against women and the oppression of the needy through the use of the cultural/philosophical dichotomy between love and justice and its corollary dichotomy between private and public. We will claim that the capitalist state, with its lack of welfare services and its lack of care for the poor and the needy, is predicated on women’s oppression and exploitation in the family. We will further claim that religion serves as an extremely powerful status enforcing mechanism, sanctioned by the state, which is used to keep women in their subordinate role. By analyzing the theoretical basis of these social and cultural phenomena, we join, sharpen and further develop the feminist critique of the capitalist state. On this basis, we develop our own perspective on these issues by exposing the intricate interrelations between the three above mentioned levels.

The article contains four parts; parts I and II contain a critical analysis of the existing situation while in parts III and IV we offer an alternative for it. Part I discusses how mainstream Christianity, as it is interpreted and practiced in USA today, perpetuates the oppression of women both directly and indirectly, through the perpetuation and justification of the public/private dichotomy which encourages women to remain in the private hierarchical sphere while limiting their access to the public sphere, and through its support of the capitalist system which is itself based on the exploitation of women’s unremunerated private care work. All these, we shall later show, directly affect not only the situation of women but also the existence and the extent of the care for the needy. Part II critiques a second and closely related dichotomy, which enables and perpetuates women’s oppression as well as the oppression of the needy, the dichotomy between love and justice. In part III we offer a theoretical alternative of
our own to the current situation, by presenting the possibility of combining love and justice. In part IV we explore the practical implications of this alternative, which include greater equality for women in the family, the creation of a welfare state and possibly even an internal change within Christianity itself.

(I) The Political Influence of the (Christian) Religion

(I) (a) Religion as a tool for the oppression of women

Although religion in its various forms has always been a source of comfort and strength for many women, patriarchal religion has long been used as a powerful tool for the oppression of women. As Gerda Lerner shows in her epic historical studies, religion has served as the central tool for both the creation of patriarchy and the suppression of feminist consciousness. Lerner holds that the misogynist explanatory system that dominated church doctrine, and the belief in the God-given inferiority of women, shaped ideas of gender in society, and that the prohibitions on women’s thinking, teaching and speaking in public were all based on biblical authority.¹

Historically, feminists such as the Grimke Sisters, Matilda Joslyn Gage and Elizabeth Cady Stanton, have recognized the central role religion played in women’s oppression and have demanded equality for women within religion (especially Christianity), believing it to be a prerequisite for equality in society in general.² Stanton points to the Bible as the source of the idea of women’s divinely ordained inferiority and describes how this idea is used by both church and state to justify woman’s subordination to man.³

In both Christian and Jewish religions the sovereignty of man over woman is equated with the sovereignty of God over man. Even today Christian teachings are often used
to support the institutionalized male domination of women, including their chastisement and battering.\textsuperscript{4} Perhaps the central proverb used to justify male domination is the one calling wives to submit to their husbands: “Wives, submit yourselves unto your own husbands, as unto the lord. For the husband is the head of the wife, even as Christ is the head of the church; and he is the savior of the body. Therefore as the church is subject unto Christ, so let the wives be to their own husbands in everything.” \textit{Ephesians} 5:22-24.

While the constitutional separation between church and state in the US may prevent an overt institutionalization of religion in the state, it is powerless to prevent the insertion of patriarchal religion into politics, which adversely impacts the rights of all women. Some important contemporary struggles that American feminists are waging against an increasingly politically powerful Christian Right and whose results would affect the life of every American woman are waged over matters such as abortion, contraception and sex education.\textsuperscript{5}

\textbf{(I) (b) Religion as affecting the economic and social order}

However, religion affects women’s inequality not only within the private sphere of reproduction and the family. As some key sociologists – like Emile Durkheim, Vilfredo Pareto and Max Weber – have shown, a religious belief is one of the main components that rule the social order, and economic attitudes of social groups may derive from religious conceptions. Weber, in particular, in his book \textit{The Protestant Ethic and the Spirit of Capitalism}\textsuperscript{6}, claims that Christianity (or some versions of it) enabled and encouraged the development of western capitalism, which he defines as a rational pursuit of continual accumulation of wealth for its own sake. Although prima facie a religious devotion is or is expected to be accompanied by rejection of mundane
affairs in general, and by contempt to wealth in particular, Weber argues that certain types of Protestantism, mainly Calvinism, favored rational pursuit of wealth, and even ascribed it with a moral and religious value. The key to understanding this fact lies within the Calvinist conflict between the doctrine of predestination, according to which only some are chosen by God’s grace to be saved from damnation, and the obligation laid upon the true believer to regard oneself as chosen. The unbearable tension between the two brought the Calvinist to interpret worldly success as a sign—though not a mean—of his/her being chosen. In addition, there is a demand of “good works” in worldly activities as the medium for expressing one’s faith, accompanied by asceticism. All these, according to Weber, gave birth to the capitalist spirit as he defines it—a rational, constant hard work that aims at accumulating wealth per se, without enjoying one’s gains. Furthermore, Weber holds that the loneliness of the Calvinist before his God opens the door for individualism, which is one of the main characteristics of Western Capitalist Society.

Paraphrasing on Weber’s thought, one may further argue that Christian ideas are also used to reject the “spirit of the western welfare state”. Christianity, in its manifold expressions, preaches that the human being must face God with ultimate humility, having no right to claim anything, and has to be grateful if God in his grace decides to provide his human needs and wishes. If one conceives of the modern state as a replacement, in many senses, of God—as being the source of many goods to its habitants as well as the object of their feelings (loyalty, patriotism) and duties (to pay taxes, to fight for its safety)⁷, one can easily see how these Christian patterns of thought facilitate the portrayal of the needy as beggars who should at best be given charity, and who should be grateful for it. Needless to say, such patterns of thought are hostile to the rights-discourse which forms the basis for the welfare state.
It is true that some Christian theologians hold an anti capitalist stance, and condemn the inequality - of incomes, power and freedom - and the lack of human solidarity that the capitalist market produces. Eminent examples to the latter are the liberation theologians - first and foremost: Gustavo Gutierrez - who posit that Christianity should aim at achieving social justice. However, many other Christian theologians, mainly in the US, support capitalism and emphasize its compatibility with Christian values - the notion that the human race is the summit of creation, which is destined to prosper and dominate others; the focus on personal responsibility, which is manifested in rewarding the diligent and punishing the lazy; and the important role personal freedom plays within capitalism. These pro capitalist theologians further adopt the Smithian idea that self-seeking furthers the common good; all the more so since the fallen human being, they claim, cannot be expected to act otherwise.8

(I) (c) **The Separation between Public and Private**

One of the most important philosophical and political features of the western liberal capitalist state is the separation between the public and the private. This separation has served and still serves several distinct but interrelated purposes. These include the relegation of women to the private sphere and the designation of the public sphere as the sphere of men; the differentiation between the private market and public government; and in countries such as the US where a separation between church and state exists, it serves to demarcate the desirable boundaries between religion and the state. Importantly, the public/private dichotomy is man made, and although it has some positive aspects, it nevertheless plays a crucial role, along with is corollary, the dichotomy between love and justice that shall be discussed later, in the continued
oppression of women and in the preservation and flourishing of oppressive capitalist and religious structures.

Thus, the separation between the public and the private and the relegation of women to the private unremunerated sphere has been a constitutive feature of capitalism. The capitalist market is dependent on women’s care and maintenance work in the home, in order to allow the man to fully dedicate himself to his work. Similarly, the capitalist state relies on women’s unremunerated care work - taking care of the young, the sick, the elderly and the needy - as a substitute for its dearth of welfare services.

Mainstream Christian religion as it is practiced in the US reifies and promotes this capitalist structure. While it preaches to women the importance of self sacrifice and of dedication to fulfilling the needs of others, providing domestic services and volunteering in the community, it has simultaneously given birth to the capitalist spirit in the public sphere, by which men’s success is measured (as Weber showed); or, at least, it has gone hand in hand with capitalism, each strengthening the other in the social oppression of women. Furthermore, patriarchal Christian churches have a strong interest in the preservation of the public/private dichotomy, at least with respect to women’s position within it, because religious women are those who sustain these churches through their participation, dedication and volunteer work, and thus form the foundation of the churches’ power.

One could argue that although the capitalist state and mainstream religion might have similar interests, the constitutional separation between religion and the state in the US prevents religion and the state from cooperating in order to achieve their mutual goals. However, such an argument, while never very plausible, is highly implausible today. First, the notion that an institutional separation between religion and the state prevents
religious perceptions and considerations from entering the public sphere is untenable. The same religious perceptions that people acquire in the private sphere of family and community are carried by them into the public sphere through their participation in the political process as well as through the work of public officials, who inevitably bring their ethical convictions into their work.\textsuperscript{11} Second, the entire concept of the separation between religion and the state has undergone a serious transformation in recent years with the spread and institutionalization of charitable choice programs, in which the state openly funds religious organizations for the purpose of providing social services and promoting their ethical convictions in all areas of social life, including family planning, responsible parenthood, work ethics etc.\textsuperscript{12}

\textbf{(II) The dichotomy between Notions of Love and Justice}

Similarly to the capitalist patriarchal society, patriarchal religion aims at preserving women's traditional role within the family. Feminist thinkers point to the two interrelated dichotomies - between love and justice, and between the private and the public – as two important means for achieving this aim.\textsuperscript{13} Accordingly, within the private sphere of the family love rules, while in the public sphere of society and the state, the rule of justice prevails. Thus, according to feminist thinkers these dichotomies are deliberately and ideologically used to justify the continuation of a hierarchic and discriminatory social structure in which women’s inferiority is maintained.\textsuperscript{14} In Riva Siegel’s terminology, the dichotomies between the public and the private and between love and justice are a “status enforcing mechanism”\textsuperscript{15}. These dichotomies serve two interrelated purposes. First, they help to preserve the hierarchy between the sexes, which according to feminist psychologists like Carol Gilligan and Nancy Chodorow forms the foundation of masculinity in patriarchal societies\textsuperscript{16}. By presenting this
hierarchy as a mere manifestation of feminine love, women’s subordination is being normalized and perpetuated. Second, the dichotomies between private and public and between love and justice foster public patriarchy – they enable men, religious organizations and the state to enjoy women’s unremunerated services in the private sphere, while releasing them from the need to respond to the care-needs of the needy. In other words, the second purpose of these dichotomies is to justify the prevailing situation in which the burden of care for the weak and the needy is laid mainly upon women, with no remuneration.

The dichotomy between love and justice helps to foster the ideal of the loving woman, by justifying the sacrifices that each woman has to make in order to become the perfect woman, wife and mother. The ideal of the loving woman presents a list of “duties of love” that each woman has to abide by; yet a critical examination immediately exposes these duties as unjust. Virginia Woolf sharply portrays the ideal of “Angel in the House” that prevailed the Victorian England: A women must be charming, utterly unselfish, and sacrifice herself daily, excel in the difficult arts of family life, never have a mind or a wish of her own but always sympathize with the minds and wishes of others. Even if some elements of this description no longer fit the modern woman, the ideal of feminine sacrifice still plays a crucial role in the self-definition of both women and men, as well as in the social structure. Patriarchal religion is one of the main engines for such indoctrination.

The patriarchal structure is strengthened by the basic Christian distinction between grace and gospel (which both manifest the divine love) on the one hand, and the ethical-religious law on the other, which accords to the distinction between love and justice. This is the case in Protestant theology. In Catholic theology, this dichotomy is
formulated in terms of the virtues of charity and justice, which follow the traditional
distinction between grace and nature. Indeed, sometimes the Christian moral doctrine
is characterized as a complete integration of love and justice. Yet most Christian
theologians present love as an alternative order to the one determined by justice. More
so, in Christianity as a whole love is considered superior to justice; when many – if not
most - central theologians, like Aquinas and Luther, hold that love eliminates the very
need for justice. In light of this understanding of the relationship between love and
justice, it is clear how injustice towards those who have “duties of love” – namely:
first and foremost women – is easily tolerated.

Further, the Christian understanding of justice itself is also conducive to the
acceptance of injustice towards those who have “duties of love”. This stems from
the categorical distinction between the earthly, relative, partial justice and the true
justice, which is the divine justice that is intimately related to Godly love, and is
impossible in this world. This distinction brought many theologians to hold that in this
world only hard, impersonal retributive justice is possible, while others believe that the
vocation of the Church is to actualize the divine (loving) justice on earth. American
churches, in general, have adopted the first model. Consequently they are more at ease
with expressions of worldly injustice (such as women’s oppression), and conceive of
justice as altogether detached from love. Patriarchal society doesn’t merely dichotomize love and justice, restricting love to the
private sphere and justice to the public, but it also conditions women’s right for
justice in the public sphere on the fulfillment of their “love duties” in the private
sphere. A good example of this phenomenon in the US is the defeat of the ERA - the
Equal Rights Amendment - which was defeated by constituents who where concerned
that granting women a constitutional right to equality would jeopardize their role as wives and mothers\textsuperscript{23}. The failure to pass the ERA can be largely attributed to the mobilization of conservative religious groups who portrayed it as anti-family and threatening to morality and traditional values.\textsuperscript{24}

Another closely related oppressive dimension exists in the public sphere, where the dichotomy between love and justice, and accordingly between charity and rights, serves as a status enforcing mechanism by providing those well off with complete control over the charity handed down to the poor. Ideologically, this dichotomy facilitates the continued existence of Gramscian style hegemony and provides a justification - which is accepted and internalized even by the least well off – to the continued existence of profound inequalities.\textsuperscript{25} One example of such a status enforcing mechanism is President Bush’s “compassionate Conservatism” which is based on economic conservatism and a “pure” form of capitalism, which fiercely protects the property rights of the rich, while narrowing to a minimum the obligations of the state towards the welfare of its citizens. Welfare is placed in the hands of charity organizations and becomes dependent on the good will of society in general and of the rich in particular, who are called upon to show compassion to the poor and support them by giving charity as a tithe on their profits. Patriarchal Christian religion strengthens this status enforcing mechanism by supplying it with a religious ideological foundation based on the religious dichotomy between love and justice and the religious importance of compassion and charity.

Patriarchal churches benefit from the current administration’s conservative economic policies and thrive on the deepening dichotomy between love and justice and between charity and rights. The administration’s Faith Based Initiative facilitates an increase in
the power of patriarchal churches by dramatically expanding government funding for faith-based social services. The power and influence religious organizations can accumulate through the provision of social services, and their opportunity to attract people to their faith, even while abstaining from direct religious indoctrination of service recipients, cannot be overestimated. At the same time, a considerable part of the welfare services provided by patriarchal churches involves the volunteer work of women, thus making the church’s continued growth and increase in power dependent on a continuing supply of free female labor, and thus on the continued dichotomy between love and justice.

We wish to argue that the dichotomy between love and justice is unsound and results in injustice. In order to do so, we must first clarify the terms “justice” and “love”. In this context, we refer to distributive justice, which focuses on the question of the proper criteria for the distribution of limited social and economic resources between individuals and groups within society. While there are numerous approaches and definitions of distributive justice, in this paper we refer to “justice” as a concept that embodies two commonly accepted components: equality and mutuality. While equality is a highly controversial concept, our understanding of equality refers to the fair distribution of resources and capabilities.

Defining love is a more intricate task. Feminist thinkers posit that the notion of love prevalent in modern western society is a patriarchal notion that is based on a hierarchical understanding of the relationship between man and woman. Moreover, this patriarchal understanding of love promotes different types of love for men and women. In this context, we claim that it is fruitful to refer to the distinction between two kinds of love: Eros - a carnal love that rises from an erotic passion for pleasure
and ownership, whose aim is satisfying the lover’s desire, and Agape - the Christian love, which is manifested as self-giving. The Christian theologian Andreas Nygren holds that these two kinds of love exclude each other. Agape is mainly the descent of the superior lover (God) towards the inferior beloved (man), while in Eros the lover ascends towards something that is superior to him. Agape is given to the beloved as a free and unselfish gift to the point of self-sacrifice, while Eros is an egocentric love that is motivated by personal gain. Whereas Eros aims at that which is already desired and valuable, Agape is aimed at the unloved in order to bestow it with value²⁹. Connecting the feminist critique of the hierarchical nature of patriarchal love to Nygren’s terminology, we can say that patriarchal society does not merely differentiate between two kinds of love but it also socializes each sex to follow one exclusive type of love. While men are directed towards masculine Eros-love, women are not expected to - and often are educated not to – love this way. The love that is expected of women is the Agape type of love, which results in their oppression. This is so because Agape is, first and foremost, a divine love. When adopted by human beings, Agape lays upon the lover a heavy, perhaps inhuman, burden of sacrifice. Indeed, one might argue that even an Agape type of love, which is predicated on sacrifices on behalf of the beloved, can fulfill the demands of equality and mutuality, if it is demanded equally of all members of society, as Christianity stipulates in principle. However, although the Christian command to love is theoretically a universal rule, in practice even within Christian ethics a double standard exists, that limits love’s scope. This double standard is clearly manifest in the words of the Christian theologian Reinhold Neibuhr, which posits that such a sacrificial love is a moral norm that is relevant only to the private sphere, and mainly to ”mothers, heroes and saints”. According to him, one cannot expect the love-norm to be applied within
the power relations that characterize the public sphere, and thus the duty to love remains within the family domain, laid upon women and mothers. However, when an Agape type of love is demanded only from a segment of the population, namely women, it is necessary to limit the sacrifice that is expected of the lover by keeping it within the boundaries of justice.

**III Integration of Love and Justice**

In contrast to the patriarchal notion of hierarchic love, feminist thinkers offer an egalitarian love, which is founded on equality and mutuality, namely on justice. As opposed to Eros and Agape, one can accord egalitarian love with a third concept of love – Philia - which is a friendly love or affection that is motivated by a sense of altruistic generosity. The concept of Philia was developed mainly by Aristotle, who emphasized that Philia requires mutuality, respect and equality between the parties, and demands that each party acts for the good of the other. The parties to the Philia relationship choose each other because each of them realizes the other’s value and shares the other’s views on how their mutual relationship can promote their common good. Ideally, Philia is a relation between intimate friends; first and foremost, according to Aristotle: between men; but its meaning is much wider, and it refers to a vast scope of human relations, from casual acquaintances up to intimate relationships within and beyond the family. In particular, Aristotle posits that a husband and wife share a natural Philia. Another aspect of Philia is civic friendship, which is the glue that holds citizens together and creates a political unit that is based on each citizen’s concern for the good of his fellow citizens and on citizens’ mutual agreement with regard to the management of the state. As we shall see, this notion of Philia is highly conducive to our definition of love.
As aforesaid, according to the egalitarian understanding of love, love and justice are interdependent. The flip side of this interdependence is that it is not only love that has to be founded on justice, but likewise justice has to be founded on love. Accordingly, if justice is disconnected from love and compassion it is a defective justice, and this defect may be presented in several ways. Simon Weil, for example, argues that justice in itself is hard to achieve and even unnatural since our needs blind us to the needs of others; only love, she says, gives us a motive that is powerful enough and compels us to see the other and examine justice in light of the other’s needs. Disconnecting justice from love turns the former into a mere social limitation, and the latter into a caprice; hence, concludes Weil, the spirit of justice is nothing but love. However, in what sense may justice include or be based on love? While some may say that love, as opposed to duty, cannot be commanded, within western intellectual tradition one can find several ways to combine justice and love. One of them is the ethical notion of supererogation. Following the model of “the good Samaritan”, it refers to altruistic acts which are not conceived of as duties yet have moral significance and value. However, since supererogation loving acts are not obligatory this concept alone is not enough to cure women’s oppression; for that, love has to be more than merely a voluntary addition to the requirements of justice. A second, noteworthy option is Herman Cohen’s “ethics of compassion”, which is based on an understanding of and identification with another person’s suffering that create a moral commitment for action on his behalf. According to Cohen compassion is what makes both parties unique individuals, actualizing their humanity and constituting their self-identity as members of a community. It should be emphasized, though, that compassion is very different from mercy. While the former is characterized by equality between the parties and non-judgmental identification with the other’s
suffering, the latter is based on the inferiority of the needy and perpetuates it, while condemning them for their troubles\textsuperscript{36}. Another important distinction in this context is between compassion-ethics and the notion of “compassionate conservatism”, which, in our view, abuses the term “compassion”, and to which we shall refer later. Last but not least, is the above mentioned Philia. According to Aristotle, friendship and justice are closely related, but friendship is wider than justice and contains it. The virtuous person treats his fellowmen not merely with justice but with Philia, at least in its meaning as civic friendship, and the highest justice is that which approaches friendship.

Although within the Christian world one may find offers for an integration of love and justice, eventually most – if not all – of them connect love with self-sacrifice. Thus, for example, Haring interprets the Catholic heritage as holding that love is more basic than justice and that love is the best guarantee for the fulfillment of justice, and consequently, as holding that justice must be achieved in the spirit of love. However, at the same time, Haring posits that love means to always be prepared to suspend one’s own rights for the good of another\textsuperscript{37}.

The notion of justice that we wish to offer combines the qualities of compassion ethics and of Philia, with a key-concept within feminist ethics - the concept of care\textsuperscript{38}. Unlike masculine notions of justice, which are based on abstract rules and rights, the concept of care focuses on solidarity and personal responsibility, and presents three main ethical goals: preservation, growth and acceptability of the other, which together represent the ideal motherhood.\textsuperscript{39} It is noteworthy, that some thinkers conceive of care ethics as the modern – although devaluated – metamorphosis of Christian love\textsuperscript{40}. We advocate an understanding of justice which contains a notion of empathy, which
involves taking responsibility for another’s wellbeing and acting on her behalf out of personal involvement, in order to facilitate her physical, spiritual and emotional development. It is important to note that such empathy does not require emotions of intimate love or even sympathy towards each and every member of society; indeed, it would be impossible to fulfill such a requirement. Our suggested notion of empathic justice merely requires recognizing the other person’s humanity and needs, thereby acknowledging our duty, as a society, and as individual members of a society, to strive to create the conditions that enable the full self-realization of every person.

Thus, in line with the feminist critique of dichotomous western thinking, we offer to eliminate the dichotomy between love and justice. The theoretical model of the elimination of the dichotomy between love and justice must be implemented through a combination of the two – as opposed to a replacement of justice with love or of love with justice.

(IV) Implementing the Integration of Love and Justice, or: Equality for Women in the Family and the Welfare State

The implementation of the theoretical fusion of love and justice has to be done while keeping in mind the deleterious effects of the dichotomy between the two. These are: the creation and perpetuation of hierarchy and an unfair division of labor within the family; the state’s coping out of its care duties towards its citizens, making them the responsibility of women within the family structure; the normalization of a patently unfair situation in which many patriarchal churches in the United States, especially Christian, are sustained mainly through women’s participation and volunteering, while control over the churches and over the power they wield as institutions remains fully at the hands of men.\textsuperscript{41}
On the theoretical level the state’s coping out of its care duties is justified by defining justice as a public and political matter while relegating love and its accompanying care duties to the private sphere. This situation is unsound on the theoretical level and unjust on the practical level. In order to change it we must reunite love and justice and concede that justice is the foundation of love and love is the foundation of justice. On the practical level this would entail changes in both the private and the public spheres – family, state and church.

In the private sphere this would mean the implementation of the principles of justice – equality and mutuality – in the family in general and on the status of women within it in particular. The implementation of the principles of justice in the family entails a change in our perception of love from a hierarchical relationship to a relationship based on equality and mutuality, in the spirit of Aristotle’s Philia, which as already mentioned is a friendship based on equality, respect and mutual help (even if Aristotle himself believed that such a relationship is impossible between a man and a woman due to women’s inherent inferiority). It should be emphasized that basing familial love on justice does not in and of itself prevent the possibility of doing things for others that are beyond what justice requires, as long as doing such deeds is not considered an absolute duty and does not cause a systematic and one sided exploitation of one family member by another (similarly to the notion of supererogation previously mentioned).

What are the practical implications of the elimination of the dichotomy between love and justice within the family? The elimination of this dichotomy may have, and in some instances already has, several implications. One such implication is the creation of a more egalitarian division of labor between the spouses in which the man is more
involved in the unremunerated house work, freeing the wife to pursue a career (as opposed to merely holding a job). Another implication can be an equitable division of property upon divorce, which is based on a perception of the spouses as equal partners in the marriage, who contribute equally to the accumulation of the family’s assets regardless of whether the woman holds a paying job or not.\textsuperscript{43} Still a third implication can be acknowledging the economic value of women’s housework and remunerating them accordingly.\textsuperscript{44}

While the precise definition of the inter-family arrangements that are required by the implementation of the principles of justice in the family, and of the desired scope of state intervention in the family, is beyond the scope of this article, it is obvious that such definition is a difficult task.\textsuperscript{45} Nevertheless, we strongly believe that it is not enough to replace love with justice after love has failed. Thus, insisting on an equal division of property after the breakdown of the family, for example, is an important step in the right direction, it must be remembered that it cannot provide a solution for oppression within the family, nor can it provide a woman with the necessary mental and economic ability to leave the family unit when the need arises.\textsuperscript{46} Nevertheless, one should not dismiss the concerns put forward by those objecting to the implementation of justice in the family, who point to the dangers of too much state intervention within the family. While finding the proper balance between love and justice is a difficult task, it is nevertheless a crucial one.

However, we wish to submit that the difficulty of this task only strengthens the need to reconnect love and justice in the public sphere as well by maintaining a strong welfare state that can provide the social conditions required to counteract the deep inequality many women suffer within the family. The more the welfare state increases
the scope of its social services and its care duties, the easier will it be for women - now free from their disproportionate share of care duties – to demand and obtain equality within the family, thus decreasing the need for state intervention in order to ensure justice in the family.

Thus, reconnecting love and justice has strong implications not only in the private sphere but in the public one as well. In addition to its influence on the oppression of women, this dichotomy also affects the situation of the needy. As aforesaid, the dichotomy between love and justice and between private and public allows society and the state to deny their own duty to care (for the young, the sick, the elderly and the poor), and consequently, many times, care duties that are not carried out by women in the private sphere are not carried out at all. Alternatively, if the state or the church takes it upon itself to help the needy this help is usually portrayed as an act of charity by the giver rather than as the right of the receiver. Moreover, one must not forget that the welfare services provided by patriarchal churches are largely based on women’s volunteer work, thus further entrenching the dichotomy between love and justice, while at the same time using it to add to the power of patriarchal churches.

Applying neo liberal or conservative principles of justice one could argue that the state has no duty to care for the needs of the weak, for these principles would suggest that the demands of equality and mutuality are satisfied by giving every person according to their contribution to society rather than according to their needs. However, focusing on the role of women in supplying the care needs of the weak exposes the internal contradiction inherent in the conservative neo liberal economic system which purports to remunerate people according to their contribution to society, while at the same time giving women no remuneration at all for their tremendous load
of care work, which increases with each cut in the welfare budgets. Thus, a system ostensibly based on equality and mutuality turns out to be based on the wide range exploitation of women’s unpaid labor.

As aforesaid, the dichotomy between love and justice and between charity and rights, between the economic rights of the haves and the charity given to the have-nots, serves as the ideological foundation of western capitalism, which is strengthened by patriarchal Christian religion. It is therefore clear why we reject charity – an alleged form of private love – as a substitute for public justice. A state must not rely on the arbitrary will of private donors and organizations as a substitute for providing justice for the weak, both because the good will of the donors can never be guaranteed and because the dependency on private donors further weakens the weak while unjustly glorifying their benefactors.

It is worthwhile to elaborate on the crucial difference between women’s sacrifice and donors’ charity. Generally, love can be characterized as a form of voluntary giving which carries with it a danger of an exaggerated sacrifice for the sake of the object of love. However, there exists a sea of difference between the woman’s sacrifice (a direct result of her ”love duties”) and the church’s/donor’s charity. The woman in the private sphere has no choice but to sacrifice herself for the needs of her family, and is further called upon to sacrifice herself for the needs of her community by volunteering in the church. Conversely, the churches and private donors who operate in the public sphere have complete control over whether or not to give charity, in what forms and how much, and are in no danger of having to sacrifice themselves or their assets for the benefit of the needy (even the religious duty of tithing is limited to ten percent of the profits). Consequently, the state’s reliance on love in the forms of
sacrifice in the private sphere and charity in the public sphere disempowers and oppresses women while empowering churches and private donors, and at the same time keeping needy families in a state of existential uncertainty and dependence.

Thus, in the public sphere reconnecting love and justice must mean changing our perception of justice and expanding it to include care duties. The practical meaning of inserting love into justice in the public sphere would be embracing the welfare state and placing the existence, the nurturing and the development of the individual within the sphere of rights, perceiving welfare as a right and not as charity. Put differently, love in this context is not a capricious desire that one might have to help a person in need, but an ethical commitment which involves empathy and understanding of a person’s plight, an egalitarian and non judgmental solidarity and a commitment to another’s welfare. All these cannot be achieved without the establishment of an institutional state structure that will guarantee welfare as a right and not as charity.

One could wonder is it really wrong of the state to expect family members to support each other? Should we abstain from caring for our children, our old parents, our sick and infirm and demand that the welfare state do the job? The answer is obviously not. Nevertheless, the state cannot rely on the assumption that family members take care of each other, nor should it rely on the charity work of patriarchal religious organizations which is in itself based largely on women’s volunteer work and which expands the organizations’ ability to spread their patriarchal religious indoctrination. The state has the duty to take care of those whose families do not or cannot take care of them and for those who do not have a family. Furthermore, in the current social reality in which most care duties fall on women and are unremunerated, and in which economic independence is the foundation for existence, the lack of a welfare state
necessarily means the oppression of women. This is because structural and economic constraints (such as the capitalist job market with its endless working hours, discrimination against women in pay and in promotions, etc.) inevitably entail an unequal division of care duties, which consequently fall mainly on women, and especially on weaker, less educated and poorer women, who cannot afford to hire paid care workers in their stead.

\[ \text{(V) Conclusion} \]

In this paper we have tried to show how the capitalist state and patriarchal religion – first and foremost through the social and cultural penetration of certain presupposed philosophical dichotomies - join hands in the oppression of women and of the needy. We have started by describing the religious foundations of women’s oppression and their interrelation with the capitalist state. These, we have later shown, directly affect the existence and the extent of the care for the needy. We continued with an explication of the dichotomy between public and private and its corollary - the dichotomy between love and justice – and have argued that they have both served as theoretical justifications for the aforementioned oppression. After discussing the possible meanings of the terms justice and love we then suggested our own definitions of them, which are based on seeing both as involving equality and mutuality. Love and justice, we claimed, are not conceptually contradictory or rival terms, but complementing each other to the extent that each should include the other, as aforesaid. Furthermore, we argued that only by integrating and combining justice and love could we end both the oppression of women in the private and public spheres alike, as well as the neglect of the needy in the public sphere.
We should emphasize again that integrating love and justice within the public sphere, by broadening the conception of social justice, is a necessary condition for the success of this integration within the private sphere and for the application of an egalitarian conception of love in the family, and vice versa. Since the family is one social institution among many others, whose functioning is interrelated to the functioning of society as a whole, there is a strong linkage between the conceptions of love within the family and social justice. Practically, as aforesaid, the meaning of imposing care duties on the family is imposing them mainly on women, without remuneration. In order to secure equality for women the state has to carry this burden itself, through welfare institutions. Theoretically, it is impossible to sever the tie between maternal love and sacrifice, as well as between charity and disempowering the needy, without understanding the conceptions of love and justice as integrated concepts, which nurture each other in the private and the public sphere alike. Even if we abolish the dichotomy between love and justice – while overcoming the powerful cultural influence of both religion and capitalism - it would be impossible to integrate them within the family (in order to achieve equality for women) without performing the complementing move of adopting the welfare state. Love and justice alike demand that we do both.

The integration of love and justice can also have important implications for Christian religion itself. In the same way that religion was used in order to oppress women and foster western capitalism, it can become a powerful tool to empower women and advance the welfare state. Indeed, some Christian theologies such as Liberation Theology on the one hand and Feminist Theology on the other have chosen this path. A theological integration of love and justice should encourage religion to strive for achieving equality for women within the family and church while at the same time
constituting a stable welfare state. Such integration should also bring about changes in the internal structure of churches once it highlights the injustice inherent in preventing women, whose love serves as the foundation for the power of the church, from fully participating in church governance on a basis of equality and mutuality. Thus, a proper integration of love and justice in both the public and the private sphere should establish different relations between the vertexes of the triangle religion-capitalism/welfare state – women and the needy, which can bring about more equality, more love and more justice for all.

* Assistant Professor, Ramat Gan Law School; JSD, LLM, NYU School of Law; LLB, TAU School of Law
* Human Rights Clinics, Tel Aviv University; PHD in Phil., Ben Gurion University; LLB, TAU School of Law


3 Stanton, Elizabeth Cady: “The Woman’s Bible, Part One” (1895), in: Reader, Id., at 229


7 In this context see for example: Smart, Ninian: The World's Religions (Cambridge: Cambridge University Press, 1989), who analyzes in this context the fascism as a substitute for religion.


10 Ibid.


12 See e.g., False and Misleading Health Information Provided by Federally Funded Pregnancy Resource Centers; a report by United States House of Representatives Committee on Government Reform – Minority Staff Special Investigations Division, July 2006, prepared for Rep. Henry A. Waxman; Phoebe G. Silag, To Have, To Hold, To Receive Public Assistance: TANF and Marriage Promotion Policies, J. Gender Race and Just (2003), 7: 413-438, 435-436


14 Ibid.


19 Braude.


It is noteworthy that the Christian understanding of justice was influenced by Greek philosophical notions of justice, which were elitist and which excluded groups such as slaves and women; this can further explain how the Christian notion of justice can accept and perpetuate women’s oppression.
Augustine and Luther are examples to the former, who focus on the dichotomy between two cities/kingdoms, while the Calvinists Karl Barth and Paul Tillich are examples of the latter.

The prevailing understanding of the complementary value of righteousness, namely: proper standing and proper behavior in a community, strengthens this dichotomous understanding of love and justice. While righteousness originally meant acting fairly and impartially, in accordance with the law, and upholding the cause of the defenseless, today righteousness is mainly understood merely as membership in the Church and compliance with its regulations.

Mayer, Ann Elizabeth: “Reflections on the Proposed United States Reservations to CEDAW: Should the Constitution be an Obstacle to Human Rights?” 23 Hastings Const. L. Q. 727, 770 (1996). The passage of Equal Rights Amendment (ERA) would have included women’s right to equality in the American Constitution thus ensuring a strict scrutiny of sex based classifications rather than leaving the determination of the appropriate standard of review of sex discrimination claims at the hands of the Supreme Court, as is the case today.

Ibid. at 770-771.

See e.g. Nancy Fraser’s definition for a Gramscian Hegemony: “Hegemony is the power to establish the ‘common sense’ or ‘doxa’ of a society, the fund of self-evident descriptions of social reality that normally go without saying.” (Fraser, Nancy: “The Uses and Abuses of French Discourse Theories for Feminist Politics”, Boundary II (1990), 17: 82, p. 85).

Stopler.

While some thinkers question the possibility of finding an a priory definition for such a criteria, there are several theories that offer different answers to this question. While resource theories try to determine principles for the initial distribution of resources, needs theories take human needs as the just criteria for distribution. Different welfare theories all measure the justness of distribution according to its contribution to the maximal welfare, but define welfare differently as either benefit, happiness, satisfaction of preferences etc. The capabilities approach holds that distribution is just if it satisfies the basic needs of all individuals within society, so that all of them can actualize their abilities equally and
freely. Lastly, desert based theories posit that distribution is just if it is done according to a person’s contribution to society or according to the efforts a person invests in his/her work. See for example Lamont, Julian: “Distributive Justice” in: Stanford Encyclopedia of Philosophy, at: http://plato.stanford.edu/entries/justice-distributive.

28 See f’n 16 above. See also Gilligan, Carol: The Birth of Pleasure (New York: vintage books 2003)


30 As quoted in Hampson, Margaret Daphne: Theology and Feminism (Oxford: Blackwell 1989), p. 126. As aforesaid, limiting the realm of love to women alone contradicts the understanding of loving one’s fellowmen as a universal imperative, which appears repeatedly already in the New Testament; see for example: “Beloved, let us love one another, for love is of God; …if God so loves us, we also ought to love one another…if someone says, ‘I love God’, and hates his brother, he is a liar; for he who does not love his brother … how can he love God?... And this commandment we have from Him: that he who loves God must love his brother also”. [The First Epistle of John, 4, 7-21].


32 The philia is a central ethical ideal in Aristotle’s thought, and it is discussed at length in his Nicomachean Ethics and Eudemian Ethics, as well as in other writings like Magna Moralia. For further discussion, see for example Stern-Gillet, Suzanne: Aristotle’s Philosophy of Friendship (New York: State University of New York Press, 1995).

33 Weil, Simone: “Are We Struggling for Justice?”, Translated by Marina Barabas, Philosophical Investigations (1987), vol. 10:1, pp. 1-10. Weil herself holds love to be possible only with the assistance of a divine grace; yet one can adopt Weil’s criticism against a loveless justice also if one follows another understanding of love, and more optimism regarding the possibility of its realization.

Cohen, Herman: *Religion of Reason out of the Sources of Judaism*, Trans. with an introduction by Simon Kaplan, Introductory essay by Leo Strauss (New York : F. Ungar, 1972). It should be noted that the concept “community” is nowadays quite complex and controversial; see, for example, Frazer, Elizabeth and Nicola Lacey: *The Politics of Community: A feminist critique of the liberal-communitarian debate.* (University of Toronto Press, 1993); Avineri, Shlomo and Avner De Shalit (eds.): *Communitarianism and Individualism* (Oxford: Oxford University Press, 1992).

In the same spirit one can read the later writings of Alber Camus, which present the ideal of a person who acts for the sake of others in her community and constantly fights against suffering and injustice. Camus, Alber: *The Plague*, translated by Stuart Gilbert (Harmondsworth, Middlesex: Penguin Books, 1960); Camus, Alber: *The rebel*, translated by Anthony Bower, with a foreword by Sir Herbert Read (Harmondsworth : Penguin Books, 1962)


*Haring*, p.69.

In the same spirit holds Sibil Schwarzenbach that one should readopt the Aristotlian civic friendship into our public life, alongside recognizing the value of the care works – which naturally foster friendship – that were traditionally done by women. See: Schwarzenbach, Sibyl A: “On Civic Friendship”, *Ethics* (1996), pp. 97-128.

See for example: Carol Gilligan, In a Different Voice: Psychological Theory and Women’s Development (Massachusetts, Harvard University Press, sec. ed. 1993); Nodding, Nel: *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984);


41 See Braude.

42 Although a full discussion of this point is out of the scope of this article, it should be noted that with regard to children the practical results of the combination of love and justice would be quite different than with regard to women, due to children’s diminished capabilities and the need for some form of hierarchical love between parents and children.

43 Susan Moller Okin, Justice, Gender and the Family, (Basic Books, 1989), 170-186


With respect to the relationship between parents and children, an example of the move towards the elimination of the dichotomy between love and justice is the narrowing of parents’ almost absolute freedom to raise their children as they see fit. This narrowing, while still restricted by considerations such as the best interests of the child and the preservation of family harmony, allows for deeper legal intervention in parent child relationships based on the notion of the child as a rights bearing person that has an independent right to sue its parents.


46 Even the equal division of property would seldom allow a woman who dedicated herself to taking care of her family and children and whose income is minimal (at best) to sustain herself and her children in a neo liberal economic order.