



SOCIAL JUSTICE WITH RESPECT TO FEMINIST LAWS

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ABSTRACT

The present article has chosen the title of feminist law because in today's scenario due to increasing misuse of law, it is considered that women are enjoying law as a privilege and hence, have been termed within the four walls of persuading negative feminism. If seen from other perspective, they are considered enough empowered today. But still there are high rate of crimes against women from dowry till rapes wherein every other day we read brutal rape stories. Hence, present article will go deeply into the widest norms of how social justice and feminist laws go hand in hand. It will also highlight how feminist laws are initiative towards social justice.

Keywords: Law, Justice, Social Justice, Feminist Laws, Women, Judicial System

BACKGROUND

Women have endured and are still suffering. They are still subjected to discrimination based on their gender. a wide variety of social situations. ideologies, social movements, and political movements that are all connected personal and political goals are the main objectives of this project. and gender equality in the workplace. It is a part of feminism to advocate for women's rights. Societies tend to place more importance on the viewpoint of the man, and women are viewed less favourably. on shaky ground. Combating gender inequality is one way to effect change. while also attempting to break down socially constructed equitable opportunity for both men and women. Feminist movements have and will continue to advocate for gender equality. women's equality, including the right to vote, the ability to run for office, and the right employment, in order to get a decent standard of living, including a decent income and equitable treatment under the law, as well as the right to own property.

INTRODUCTION

There are three distinct eras in the history of the contemporary feminism in the West. The Women's suffrage movement in the 19th century was part of the first wave. advocating for women's voting rights in the late 19th and early 20th centuries The following is the second.



Abstract pushed for equal rights in society and the law since the 1960s. women. The emphasis on uniqueness and individuality characterises the third wave. diversity. Throughout history, feminist ideas have been interpreted in a variety of ways. various ways of thinking. The notion of social justice is based on the idea that all people should be treated fairly and equally. individual and collective This is assessed in terms of the number of people that have access to it. opportunity and social status that comes with having a lot of money. The the notion of social justice refers to the practise of ensuring that all people are treated fairly. Those who have performed their social obligations are rewarded by those who owe them. society It establishes roles and responsibilities within a social institution. permits individuals to profit and bear the fundamental costs of collaboration. There have been certain ideas that go against the grain. social justice tenets and beliefs. They've slowed down social change's realisation. justice as it should be understood. Indifference to these entities has led to this outcome. about half of the human population is put through hardship. Both of these seem to be at odds when put up a fight with conceptions of social justice. The patriarchal system is one of these ideas. It's a belief system. the declaration of superiority by elite males to the rest of the population men and all men in relation to one other. It has ruled the planet for millennia. It continues to do so as long as it offers people power and access to resources and ideas. benefits for males in comparison to women. It has assumed several shapes throughout history. Societal structures now are dominated by patriarchy, and this is a fact. controls all human institutions, both political and religious, including Abstract patriarchy is perpetuated and reinforced by economic factors. As a result of earliest kind of dominance, it has shaped the concept of inequality and the concept of supremacy The inherent order of things becomes apparent in the hierarchy of humans. There have been The source of women's subjugation was identified. Similarly, the argument about the line between public and private holds. The feminist philosophy puts this idea in the spotlight. There is a lot of interest in gender studies.

LITERATURE REVIEW

Women have been subordinated to males from time immemorial, according to direct experiences, critical observation, and focused analysis. Several elements, such as culture, environment, education, society, and tradition, which were created and controlled by males, place women in this inferior position. Due to the fact that males have created everything from science to religion to legislation to thought pattern in our civilisation we may say that it is patriarchal. All of this has contributed to women developing a false sense of self-worth. Despite the fact that humanity is often mentioned, it has fallen to the wayside. "They are women in virtue of their anatomy and physiology," argues Simone de Beauvoir.¹As long as they have existed,

¹ Beauvoir, Simone, de –“*The Second Sex*, Vintage Publishing”, 1997.

they have always been submissive to males. They've simply gotten what other people were ready to give them; they haven't given anything back.²

First female authors began writing on the rights and responsibilities of Chapter-1 in the fourteenth century. The Evolution of Feminism Throughout Time Christine de Pisan (1364-1430), a French woman, seems to have been her sex partner. While early writings on women's roles in society don't necessarily contain an analysis of power relations or a political programme from a feminist political theory perspective, the fact that feminist perspectives on women's roles in society have been debated for longer than previously thought is noteworthy for feminist political theory.³ Such arguments had an international dimension from their inception; for example, Christine de Pisan was influenced by the debates taking place in England at this time. During this time period, Ferguson saw the first significant surge of British secular feminist protest. A large percentage of women were shocked when they first read pamphlets and publications that contradicted their preconceived notions about their sexuality.⁴

Aphra Benn (1640-89), a well-known English playwright, and Marry Astell (1666-1731), a pioneering English feminist, penned these pamphlets and novels.⁵ Because of the civil war and interregnum, many women, as well as males, were politically involved in politics throughout the seventeenth century. Evidence of protests, riots, and petitions by women is readily available to the public. Many of the extremist religious cults that arose in Chapter-1 have since disbanded or merged with others. The Evolution of Feminism Throughout Time. Ranters advocated radical sexual liberalism, whereas Quakers maintained that men and women were not only equal in God's eyes but were equally suitable for the ministry.⁶

During this time period, the state and family's respective functional domains of authority were hot topics. Pro-monarchical conservatives argued that the king was sanctioned by God by using the analogy of Father-Son relationship to support the king's control over his subjects. Consequently, patriarchy in the home was utilised as a rationale for parallel governmental authority. It was a common refrain from Hobbes and Locke, two of the greatest political theorists of their day, to use social convenience and men's superior power to defend the continuous enslavement of women. Recent theorists believe that the early liberal authors' essential beliefs are prejudiced against women, notwithstanding their universalistic pretensions. According to this

²Ibid.

³ Ferguson, M. –“ *First Feminists, British Women Writers 1578-1799, Bloomington,*” Indiana University Press, 1985.

⁴Ibid.

⁵ Hill, B. –“ *The first English Feminist, Reflections upon marriage and other writings* “ Mary Astell, 1986.

⁶ Bryson, Valerie–“ *Feminist Political Theory, London*”, Macmillan Press, 1992.

interpretation of human nature, they are devoid of interdependence and traits typically associated with women, such as nurturing, which have been attributed to males.⁷ According to others, the entire philosophy is based on a division between public and private, which excludes women and devalues latter, and this is the basis of the theory itself.

More than a dozen women have spoken out against the conventional roles of women as housewives and mothers. Women's liberation may be achieved by a biological revolution, according to radical feminist Shulamith Firestone, author of the dialectic of sex. Since radical feminism emphasises the study of women's reproductive responsibilities and activities, it may be deduced that it aims to create a sex class of women who are subordinate to males. Women's oppression and subordination is blamed on cultural construction by radical feminists, who deny that biological factors are to fault. It is assumed that women's economic, cultural, and social subjugation are rooted in sexual oppression, which is treated as a system by feminists. Kate Millet is certain that the gender system of patriarchy is at the basis of women's subjugation. As remarks towards a philosophy of patriarchy, Millet characterises her work.⁸ It serves as a springboard for a slew of subsequent ideas and captures many of the core themes of radical feminist thinking.

It is because of these power ties that we may better comprehend other forms of oppression, such as racism and classism. Fighting capitalism and racism is a side issue compared to the larger fight against sexism.⁹ Only by harnessing the power of modern technology will women be freed from the inherent inequalities of childbearing and childcare. In their opinion, it's best to use artificial insemination. The prototype of the social role structure will be eliminated if the family is no longer around. Furthermore, Sushila Singh claims that "the radical feminist theory of human nature is neoFreudian." In this view, women's freedom is only possible if children's emancipation is also achieved.¹⁰ The patriarchy idea has not been without its detractors. The descriptive rather than analytical nature of radical feminist philosophy has been challenged. Male authority is not explained by this theory, and so it cannot propose a method to remove it. Some say it's founded on the erroneous belief that men are the enemy, which inevitably leads to independence among lesbians. False universalism underpins this idea, according to critics, who argue that it ignores the extremely different issues encountered by women from lower socioeconomic backgrounds, as well as those of people of colour and those living in developing countries.

⁷ Jagger, A, -"Feminist politics and Human Nature, Brighton, Harvester", 1983.

⁸Ibid.

⁹ Singh, Sushila, -"Feminism : Theory, criticism, analysis", Pencraft International, 2004.

¹⁰Ibid.



The term "Post Feminism" denotes the last stage of feminism's evolutionary progression. One way that Toril Moi categorises the current state of postfeminism and postmodernism is by using the word "post". Modern feminism theorists think that feminism is a viewpoint that cannot be taken. Feminism is defined as the fight against all kinds of patriarchal and sexist oppression under the agonistic definition opposition against patriarchal dominance is really vital. Feminism's ultimate goal as an emancipatory doctrine is to eliminate itself along with its antagonist in a non-sexist, non-patriarchal society.

In Europe and the United States, women had achieved a high degree of political and legal equality by 1945. On the other hand, individuals were no longer barred from participating in politics, education, and jobs, and they no longer lost all of their agency upon being incarcerated. However, these payments fell far short of full economic independence for mothers raising their second and subsequent children in England under the new welfare provisions based on the 1942 Beveridge report. Too much progress had been made in the field of employment. As a result of the Second World War, women were not only working outside the house at an unprecedented rate, but they were also working in high-skilled and high-status positions for which they had previously been considered unsuited.¹¹ Although there was no significant feminist movement, there were still some campaigns, as women's formal equality was masked by a high degree of inequality in practise. All levels of political life had a significant underrepresentation of women, and women faced discrimination in the workplace across the board. As a result of the newfound wealth of their society, many women were not able to benefit from it in the same way as their male counterparts. Signs of equal rights feminism in the 1950s were ever present, even in the most conservative of times.¹² Simone de Beauvoir advocated for women's and men's equal access to freedom and responsibility. Because she thinks that it had been denied to women, she thinks it was a denial of equal treatment. Historically, she says, men have been able to keep women in their place as the "other," never seen as equals and hence never a challenge to their dominance. By comparison, women is an accidental, an inessential component rather than an integral part of man's definition and differentiation of himself. Her opposite is he, the subject, the absolute.¹³

That a woman's place in society should be determined by a biological handicap or that her ovaries consign her to a life of servitude for the rest of her days was not an option for her. Women can become fully human by overcoming their biology, she said. She went as far as saying that modern machines mean that their lack of strength no longer excludes them from production; like men, women can therefore lead independent, rationally ordered, and

¹¹ Carter, A, -“ *The Politics of Women’s Rights, London and New York,*” Longman, 1988.

¹² Banks, O, 1986, *Faces of Feminism*, Oxford, Basil Blackwell.

¹³ Ibid.

autonomous lives once they are freed from artificially restricting myths and cultural assumptions. Few people today would advocate for a return to the egregious inequalities that existed in the nineteenth century when it came to women's access to education, employment, and the vote. As a result of these changes, the benefits have not been evenly distributed in Europe and the United States. Instead of abolishing inequality and oppression, some contemporary feminists claim, it has been replaced with a more pervasive and less evident kind of public oppression, where women are economically dependent on a state governed by men. These accomplishments, they say, do not reflect an end to injustice or oppression.

OBJECTIVES

The present article is primarily dedicated to following objectives:-

1. To analyse the background of feminist laws.
2. To discuss in detail the importance of feminist laws in attaining social justice.
3. To equate the concepts of gender equality with social justice.

HYPOTHESIS

1. Feminist laws are stepstone towards building gender equality.
2. Women Empowerment and proper view given to feminist law is an important tool in up liftment of gender instability of society.
3. Social justice is the ultimate product of elimination of social evils.

METHODOLOGY

The present research has followed doctrinal method with applied strategy wherein primary and secondary sources have been used for data collection. Various books, case studies have been undergone to reach the relevant conclusions.

CONCLUSION

Feminist political philosophy's central idea is notion of male dominance in society. Like a caste system, patriarchy A system is a product of its time. It has a beginning and an end, thus there must be an end. It will have to change to a system where men and women are treated equally. Humanity and its deep ties to it can no longer rely on it. it is a danger to the basic survival of life on the planet to the militarism, hierarchy the planet Women's ignorance of their own historical background Struggle and success have always been important ways to maintain submissive to them As a result of freeing ourselves from the shackles of patriarchy, She is at risk of losing contact with, and being accepted by, males. or man. The twenty-first century is about to begin. The moment has come for should consider the issues that lie ahead and devise a strategy



for dealing with them academics, and other stakeholders to propose solutions to the difficulties administrators, non-governmental organisations It is time for women to rise up and smash the gender barrier. Women can't break through these obstacles on their own. Gender equality and justice for women can't happen in a matter of hours.. It's a long-term process that requires patience and persistence. It Progress is unstoppable and will continue indefinitely. those who have been in the position of power for a long time prestige. The process is sped up by the fact that half of the population is female. establishing a supportive atmosphere for women's advancement influenced by a wide range of social and economic elements, beginning with the country's political situation. should prioritise the advancement of women above anything else.