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# **"IMPACT OF GENDER JUSTICE MOVEMENTS AND THE EMERGENCE OF FEMINIST JURISPRUDENCE"**

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## **CONTENTS**

ABSTRACT:

INTRODUCTION

FEMINIST JURISPRUDENCE

SCHOOLS OF FEMINIST JURISPRUDENCE

FEMINISM IN INDIA

CRITICAL ANALYSIS

CONCLUSION

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# **"Impact Of Gender Justice Movements And The Emergence Of Feminist Jurisprudence"**

**Authored By-Vidisha Rana**

## **Abstract**

Feminism is a set of movement seeking gender equality, a movement to change social, political and economic rights such as equal wage and the right to access to health and education, and equal political rights. Feminist Movement was basically a movement seeking gender equality, a movement to change social, political and economic rights. Feminist Jurisprudence includes the study of different strands of feminist theory and the themes that have emerged and developed within feminist thought, as well as the application of theory to issues that interest members of class. It is the law's neutrality as the very mechanism that perpetuates injustices against woman Feminists embrace a view that attempts to challenge the existing legal status by focusing on what kind of institutions and laws would be necessary to redress the imbalance against woman in society. It is the very core of our society that the feminist jurists question. They argue that we must look at the norms embedded in our legal system and rethink the law.

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## **Introduction**

Feminist Movement was basically a movement seeking gender equality, a movement to change social, political and economic rights. During ultra-modern era people started feeling the discrimination happening between male and female. It was then only when women started raising question upon this. Previously, they were being suppressed by male dominant society and women were not questioning. But it was *gender justice movement* when women started asking questions for their rights for the unequal treatment which they were facing. They started it by mentioning it in public platforms like in newspapers because they felt that they were being treated as the second class in the society. Gradually this idea started growing. It grew to such an extent that people who believed that women are actually being suppressed started gaining popularity, and people who denied this fact were seen as the one suppressing them. During this movement women started to ask for their basic rights because they were treated unequally everywhere be it for job perspective or be it strength wise. Therefore, it was the time when women started to show their potential. Every now and then we see people suppressing women. In our society people are seen as a delicate figure that can just do household work only. At many places even people do not prefer to educate women thinking that it will spoil them. But every now and then women have shown their potential and their strength that they are no less than anyone and can do anything and everything.

## **Femenist Jurisprudence**

Feminist Jurisprudence includes the study of different strands of feminist theory and the themes that have emerged and developed within feminist thought, as well as the application of theory to issues that interest members of class.<sup>1</sup>

Feminist jurisprudence started because of gender justice movement. This movement said that they are not trying to separate men and women but are trying to focus on the grey area which is left behind since a long time and which needs to be considered and focussed upon. Women are not given the status and privilege which they actually deserve, so it is the duty of the society to give those things now. Women are being suppressed since a very long time. Women were previously not allowed to even vote. People considered that women should not get education. Women were not given their basic rights. Even though we can say that now women are given

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<sup>1</sup> Pranav Raina | Feminist Jurisprudence | 2010 (Law 815-001 A and B) Fall 2010

more importance and opportunities than before but still it cannot be justified. Yes, I believe that society has changed a lot from what it was before but still even after so many years condition of women are not what it should have been.

When we talk about what has changed, there are few instances. Like females are getting more seats in parliament now when compared to last many years, and this is all because of gender justice movement. Also, when we look into the word “batsman” in cricket world it is recently replaced by word “batter” so that to include both the gender without any discrimination. Also, the word “chairman” is now replaced with “chairperson”. And again the reason is same that is to show equality.

Now going towards the darker side, when we say the word “president”, everyone’s imagination would definitely show a male figure. This is nothing but how our society has been since last 100s of years. Now, talking about something very basic. Each and every book which we study, while reading an example from there, we find it is always written in a way it is pointing or representing a male. To quote an example I would take an instance from our law book itself *B induces or attempts to induce a candidate or voter to believe that **he** or any person in whom **he** is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).*<sup>2</sup> Now, this extract is from a statute and we can see that it is nowhere mentioning feminine gender. Like these in every book, be it a statute or any story book or course book the condition is same. These are few things which are same even today. A man cannot cry in front of anyone or they will be given a template of being girlish. Because society has very long ago accepted that girls cry for every small things and boys never cry. And this thinking and mentality is being carried from there to here today.

## **Schools Of Feminist Jurisprudence**

### **1. LIBERAL FEMINISTS:**

Liberal feminists say that justice should be given to all the genders and not specifically to any one gender. This school promotes freedom of individual, freedom from aged old belief of male authority and seeks to erase gender based distinction.<sup>3</sup> They said that in order to uplift women,

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<sup>2</sup> IPC, 1860, 171 C, ACT NO. 45 OF 1860

<sup>3</sup> Diganth Raj Sehgal, Growth of feminist jurisprudence in India,

men's right should not be hampered.

Betty Freidan and Colonia Steinam are few scholars from here.

## **2. CULTURAL FEMINISTS:**

Cultural feminists are close to liberal feminists. They say that women should be given all the rights which men have. Women should ask for their rights from everywhere but it should be based on culture. Only where such rights are needed then only it should be asked and not merely from here and there.

Carol Gilligan is a scholar from here.

## **3. RADICAL FEMINIST:**

This school is similar to the cultural feminism on some lines, they also stand against the inequality faced by women, they believe in abandoning the traditional practices which were made from a male's point of view and consider men to be superior.<sup>4</sup>

They basically want to say that whatever happened to females in past 1000 years, men should suffer that for at least next 5000 years. They say that as males have been dominant in previous years, so now it's time when females should be dominant. They even asked to invent a machine which can make babies because they said why women should always suffer the burden the labour of child. If men can't have babies make machines which can.

This school was the school which has criticised the most.

Christine Littleton and Catherine Mackinnon are few scholars of this school.

## **4. POST MODERN FEMINIST:**

They were of very modern approach. They said women should be taught. They say that whatever has happened has happened; now we should focus upon the improvement of females in every field. They also said that works should not be segregated based upon gender but any work should be done by anyone. Like cooking should not be just the work of women but it

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<https://blog.iplayers.in/growth-feminist-jurisprudence-india/>

<sup>4</sup> [Diganth Raj Sehgal](https://blog.iplayers.in/growth-feminist-jurisprudence-india/), Growth of feminist jurisprudence in India,  
<https://blog.iplayers.in/growth-feminist-jurisprudence-india/>

should be something which should be done by any gender. They challenged all these.

Simon Beauvoir is a scholar from this school.

**5. BLACK FEMINIST:**

They basically talked about discrimination based upon colour. They say that no matter which gender you belong to, you will be taken as 2<sup>nd</sup> class if you are black. They even said that white women get more status and considered more important than a black male.

**6. LESBIAN FEMINIST:**

In the wake of gender justice movement people started accepting 3<sup>rd</sup> gender. They said that they are born like that so we are no one to separate them. We need to accept them as they are. They should also be given all the rights which the other genders have.

**7. MARXIST FEMINIST:**

Though it seems by the name that Marx would be involved in it, but it's nothing like that. It has no relation with Karl Marx. It just compares the situation of males and females with proletariat and bourgeoisie. It says that females have always been treated as a proletariat and men have always been treated as bourgeoisie. And this can be balanced if we turn this situation upside down. By doing this we can balance the situation of both the genders. In the same way in which Marx has told to turn it upside down to make the situation better for everyone.

**8. ISLAMIC FEMINIST:**

In Islamic countries women are suppressed even more. And it is believed that it is happening because the people are not reading the Islamic religious books correctly. If reading then not interpreting it properly. So, in order to do so they will have to read and understand that even in religious books it has been mentioned that women are no less than men.

Amina Wadud (from USA) and Zakia Soman (from India) are scholars from this school.

So, these are few kinds of feminists which exist in the basis of differentiations as mentioned above. Based on these we categorize how one is different from another. It is indeed important to note that even after the movement started before so long time, it has failed to reach the height which it could have actually reached. The reason could be the women discriminating women themselves and stopping the one supporting the movement. Since, this situation has existed for such a long time that it has made difficult for people to change themselves and look

at women as an independent individual.

## Femenism In India

The history of feminism in India can be divided into three phases: the first phase, beginning in the mid-19th century, initiated when reformists began to speak in favour of women rights by making reforms in education, customs involving women, the second phase, from 1915 to Indian independence, when Gandhi incorporated women's movements into the [Quit India movement](#) and independent women's organisations began to emerge, and finally, the third phase, post-independence, which has focused on fair treatment of women at home after marriage, in the work force, and right to political parity

Despite the progress made by Indian feminist movements, women living in modern India still face many issues of discrimination. India's patriarchal culture has made the process of gaining land-ownership rights and access to education challenging. In the past two decades, there has also emerged a trend of [sex-selective abortion](#). To Indian feminists, these are seen as injustices worth struggling against and feminism is often misunderstood by Indians as female domination rather than equality.

In India we know how the situation was back then. To speak about, even today in rural areas the situation is no different. Girls and women are still facing the same situation. They are trying hard for their freedom, and slowly and gradually changes can be sensed.

There had been many great Indian feminists who has worked hard to achieve what we can see the situation today. **Ramabai Ranade (1863-1924)** was one of the first women's rights activists in India, and the founder of Seva Sadan in Mumbai and Pune - an institution that trained thousands of women in various skills. She dedicated her life to making women self-reliant and financially independent. As a child, Ramabai Ranade was not allowed to study, and was married off at the age of 11. Fortunately though, her husband encouraged her to complete her education and learn about the wider world. She contributed to many communities that worked towards women's welfare throughout her life.<sup>5</sup>

**Savitribai Phule (1831-1897)** was a Dalit woman and a pioneer of feminism in India. She was also the country's first female teacher who went on to set up 17 more schools that imparted education to women of all castes. She worked alongside her husband and other women, to abolish caste and gender discrimination. She also set up the 'Balhatya Pratibandhak Griha' to

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<sup>5</sup> HERSTORY <https://yourstory.com/herstory/2019/03/indian-feminist-icons-history> 12.7.22

prevent female infanticide, and campaigned against the killing of widows and pregnant rape victims. Savitribai Phule is highly revered by advocates of the feminist movement in India today<sup>6</sup>

## Critical Analysis

After researching we can now be in a position to compare the situation from what it was before and what is the condition now. Previously the society was patriarchal. People were very narrow minded especially when it came to women and girls. There were mere any stance when people used to send their daughter to school and we cannot even think or imagine about college. There was a thinking which got stuck in the heads of the people that educating girls will make them a bad person and they will start comparing themselves with men. People not only used to do but believed that women are born to do household works, cook food, feed family and have children and nothing else. They believed that if women go out from the house people will talk bad about the family. Women were even not allowed to talk to other men. And there are many instances where if girls found talking to boys they were just told to spend their life in four corners of the house until they are married. So, basically we can see that previously the life of girls and women were not belonging to them but to everyone except them. They had done each and everything keeping in mind about others and never about themselves. And even 1 out of 100 parents tried sending their daughters to educate them; there were five hundred people to pull them down. Because there are exceptions and those exceptional parents then tried to push their daughter, their wives to go out and most specifically told them to do something for them. But when they tried there were people of question them and tell them that they are *girls* and girls are supposed to do household works so better to do the same and take care of the family. So, we can see how suppressing the society was when it came to women. Be it women of India or any other country, the condition was the same as we saw above. Thanks to gender justice movement which gave rise to feminist movement. Before this movement we never or rarely heard about any feminist scholar. But after this movement came it pushed women to explore themselves. No doubt that there were people to suppress them even then. But the difference was not people supporting

women increased. People started supporting women. People started giving wings to girls.

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<sup>6</sup> HERSTORY <https://yourstory.com/herstory/2019/03/indian-feminist-icons-history> 12.7.22

Number of girls going to school increased. Companies started gaining women employees. Women started earning for their families. Women started to brush up their skills. And not only this, women started to flourish more than men could. We see now how rapidly the number of girls is increasing in each and every sector. Even parliament has increased the number of seats for women. And by no surprise women are doing great in sports as well. Because women were just behind in getting opportunities which they got. And see how well they are doing and performing.

## **Conclusion**

After knowing so many things about gender justice movements and of feminist jurisprudence and the schools of jurisprudence that even though the society has gained knowledge about equality based to gender to some extent, but still the target is not achieved. Where some section of society accepts these points, there are ten more sections to oppose it. Howmuchevery women try to do things to show their capabilities, there are people to question them and their authority. There are several parts where the importance of women are recognized and given that status which they actually deserved like voting rights, seats in parliament, opportunities in sports areas etc. But in rural areas the work of women are still starting from washing dishes to cooking food. They are not given opportunities to prove themselves. And the worst part is we can see women discrimination women. That is nothing but patriarchy. We need much more awareness in our society so that people can understand the importance of women, their will power, their capabilities, their strength and what not. Because women are someone who can do whatever one could imagine. They are capable of doing everything which one can think of. Because it will be some fool who will doubt on someone who is carrying a baby in their womb for whole nine months that too by carrying their whole household together.