

“Gender Justice and Feminism”*(Constitutional Law)***AUTHOR: Kratika Joshi¹**

The word feminism comes from Latin root “Femina” which means woman, “ism” is a suffix that has Greek origin which turns a noun into a verb that speaks of a process, belief, practice or view. So, combined feminism basically means a set of ideas or ideology related to women.

Charles Fourier a Utopian Socialist and French philosopher is credited with having coined the word "féminisme" in 1837.² The words "féminisme" ("feminism") and "feminist" ("feminist") first appeared in France and the Netherlands in 1872.³

According to the Cambridge Dictionary, feminism is the belief that women should be allowed the same rights, power, and opportunities as men and be treated in the same way, or the set of activities intended to achieve this state.

According to Dr. Susan Currie Sivek, *“Feminism is a movement that seeks equality for people of any gender. It is founded on the belief that people should be able to pursue any opportunity and demonstrate any characteristic regardless of gender.”*

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²Goldstein, Leslie F. (1982). "Early Feminist Themes in French Utopian Socialism: The St.-Simonians and Fourier". *Journal of the History of Ideas*.

³Dutch feminist pioneer Mina Kruseman in a letter to Alexandre Dumas – in: Maria Grever, Strijd tegen de stilte. Johanna Naber (1859–1941) en de vrouwenstem in geschiedenis (Hilversum 1994) ISBN 90-6550-395-1, p. 31

Feminism is a collection of movements and ideologies, aimed at defining, establishing and defending equal political, cultural, economic and social rights for women. A Feminist advocates or supports rights and equality of women.⁴

Question arises why there is a need for the same? What led to this movement?

The answer to the same lays in the difference between the terms “Sex” and “Gender”. One may believe for these to be the same, but there is a difference between the two. While one (sex) is a biological term the other (gender) is created by society. Society adds up value to the term be it the social norms, moral values, etc.; biologically there are no values attached to it.

By the means of Internalization and Social Conditioning, women as a Gender are created by society. The term internalization is a submission of terms ‘internal’ that means from within and ‘zation’ that denotes a process; internalization is a process of systematically putting ideas within one person. While on other hand social conditioning is a sociological process by which a person and his beliefs are molded in such a way as suited by the society in general. Ideas and beliefs are put in women since birth that they can’t help but actually agree to them.

One reason behind this can be that they actually don’t have any other belief than what has been taught for so long to them. Women were oppressed, subjugated, exploited, not only physically but also ideologically.

Women are thought to be weak emotionally, intellectually, physically, psychologically, etc. while on the other hand, men are thought to be everything

⁴Beasley, Chris (1999). *What is Feminism?*. New York: Sage. pp. 3–11. ISBN 9780761963356

that women are not and more. One of the major reasons behind the same is “patriarchy”.

In the simplest terms “Patriarchy” is a social system in which males hold primary power and predominate in roles of *political leadership, moral authority, social privilege and control of property*.⁵ Patriarchy therefore creates a *power structure* whereby women are *systematically suppressed*. Not only this, but it is also to be noted that not all women are sisters. One who is oppressed today may become oppressor in future.

It is a very rare chance for people to have same thinking always. There are always some differentiations in interpretations and understanding of people. Feminism too has different schools of thoughts.

❖ Sameness Approach: It being a humanist approach suggested that every individual, being a human share some common attributes but it failed to address the issue that along with sharing attributes they are at differences too. John Stuart Mill was one of the supporters of this school of thought.

❖ Difference Approach/ Gynocentric Approach: It acknowledged the differences between male and their female counterparts and valued them accordingly. Carol Gilligan is of its advocates.

❖ Dominance Approach: This approach had no issues with sameness or difference approach, rather it talked of an altogether different problem. The problem for oppression of women is not in their physical attributes but the problem is of dominance and until and unless it's dealt with, the condition of

⁵ Wikipedia, Patriarchy

women won't get better. Catherine Mackinnon supported this school of thought widely.

The history of modern western feminist movement is divided into different waves. Each deals with specific aspect of same feminist issue. Many of the political thinkers are associated with it and supported it. Mary Wollstonecraft, John Stuart Mill, Gloria Steine, Rebecca Walker, etc. are to name a few.

Waves of Feminism:

- ❖ First wave Feminism: 19th and early 20th century (1910s to 1950s), focusing on women's suffrage, property rights, political candidacy and representation in the government. Women movement quoted “Personal is political”.
- ❖ Second wave Feminism: 1960s to 1980s, focusing on reducing inequalities in sexuality, family, the workplace, reproductive rights, de facto inequalities, and official legal inequalities. *Betty Friedan* gave voice to women across when she published her book “*The Feminine Mystique*” in 1963 about her dissatisfaction in being confined to the role of wife and mother.
- ❖ Third wave Feminism: 1990s to 2008, focusing on embracing individualism and diversity. It arose because of a realization that women are of many colors, ethnicities, nationalities, religions and cultural background. It embraces the change and talked about universal womanhood.

- ❖ Fourth wave Feminism: 2008 to present-day, focusing on combating sexual harassment, assault and misogyny. This wave saw to the implementation of Feminism in harsh realities rather than just developing the concept in books.
- ❖ Fifth wave Feminism: Journalist Caitlin Moran's concept of future feminism. It includes women showing their oppression through technology and making it (technology) an instrument to be used in this movement.

Each wave of feminist movement, though in different era and ideology has addressed issues of *gender inequality*, whether legal, political or social.

It additionally discussed teaching ladies about their rights as well as scholastically, so concerning them to have a remain in the public eye of their own and for them to be the effective wheel alongside men to run the chariot called society easily.

Woman's rights goes for sexual orientation equity. It goes for equity instead of prevalence of ladies. At the regulating heart of woman's rights lies the conviction that no one ought to be an impediment as a result of their sex.

Sex equity to allude to a reality where everyone, ladies and men, young men and young ladies are esteemed similarly, and can share fairly in the conveyance of intensity, learning and assets. It looks to see all individuals free from social and relational frameworks of benefit and abuse, and from brutality and constraint in light of sexual orientation.

Sex disparity is essentially an issue of unequal power relations amongst people. It abuses human rights, obliges decision and office, and has pessimistic effects upon individuals' capacity to take part in, add to and advantage from social, political and financial advancement. It is basic that we cooperate and utilize our impact to make just and evenhanded connections amongst ladies and men so as to accomplish reasonable, manageable, strong and flourishing networks.

The effects of sexual orientation foul play are experienced most seriously by ladies and young ladies. Ladies may confront separation at home and in the work put. They make up the larger part of the world's poor. Ladies endure intensely in the midst of war and strife yet are essentially under-spoken to settled tables and in administration structures. Social requirements may block ladies' developments and access to human services. The esteeming of young men over young ladies prompts female foeticide and child murder. A great many young ladies and ladies are influenced by female genital mutilation, early and constrained marriage and savagery in view of sex.

Sexual orientation imbalance can likewise put pointless requests upon men and young men. Where monetary and political power is concentrated among a first class few, where there is struggle and uprooting of entire networks, where there are indeterminate climatic changes and the exhaustion of regular assets, it is progressively difficult for men to satisfy the conventional gendered desires that most social orders put on them. Sexual orientation equity brings more noteworthy opportunity and expanded prosperity to all.

Sexual orientation disparity is fizzling ladies and young ladies, and men and young men.

In spite of the fact that beyond any doubt Feminism really works for advancing balance, it's the term Gender Justice or Gender Equality that ought to be favored in the present world. For women's liberation passes the ball in court of ladies. It might appear to some that instead of bringing uniformity, it's really attempting to make ladies prevailing.

We say at one hand that ladies are mistreated, however how about we not overlook that it is generally the ladies who are the oppressor. In this way, one can't simply say that ladies are frail, they are ground-breaking yet that is only a part. When we take a gander at the entire picture it says something else.

Most likely that ladies do linger behind however there has been advance. After each of the one can't change long periods of reasoning and convictions in a couple of moments seconds. It definitely will require investment. Time is the pith.

Additionally woman's rights as I would like to think, however a wide idea still it is a piece of Gender Equality venture that plans to bring Gender Justice. In this manner, the two ideas run as one with each other and are the call of new world.

We have secured far from being to standard and unbending to being present day and liberal in our state of mind and convictions.

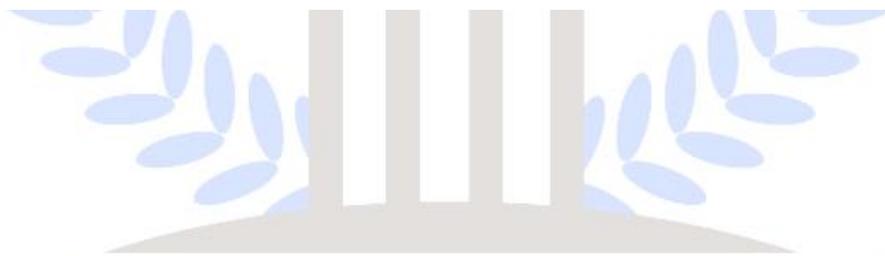
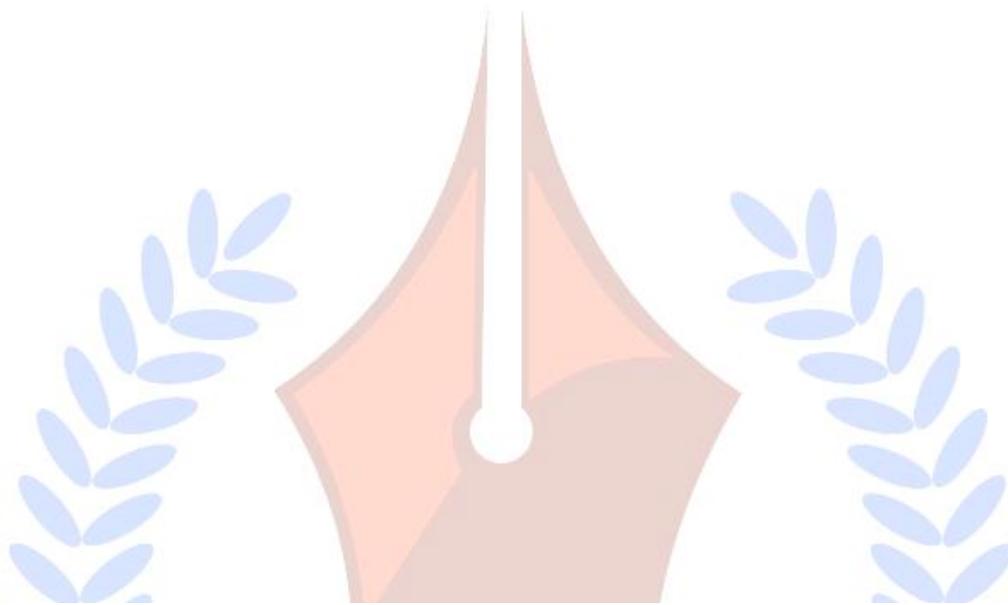
The reality where there were only two genders currently recognizes transgender. The LGBT(Lesbian, Gay, Bisexual and Transgender) Movement has picked up prominence and support. The development, a piece of sex equity venture however is confronting challenges, yet it being perceived itself is a major accomplishment.

In this way, despite the fact that we have secured a long separation, regardless we have far in front of us to stamp the breakthrough of Equality as far as Gender and to serve Justice to it.

Sexual orientation Justice and Feminism, the social issues that our general public manages have turned political issues as well. They have without a doubt picked up fame however what they really require is legitimate help and execution instead of scholarly or in-say beliefs, for somebody has significantly said "Activity talk louder than words".

It's simpler said than done. We talk a great deal of these issues however with regards to truly actualizing them and supporting them, we back off. We truly need to try to do we say others should do.

Finally, I would state that we have miles in front of us, however unquestionably we'll achieve the goal or the objective we went for.



JUS IMPERATOR