

FEMINISM, A MISUNDERSTOOD

CONCEPT TODAY

Feminism as a concept

To be a feminist is simply to believe that everybody should be treated equally, regardless of sex. It means that there should be equality of the sexes economically, socially, politically and personally. When you put it like that, it's surely difficult for anybody to deny being a feminist. But for such a simple concept, it is often dramatically misunderstood.

Feminism as a Theory of Law As a concept, feminism is very much a modern notion within legal circles, which aims to eradicate any prejudice against women's rights. This in a society strongly founded upon a male-orientated legal system, which historically fails to recognise the social and legal rights of women, and instead focuses upon "male-orientated theories and ideologies." [1] It is this patriarchy that feminists thrive to eliminate. The essence of patriarchy is emphasised by the Marxist legal theory, developed by Karl Marx and Friedrich Engels in the 19th Century, which places no emphasis upon gender, and consequently belittles the feminists fight for gender equality.

The key to this goal, in turn, is a socialist revolution that creates a state-centred economy operating to meet the needs of all. Such a basic transformation of society requires that women and men pursue their personal liberation together, rather than individually, as liberal feminists maintain."

By definition as provided by Oxford Dictionary, "Feminism is the advocacy of women's rights on the grounds of the equality of the sexes". From this, we can clearly see the core of feminism is how women should have equal rights and opportunities to that of men.

Nowhere does it indicate women should be superior, or that women should hate men. It stands against societal norms and structures where men are considered above women. It does not support any kind of notion about how all men are the same or that they are all sexist. As for the 'feminists' who do hate men, they are better understood as 'feminazis'.

Feminazis who claim women are better than men comprise the far extreme of feminism.

Furthermore, Political activist and radical feminist Sally Miller Gearhart made a statement

in her essay “The Future-If There is One-Is Female”, “The proportion of men must be reduced to and maintained at approximately 10% of the human race”. This is the extremist in feminism because feminism has never been about the demolition or dominion of men, rather it is about equal rights and opportunities given to people irrespective of their gender. To better understand what feminism truly stands for, it is necessary to look at where it all started.

First-wave feminism started during the nineteenth century in US and UK. The feminists of that time were focused on gaining voting rights and property rights for women. However, with the onset of World War I, feminism escalated into other spheres. With able-bodied men being sent to war, women who were previously limited to their homes began to join the workforce to earn money and keep the economy afloat. When the war came to an end, women were accustomed to their newfound freedom and refused to be sent back to the confines of being home-makers. Thus began the feminist revolution to gain economic independence and equality.

As the times changed so did the form of feminism. New ideologies were incorporated and feminism began to evolve. During this transition some misinterpretations gave it a whole new meaning and others intentionally gave it a bad name. So then what does feminism really mean? Does it mean women should hate men? No. Does it mean women want to dominate men? Hell No.

There are many examples of famous and popular women who have claimed they are not feminist because they love their family and men, they cannot call themselves feminist because they fear social backlash. Feminism is not against women who want to become mothers, it is against society’s idea where women are regarded as nothing more than childbearing machines. Another major misconception revolving around feminism is the idea that men cannot be feminist. Why not? Many may view feminism merely as a “woman’s issue” and therefore something men are excluded from. For example: many people support animal rights, but does that mean they have to be animal to do so? The answer is obviously, no. In a similar way, you do not have to be a woman to support feminism-- you can be male, female, or any gender to advocate for women’s rights.

My dad, is also a feminist because he wants to see his daughter well educated so she can succeed in her career and never be dependent on anybody. There is no shame in accepting you are a feminist because you support gender equality. Many men believe it is not “manly” to be a feminist. Due to concepts like these, even when men support their mother, wife, daughters, or female friends, they maintain silence in fear of being emasculated (weakened), mocked, and outcasted. Worst of all, some men think giving women equal rights means having to give up their own rights, which is a far cry from the reality of the situation.

Feminism does not want anyone, no matter their gender, to have society dictate what they should and should not do based on gendered norms. If some men want to cry then feminism will support that, if some boys want to learn ballet feminism will support that and if someone transgender wants to fight to be Prime Minister, then feminism will support that too.

The emerged of feminist jurisprudence

Prior to the emerged of feminist jurisprudence, women in the earliest age were raised with the understanding that they should not have self-will nor govern by self control but full submission and yielding to the control of man is their ideal character, as said by John Stuart Mill. He also said that women’s thought at that time were poisoned by these differences and thus it became a confinement in all the area of public life, which frustrates the society as a whole. Due to these beliefs, women at that time were frequently oppressed by man, and Mill even compared women at that time to slavery.

As for radical feminists who believed that violence against women was the cause of men domination, they normally studied this cause from the aspect of physical and sexual assault. According to them, they said that an act of violence towards women by men is due to the urge of domination and control. One of the radical feminist who fights for the rights of women through this aspect was Susan Brownmiller. She argued that women are being controlled by men socially and politically by the fear of being rape and therefore, based on this reason, she insisted that the law should not allowed pornography and prostitution to be legalized as both of these promote an

phenomenon of rape because it somehow will degrade female body, which is very dangerous for women. In the eye of most radical feminists, all these actions that are violence against women are reflecting the desire of domination and controlling of men towards women. Susan Brownmiller also did write a statement in a book of hers that “men rape simply because they can, because they have the structural capacity to rape and women have the structural vulnerability”. At those time, there are no law that exist to protect women from sexual assault or oppression by men, women lived in fear and many safe houses were built for women to escape from being victimized by men and in those period, there are also abortion policies which forced women to go through dangerous procedure of abortion illegally, without governing by any law. All of these were considered as an act of violence against women by radical feminists.

History: Feminists believe that history was written from a male point of view and does not reflect women's role in making history and structuring society. Male-written history has created a bias in the concepts of human nature, gender potential, and social arrangements. The language, logic, and structure of the law are male-created and reinforce male values.

Feminist Jurisprudence

Feminist jurisprudence represents the diversity of feminist philosophy and theory. All feminists share the belief that "women are oppressed or disadvantaged in comparison with men and that their oppression is in some way illegitimate or unjustified. The intellectual guiding force behind current women's movement is feminism which produced special knowledge in every field such as feminist sociology, feminist philosophy, feminist history, including feminist jurisprudence. Feminist jurisprudence is a natural extension namely law and justice. Law related strategies have played an important role in the campaigns of women's organizations to achieve greater equality and social justice.

Feminist belief that law in constructing, maintaining, reinforcing and perpetuating patriarchy and it looks at ways in which this patriarchy can be undermined and ultimately eliminated..

The feminist inquiry into law concentrates on the following issues.

- i) Examination of legal concepts, rules, doctrines and process with reference to women's experiences.
- ii) Examination of the underlying assumptions of law based in male female and ostensibly gender neutral distinctions.
- iii) Examination of mismatch, distortion or denial created by the deference between women's life experience and the laws assumption or imposed structures.
- iv) Patriarchal interest served by the mismatch.
- v) Reforms to be made in the law to eliminate patriarchal influences.

Impact:

Feminism did not gain meaning or become an operational principle in Indian life until the country gained independence in 1947 and adopted a democratic government. The Indian Constitution then granted equality, freedom from discrimination based on gender or religion, and guaranteed religious freedoms.¹ Also, seven five-year plans were developed to provide health, education, employment, and welfare to women. The sixth five-year plan even declared women "partners in development."

Employment

In general, in the uneducated and rural sections of Indian society, which form a major percentage of the total population, women are seen as economic burdens. Their contributions to productivity are mostly invisible as their familial and domestic contributions are overlooked. Indian women were contributing nearly 36 percent of total employment in agriculture and related activities, nearly 19 percent in the service sector, and nearly 12.5 in the industry sector as of the year 2000. High illiteracy rates among women confine them to lower paying, unskilled jobs with less job security than men. Even in agricultural jobs where the work of men and women are highly similar, women are still more likely to be paid less for the same amount and type of work as

men.² Although the Government of India has tried to eliminate inequality in the workforce, women still receive unequal treatment. "Men are more likely to get promotions than women—besides, for men the nature of their jobs often changed with these promotions, unlike women, who usually only got increased responsibility and higher workload."³

In 1955 the Bollywood group Cine Costume Make-Up Artist & Hair Dressers' Association (CCMAA) created a rule that did not allow women to obtain memberships as makeup artists. However, in 2014 the Supreme Court of India ruled that this rule was in violation of the Indian constitutional guarantees granted under Article 14 (right to equality), 19(1)(g) (freedom to carry out any profession) and Article 21 (right to liberty). The judges of the Supreme Court of India stated that the ban on women makeup artist members had no "rationale nexus" to the cause sought to be achieved and was "unacceptable, impermissible and inconsistent" with the constitutional rights guaranteed to the citizens. The Court also found illegal the rule which mandated that for any artist, female or male, to work in the industry, they must have domicile status of five years in the state where they intend to work. In 2015 it was announced that Charu Khurana had become the first woman to be registered by the Cine Costume Make-Up Artist & Hair Dressers' Association.

Globalization

Feminists are also concerned about the impact of globalisation on women in India. Some feminists argue that globalisation has led to economic changes that have raised more social and economical challenges for women, particularly for working-class and lower-caste women. Multinational companies in India have been seen to exploit the labour of 'young, underpaid and disadvantaged women' in free trade zones and sweat shops, and use "Young lower middle class, educated women," in call centres. These women have few effective labour rights, or rights to collective action.

In addition to this, multinational corporations are seen to advertise a homogenous image of ideal women across the country is argued to cause an increase in the commodification of women's bodies. This is also manifested in the form of nationalist pride exhibited through Indian women winning international beauty pageants. According to some feminists, such developments have

offered women greater sexual autonomy and more control over their bodies. However, many other feminists feel that such commodification of female bodies has only served the purpose of feeding to male fantasies.

Education

Some of the main reasons that girls are less likely to reach optimal levels of education include the fact that girls are needed to assist their mothers at home, have been raised to believe that a life of domestic work is their destined occupation, have illiterate mothers who cannot educate their children, have an economic dependency on men, and are sometimes subject to child-marriage. Many poor families marry their daughters off early with a belief that the more she will stay at home, the more they'll be needed to invest in her. Plus its a popular belief that they should be married off early so that they produce off-springs early in their life.

In 1986, the National Policy on Education (NPE) was created in India, and the government launched the programme called Mahila Samakhya, whose focus was on the empowerment of women. The programme's goal is to create a learning environment for women to realise their potential, learn to demand information and find the knowledge to take charge of their own lives. In certain areas of India, progress is being made and an increase in the enrolment of girls in schools and as teachers has begun to increase. By 2001 literacy for women had exceeded 50% of the overall female population, though these statistics were still very low compared to world standards and even male literacy within India.⁴ Efforts are still being made to improve the level of education that females receive to match that of male students.

10 Ways In Which Feminism Is Misunderstood

Feminism is very similar to that movie that everyone claims to understand while they actually don't. There are several misconceptions that go around regarding the ideology of feminism.

If you don't know what feminism is, you must know what it isn't. Following are the ways in which feminism is misunderstood in India:

1. “He for She”. Several misinformed people believe that “he” should stand up for “she” and protect her at all times

Little do they know that “she” does not require a “he” to feel safe. “She” wants to be recognized as someone who can fight her own battles, and thus be treated as an equal.

2. “Anti-Men”- feminism, contrary to what people believe, is not anti-male

It aims to have equality of gender for everyone, and it starts with uplifting the gender that has been more oppressed socially.

3. It is not only men who require introspection

No! We are not kidding; simply because it’s high time for women to start looking at each other as fellow team members and not competitors.

4. Equality – A two-sided coin. Feminism stands for equality and it is as much “pro-men” as “pro-women”

Gender bias and sexism go both ways and don’t be surprised if a few men’s right activists demand equality in the name of feminism.

5. Equality and Incentives DO NOT go hand in hand

There are cases where women express their demand for equality, but bring up the ‘woman’ aspect when it seems convenient to them. This is nothing but a misinformed notion of what it means to be equal. However, like the situation given in the image above, there is nothing wrong with a woman expressing what she wants, even if it might be considered traditionally gender specific. The thing to keep in mind is, does it establish gender roles of any kind? If not, then it’s okay.

6. Gross generalization

All men are not the same- they believe in equality as much as women do. In the case of sexism that prevails, punish the man responsible; not the gender. And yes, men will be equally ashamed of the responsible man's behaviour.

7. Misuse of Laws. If one misuses all the laws meant for the protection of women, one is indirectly mocking the real victims of dowry and rape, which goes pretty much against the ideology of feminism

After the infamous 2012 Nirbhaya incident, the RAPE laws in India are stricter than ever before. 73% fake rape cases in the year 2013 and the ever increasing false dowry cases are a proof that these laws are being largely misused.

8. Female domination

Some people believe that the feminist movement aims to establish a female dominance in the world while feminism in its true sense aims to establish a world where no gender supersedes the other. This needs to be largely understood.

9. Men can be feminists too

Yes, you read that one correctly. Your gender doesn't dictate whether you can be a feminist or not. It's about gender equality, after all.

10. Myth about feminism – a divide and rule mechanism. People often believe that feminism creates differences among men and women and divides the society

This is far from reality. In fact, feminism involves making the world a place with no gender roles, where no gender poses a threat to the other. Where men and women co-exist as equals. Where it is okay for a woman to open the door for a man, just as it is for a man to open the door for a woman. Where they compliment each others' work and work together to build a better society.

Landmark judgements that changed the course for women in India

The verdict in these cases, which were fought to provide justice to one woman, continue to bring hope to several women facing circumstances that undermine their dignity and their fundamental right to equality.

1. Vishaka Vs State of Rajasthan

Bhanwari Devi, a social worker from Rajasthan, was brutally gang-raped by five men for preventing a child marriage. Determined to seek justice, she decided to go to court. In a shocking decision, the trial court acquitted all five accused. Vishaka, a Group for Women's Education and Research, took up the cause of Bhanwari Devi. It joined forces with four other women's organisations, and filed a petition before the Supreme Court of India on the issue of sexual harassment at the workplace.

On August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women.

2. Mary Roy Vs State of Kerala

Women from the Syrian Christian community in Kerala were prevented from inheriting property due to patriarchal traditions. This decree was challenged by Mary Roy, a woman's right activist and educator.

After the demise of her father, she filed a case against her elder brother when she was denied equal share in the family's inheritance. Though the plea was rejected by the lower court, the Kerala High Court overruled the previous judgment.

In 1986, the Supreme Court delivered a landmark judgment that granted Syrian Christian women the right to seek an equal share in their father's property.

3. Lata Singh Vs State of Uttar Pradesh

Lata Singh was an adult when she left her family home to be joined in matrimony with a man from a lower caste. Her brothers, who were unhappy with the alliance, filed a missing person report, and alleged Lata had been abducted. This resulted in the arrest of three people from her husband's family.

In order to get the charges dropped, Lata Singh filed a petition which resulted in the landmark judgment by the Supreme Court that allowed an adult woman the right to marry or live with anyone of her choice.

The court further ordered that the police initiate criminal action against people who commit violence against those who decide on inter-religious or inter-caste marriages.

4. Roxann Sharma Vs Arun Sharma

Roxann was involved in a bitter child custody battle with her estranged husband. A court in Goa granted her interim custody of their child, but Arun Sharma whisked their son away and refused to let Roxann meet the child.

She filed a case against him, which led to the landmark judgment pronounced by the apex court regarding children caught in a legal battle between parents.

The Supreme Court ruled that when estranged parents are involved in a legal tussle over the custody of a child who is under the age of five years, the custody of the child will remain with the mother.

5. Tamil Nadu Vs Suhas Katti

This case led to the first conviction under the Information Technology Act, 2000. The victim was being harassed by the accused, Suhas Katti, when she refused to marry him.

He would send defamatory and obscene messages to her online in a Yahoo message group. To add to her agony, she began to receive phone calls from unknown people soliciting sex work.

The victim filed a complaint in February 2004, and within seven months the accused was convicted. In an age of merciless trolls and other forms of online harassment, this judgment acts as a tool that woman can use to safeguard their dignity.

6. Laxmi Vs Union Of India

In 2006, Laxmi, an acid attack victim, filed a petition seeking measures to regulate the sale of acid and provide adequate compensation to the victim. Taking cognizance of the number of cases relating to acid attacks against women on the rise, the Supreme Court imposed stringent regulations on the sale of acid in 2013.

The ruling banned over the counter sale of acid. Dealers can sell the acid only if the buyer provides a valid identity proof and states the need for the purchase. It is mandatory for the dealer to submit the details of the sale within three days to the police. It also made it illegal to sell acid to a person below 18 years.

2017 was a significant year for feminism in India

Feminism in India in 2017 centred on four themes: First, conversations around women safety and universality of abuse; second, setbacks in terms of legislations and repressiveness of the state; third, around initiatives from individual brave women and women groups ranging from petitions to protests; and lastly, through global accolades with their unique symbolic value.

Legally two more incidents were significant for feminism. The ‘Triple talaq’ was declared unconstitutional by the Supreme Court and hailed as a huge victory for gender rights. It started with Shayara Bano who petitioned the SC on the ground that the ‘triple talaq’ violated her fundamental rights and soon garnered active support of the Bharatiya Muslim Mahila Andolan who termed the practice as “patriarchy masquerading as religion.”

On another note, feminism in India received a setback with the Supreme Court’s refusal to recognise marital rape, even as it recognised sex with a minor wife as illegal. The Minister for Women and Child Development Maneka Gandhi declared that due to illiteracy, social customs and religious beliefs, marital rape could not be applied in India. In a country where terms of

consent are poorly understood, women have little agency over their bodies and intimate partner violence is pervasive this will have serious repercussions.

The repressiveness of the state and the authorities has meant that often the onus of change shifts to women. Perhaps this is why “feminism” has evolved as a movement with agenda, organisation and means to protest. In fact, the main reason for the interest in the term feminism in 2017 was the Women’s March in Washington in January which addressed issues such as healthcare, violence, LGBTQ rights etc. and saw wide participation from politicians, rights advocates, artists and media.

Closer home, young women students of BHU demonstrated this with widespread protests when a student was shamed for being harassed. The issues encompassed rising misogyny on the campus and several discriminatory rules. Another significant feminist milestone of 2017 – the rape conviction of the powerful Dera Sacha Sauda chief Ram Rahim – can be credited to the courage of a young woman disciple in his sect whose decade long battle brought down his empire.

Given the interconnectedness of the conversations due to social media, the ubiquity of the problem and the global dynamics of feminist issues, feminism as a discourse and a movement is likely to evolve into vibrant and complex forms. India with its energetic democratic culture where women-led struggles have ranged from local grassroots issues (against sale of liquor or environmental issues like Chipko and more recently struggle for better wages by frontline health workers ASHAs and Aanganwadis), to global universal problems like sexual harassment and violence (Nirbhaya protests which led to Criminal Law Amendment Act 2013) is likely to contribute to this wave of feminism in significant ways.

Events like Manushi Chhillar becoming Miss World (with her answer being about recognising the work of mothers), the Indian women cricket team finding a place in the final and Dr Swaminathan being selected as Deputy Director General of WHO will be symbolic in marking Indian women’s place in the international arena. At the same time and vitally, feminism must be about the longer-term endeavour for better health, education, safety and work for women, making issues about women mainstream by gendering policy and development, and dismantling patriarchy through repeated introspections and attacks.

Feminism that tackles the caste system

Feminist discourse has evolved to a place of intersectionality, requiring that other inequalities are also a part of the conversation, from acknowledgment to action. Class, race, sexuality, the environment, post-coloniality, anti-capitalism — these are some of the intersections. We cannot deny that the Indian variant of patriarchy (and to be fair, just as there are different strains of feminism, there are different strains of patriarchy, but here we speak of the most powerful form) is deeply interlinked with caste. Caste cannot be maintained without the policing of reproduction. And therein is the fundamental reason for all the controls on women and female sexuality that we experience in myriad forms in Indian society.

Women misuse the concept of feminism

This is a common misuse in Daily Life :

1. Seats : Women these days demand seats. It aches when men (old, tired) have to stand, and women get to sit, just because they are women. It is a privilege, not a right.

Why? Men who aren't senior citizens, can't be tired? They don't want to sit? The problem arises when women use feminism to get privileges.

Other issues :

1. **misuse of Laws**, which are there for the betterment of women. There are many laws for the betterment of women, which slightly tend to be on the side of women. especially rape laws, dowry laws, and such. Many women, and am very ashamed to say this, misuse these. That is a step back for all the feminists. Men are supposed to be the helping hands in this mission, but events like these, turn them against feminists, and feminism.
2. **By hating feminism**. Many women claim to hate feminism and feminists, as if that is the cool thing to do. All are entitled to have their opinions, but if your opinion means the genders are not equal, then nope.

3. **by not knowing about Feminism.**

A little knowledge is a dangerous thing. Having half -baked knowledge about feminism, and going against it, doesn't make sense. Study it, learn about it, and then, you can hate it.

Conclusion

While the definition of feminism entails the equality of the genders, society's view of the word has evolved into something quite different, as most would define the word feminism as the superiority of the female gender. Moreover, some "feminists" are misandrists in thinly veiled disguise (misandry meaning the belief that men are inferior to women) and claim that women would be better off without men. While feminism is truly about more of an *equal* perspective on genders, the definition many associate with the word feminism is more accurately described as *misandry*. This false definition is widely accepted and is easily the reason the word feminism has acquired such a negative connotation. This is why, perhaps, the word feminism is such a misleading term, since the root "fem" is reminiscent of the word female, and to the ear sounds as though it literally means the superiority of the female gender.

It is true that society is generally prejudiced against the female gender, not just historically, but even in the modern world, as evidenced by various cultures' treatment and expectations of women. Issues with gender have shifted over time to issues primarily involving social roles as opposed to civil rights issues in most modernized countries such as the United States, where laws are in place regarding equal pay, the right to vote, and the right to education. However, women in Middle Eastern countries, for instance, lack many of the rights to which males have the privilege. Feminism is by nature opposition to both misogyny (the idea that men are greater than women) and misandry (the concept that women are greater than men), yet the feminist movement is one whose definition has become inadvertently warped in its spreading through society.

The word feminism has evolved from its original meaning of equality of the genders to fit a negatively connoted word whose meaning is not unlike that of the word misandry; although

society's interpretation of the term has shifted its meaning, the word remains subject to debate. Unfortunately, the belief in this misunderstood definition is widely supported and is difficult to debunk, as a growing population may continue to globally perpetuate gender roles and continue to look upon the concept of feminism with disdain, huffing that the concept feminism is equivalent to wishing death upon the male gender. The subjective definition of the word feminism has been a topic of debate for years, perhaps centuries, and with various arguments over what the word means, the true meaning of the term for gender equality is lost in the waves as the ship that is language voyages boldly on.

All we are asking for is our fair share of the rights we deserve. In no way does this mean we are want to strip men of their rights and be superior to them. We are still fighting hard to make our voice heard and to make our efforts seen. This is the reason why feminism was established in the nineteenth century and it is tragic that even after entering the twenty first century, we still need feminism to fight for our rights. The word "feminism" has been dragged through the mud and has been misunderstood by so many people the world over, but if we are to see greater strides in equality for all, it is necessary to address major misconceptions and include men, women, and all genders in our quest to attain true equality.

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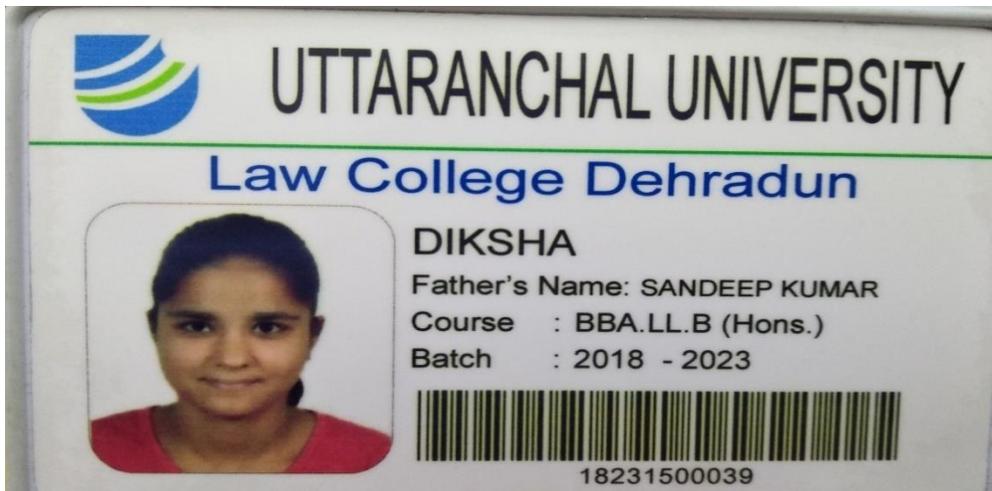
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