

Reconnoitering Literary and Fictitious Domains of Feminist Jurisprudence: An Illusion or Reality?

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Feminist jurisprudence is an examination of the relationship between the legal system of law and the society from the point of view of women. This attempt to critique the literary and fabricated domains of feminist jurisprudence from the standpoint of gender concerns, in the realms of day-to-day life, in the society, in the arena of legal justice, in feminist battles and legal frame works, in fabricated truths, in literature and more is evident all over the globe. The issues germane to the lives of many women, particularly sexual offences against women like carnal abuse, female foeticide, female infanticide, child abuse, rape, wife beating, bride burning, wife murder, dowry deaths, psychological trauma of living with drunken husbands, the domestic violence meted out to women, the mental torture faced by many brides, the isolation and harassment from in-laws and outlaws, the physical burden of household chores, unshared responsibilities in childrearing, psychological pressures of working women's woes and more are perennial women's issues which are diverse in form and proportion. The silence with which social prejudices are taken into consideration and the lackadaisical manner in which suppression and oppression due to lack of familial support or lack of response from the social order thwarts a woman's space and pressurises her to very often give up her academic aspirations, achievements and career is devastating for a woman. This underlines the fact that gender injustice and female legal rights ought to be redefined. Feminist jurisprudence cannot be superimposed upon the pre-existing edifice designed on gender bias. Life and literature, the people and the society, academicians, researchers, intellectuals, thinkers, policy makers and activists ought to comprehend feminist legal combats from the socio-economic, political, pecuniary, domestic, legal, environmental, literary, cultural, aesthetic and human point of view. Feminist jurisprudence echoes that the discourse of the reality of women's experiences and the theorisation on the legal institutions and law in relation to myriad issues of women's lives and experiences challenges the presumption that the law is gender neutral.

Gender laws have been the topic of much debate. Feminist legal philosophy and feminist jurisprudence question women's issues from the female stand point and query sexual imperialism, the experiences of childhood, education, marriage, reproduction, equity in the family, issues of abuse, abortion, censorship, pornography, crime, different forms of violence and more from the stance of law, women's studies, feminist theories and feminisms, philosophy, sociology, politics, media, religion and literature to bring about feminist jurisprudence in literature and law and society and culture through equality and fairness as also through freedom, justice and righteousness. Feminist jurisprudence probes the intersection of female gender and law by questioning male power against sexual equality and preference of law towards the male patriarchal society with partiality. Feminist jurisprudence has voiced feminist concerns about criminalisation of women even in films like *Caged* (1950). Pat Carlen, Professor of Criminology, in her "Feminist Jurisprudence or Women-Wise Penology" says that "women-wise" penal strategies should be formulated to right the

wrongs of women even in criminal systems as women are once again exploited, abandoned, penalised and victimised and cruelly dealt with by law and not protected like the male. They are very often devalued, relegated and disempowered due to their experiences with the family, neighbourhood, mafia, pimps, husbands or the police and end up as fatalities of social injustice.

Feminist Jurisprudence, a crucial component of feminist theory mirrors the precepts, methods and concerns of women. It raises apprehensions about the validity of female ethics and challenges the fact that woman is not just a wife or mother, but she has numerous abilities beyond child rearing, nourishing and educating her children or rendering her household duties and chores with dedication and talent. She is adept at managing, multi-tasking and intelligently balancing imbalances, resolving conflicts and discharging her duties efficiently and is eligible for voicing equal rights and privileges, equality of sex, reproductive rights, equal wages and can address violence or parity or favouritism to the male sex with courage and independence. Women's submissive helplessness in a forced marriage arranged by the parents and family, her adapting to a totally different ambience after marriage, her inability to achieve career goals due to familial responsibilities and lack of socio-economic freedom, child care or geriatric care must be addressed. She must be aware of her reproductive rights. Feminist jurisprudence must assert birthing rights of women. The woman's first human right and birthing right is the right for survival of herself and her baby and this right to a pleasant pleasurable delivery is one where she is not coerced into medical procedures that she does not favour or that with which she feels ill at ease. The labour pains of women and examination of birthing rights from the angle of feminist jurisprudence must echo women's concerns and take into account women's health. Birthing women are not objecting to be processed, but human beings with full claims upon healthcare and human rights and ought to enjoy a stress-free childbirth and care. The Right to equal treatment in maternity care is due to mortality discrepancies. A woman needs to be able to talk to her care providers when something is going wrong around childbirth, and she needs to be heard. The right to autonomy to make autonomous decisions about one's own body is enshrined in legal protections like the rights of informed consent and refusal. The human right to refuse surgery has never been more critical. Shared decision-making is an admirable ambition for doctor-patient communication. The right to privacy to the choice between giving birth in a hospital or at home, with a doctor or with a midwife can be demanded. Legal rights during childhood must be taken up and women's legal rights during childbirth by providing proper health care resorted to. Rebecca A Spence in her "Abandoning Women to their Rights: What happens when Feminist Jurisprudence ignores Birthing rights" talks of supportive maternity care, independent midwifery and must support women to give birth with dignity at a place convenient to her. Feminist jurisprudence and infertility is a realistic account. A reading of "O Wind, remind him that I have no child, Infertility and Feminist Juries- Linda. JLacey talks of the brainwashed mother therapy, adoption, remedies of infertility, gestational mother theory, surrogacy and commodification of children theory.

Feminist jurisprudence and sexual harassment of working women, feminist jurisprudence and child centred jurisprudence, feminist jurisprudence and the rejection of patriarchy, the feminist story of Patriarchy and reproductive technology,

the feminist jurisprudence of “Speak for yourself Speak for the minorities” and the impact of feminist jurisprudence in aesthetics are to be observed in the light of the legal point of view as not patriarchal, but gender just. These address women’s perspectives because only on rethinking law as inclusive can women assert her power in the family and workplace. Feminist jurisprudence ought to elevate the labour of women and accept that unpaid labour at home or engaging in the domestic chores of the family is empowering and redeeming for some women, but not so for others. It is essential that domestic and menial jobs are respected and there is sharing of responsibility and the need to understand that paid labour and unpaid labour are both industrious labour in different realms and must not be undermined as it includes investment of time. and energy. The law must sabotage women’s male domination and address women’s grievances and efforts of women and recognise the strengths and sacrifices of women before law. Catherine Mac Kinnon and Andrea Dworkin were fiery in echoing that woman were losing their power of self-definition and being prey to male requirements and that the legal system had promulgated this cultural homogeneity. Through several methods, activists have acknowledged gendered workings and gendered implications of seemingly neutral laws and practices. Laws affecting employment, divorce, reproductive rights, rape, domestic violence, and sexual harassment have all profited from the scrutiny and insight of feminist jurisprudence.

Feminist jurisprudence should be made compulsory in the legal school curriculum because it is a philosophy of law that is based on the social, political and economic equality of sexes and because it is the feminist perspective on the methodology of law. However, feminists agree that the law is biased to the male dominated society as power is vested in the male and the patriarchal is regarded as mainstream. Feminists argue that gender potential must be redefined. Feminist jurisprudence pleads that the legal framework must erase gender based distinctions recognised by law because women are as gifted and capable as men and they must be given an opportunity to use their talents, make their choices, be on par with men and ought to savour their lives, improve the quality of their lives and relish happiness and independence as echoed by liberal feminist. Law must challenge patriarchal male domination by challenging the difference debate and realizing the fact that law must not only reflect male values, but must incorporate women’s values. Right to dignity, right to virginity and right to motherhood are the sexed rights, which are women’s special rights. The Law must recognise these rights and attempt efforts to preserve the integrity, dignity and self-worth of women. Thus, feminist jurisprudence must be made more inclusive. It is said there are free women because there can be no free men until there are free women and that a man of quality is not threatened by a woman of quality, because feminism is the radical notion that women are people. Thus, Feminist jurisprudence, or the philosophy of law based on the political, economic, and social equality of sexes. believes that the age- old law and practices are made from a law point of view of men and do not reflect women's point of view and their role in history. Legal scholarship and feminist scholarship and pluralistic must consider law with respect. As Niklas Luhmann says, “All collective human life is directly or indirectly shaped by law. Law is like knowledge, an essential and all-pervasive fact of the social condition.”

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