

## Feminism

Society is organised by men in a way which privileges men and operates to the disadvantage of women. It seeks to expose the way subordination of women is manifested through the law; mainly patriarchal values embedded in law. The liberal subject claims to represent everyone in society, though it actually represents those who created the law (white propertied males).

### **Liberal feminism**

Focuses on the establishment of rights enjoyed by men and women in liberal societies; which tries to pursue the idea that men and women are equal, that women can maintain equality by exercising choice (provided some basic principles of society are altered).

1. Assumes that women should aspire to and the system should allow them the same possibility of achieving liberal goals as men to gain equality. Liberalism should allow all persons the opportunity to participate in society equally (with equal access).

Problem? Liberalism in practice doesn't apply to women. Some are just more equal than others (i.e. men). Society is therefore ordered in a way to make the achievement of core liberal rights more different for women than men.

This approach stresses the similarities between men and women, suggesting they aren't different and therefore equality can be achieved through equal treatment; leading to actual equality in all aspects of life.

2. Law should allow women equal access to the rights and freedoms men enjoy. Achieved through law reform.

This approach stressed the inherent differences between men and women, seeing that identical treatment isn't possible. Law must acknowledge and accommodate for such differences and introduce a level playing field.

Liberal feminism generally seeks to reform inequalities, and remove the barriers preventing women from sharing the same rights and freedoms as men and that if legal equality is seen, actual equality will follow.

Note however how this obscures structural bias within the law and masks the reality that most differences are socially constructed.

### **Radical feminism**

Critically examines the foundations of social organisation, exposing a fundamental flaw in liberal assumptions. They start from the assumption that oppression on the basis of sex is the most fundamental source of inequality in society (seen through subordination of women, patriarchal structures – benefiting men and oppressing women). Radical feminism deals with the root problems of inequality and oppression.

Radical transformations in the relationship between men and women must be seen. Legislative reform to produce formal equality is insufficient (law views women as lesser because society does) but the law should be radically changed.

There is a struggle between men and women: the voice of women's silence evidences the marginalisation of women at the deepest of political levels. Social structures are male-dominated. Radical feminism removes false consciousness that this is normal, but showing the oppression.

There is an inequality of power in society; male power (powerlessness of women) keeps society organised the way it is. E.g. through pornography.

### **Cultural feminism**

There is a distinctively feminism way of approaching moral and legal problems, different to men. Men focus on the ethic of justice whilst women focus on the ethic of care.

Male thinking: privileges a way of looking at situations based on competing rights, applying universal principles to determine a solution. People are decontextualized, thought of as abstract entities.

Female thinking: focus is on the relationships involved and how they might be sustained or whether they may be impacted by certain decisions. This reasoning emphasises the context of individuals, relationships and events. It imports values in framing a solution.

Cultural feminism shows how differences between men and women are positive. It argues that law's institutions and methods would be improved if the different voice of women was included in the legal system. This would allow a focus on mediation (rather than adversary) to resolve disputes and the focus would be on communal rights (cf. individual rights). It would also increase the presence of female judges on the bench.

### **Postmodern feminism**

Consider the way legal language and reasoning creates law's understanding of what gender and sexual equality mean, using deconstruction techniques (deconstructing male/female binary).

Believes classical feminism essentialises women (assumes women are represented by a common experience which encapsulates what it means to be a woman in society).

Postmodern feminism therefore focuses on the different experiences of women in society.

### **Black feminism**

Focuses on the tendency of feminist writers to see race and gender as separate and mutually exclusive forms of experience. It claims classical feminism is based on privileges, white females, neglecting to consider the experiences of women from other groups; assuming all female experiences are the same.

This marginalises the experiences of women of colour. Both gender and race need to be considered to understand the entire issue.

### **Pragmatic feminism**

Concerned with how discrimination and oppression occur in social and institutional practices, from a historical perspective. It seeks to remove systemic oppression.