

She of the state has
increased the

[Family](#), [Marriage](#)



She points out two major problems in the current setup. She suggests that everything in the current legal framework is considered in terms of formal equality. The other problem that she points out is that there is an idea that state regulation should be restricted to only the public matters and regulation of the private matters should be left to the people themselves. She says that justice has been defined in very narrow terms regardless of the factors that can differ from individual to individual. But in the eye of the law, everyone is treated the same irrespective of every individual's circumstances.

She says that initially, feminists preferred this treatment because the laws discriminated against the women and used to subdue them. But now formal equality has become an inadequate tool to deal with the problem effectively. It does not rectify the underlying inequality which exists in the society. It is also incapable of providing any solution for challenging this legal discrimination. The second major problem that Fineman points out is the restraint that the state shows when it comes to the implementation of the equality laws in a practical world. States only regulate these laws within the public domain but do not interfere when it comes to the private sphere.

It is not a good thing as commonly believed because there is no solution for the people suffering within the constraints of the private sphere. This naïve or hesitant attitude of the state has increased the difference between those who suffer and those who they make to suffer, and in this particular context between the dominant male gender and the oppressed female gender. Law at the moment is only acting to create the institutions and the laws for the public which comes in the realm of the public sphere, for example, the law determines the creation and dissolution of the institute of marriage but does

nothing to regulate that marriage on the basis of daily affairs. Fineman also points out that the bureaucracy is inefficient and corrupt. So it is important that everyone gets themselves educated and actively take part in the regulation of the private sphere on some level.

According to Fineman, the definition of vulnerability should be changed. Everyone is vulnerable, vulnerability is an inevitable aspect of our lives universally found. Everyone is prone to injury because our world and society are organized in this way.

Regardless of where you live and who you are, by the virtue of being a human being, you are exposed to being vulnerable. Fineman also points out that the current system treats everyone as a liberal subject. Her vulnerability thesis takes into account people without capacity which liberal subject thesis does not. According to her, the law should primarily be designed for the vulnerable subject rather than being centered on formal equality. In my opinion, the understanding of legal framework provided by Fineman in context of male domination in the society is very good but the antidote proposed by her to deal with the problem of patriarchy is quite impractical. She has a very deep understanding of what the problems of the legal framework is and from the point of view of a woman affected by the problems is also very accurate to a great extent. But there are a lot of problems in this theory due to which I think it will not be practical. The idea of formal equality that she describes in her theory may be overlooking the individual needs and demands but there is no way that the law can be structured in a way that

every single person and people groups in the society can be accommodated equally, this is simply logistically impossible.

The real issue here is to raise the awareness regarding the inequalities of the system and then come up with an approach that minimizes the exploitation. Most of the modern world has adopted the democratic form of governments and in my opinion, it is the ideal system to get rid of the legal baggage that we are carrying from the centuries gone by. According to Fineman's theory, men will never be able to understand the problems from the perspective of women because they cannot and do not go through the difficulties and the problems that women have to go through. So the need of the hour here is to push for more and more gender equality in the legislature and judiciary. With time passing by, this approach will eventually lead to a more gender-neutral tone to the legal framework as it will incorporate the much needed feminine perspective of law. I totally disagree with the part of Fineman's theory where she suggests that the state should regulate the affairs in the private sphere because a lot of people are suffering outside the realm of the public sphere.

In relation to the problems of women, it is true that there are a lot of aspects of the social institutions like the marriage where the women are getting oppressed and there is little or no way for their suffering to be stopped. But it will be a total catastrophe if the state starts getting involved in the private sphere. This approach will lead to infringement of individual rights like the right to privacy one day if not straight away. The solution in my opinion to this problem is not to let the state administer the life in a private sphere but rather the solution should be more oriented towards making sure that people

who are suffering in the privatesphere are legally heard when they decide to bring forth their problems. Legislation should be done which deals with the private sphere when privateindividuals decide to invoke it.