

Legal feminist theory

[Science](#), [Social Science](#)



Legal Feminist Theory The underlying belief on which feminist legal theories are founded is that the law itself has played historical and critical roles in promoting women's subordination. In the century prior to the 1960s, significant efforts had been made to overhaul the law respecting the rights of women, with movements lobbying for sex to be included in the Fourteenth Amendment (Levit & Verchick 41). These movements have evolved to the present day concept feminist jurisprudence that seeks to assess and critique the law through analysing how the judicial system, individual rights, gender, power and sexuality relate. It follows, therefore, that the key issue identified and addressed by feminists can be viewed broadly as the bill of rights for women. This paper is in support of legal feminist theory and will offer reasons for the choice.

The women's suffrage may have had voting rights as its driving ambition, but in the contemporary world women need more liberties, albeit simply by virtue of being female. The feminist viewpoint of law identifies how patriarchy invasively influences legal structures, demonstrating how the material condition of women is adversely affected. For example, the landmark ruling in *Roe v. Wade*, 410 U. S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973), showed that women reserve the right of abortion as a basic constitutional right (Levit & Verchick 89). Essentially, the ruling supported that reproductive rights should be borne by women, even though with certain limitations. This is in direct support of legal feminist theory because it promotes interdisciplinary examinations into how practices, policies and expectations relating to gender are influenced by the interaction of culture and law. It operates from the liberal legal prototype and focuses on an

approach to law based on rights to ensure that women also enjoy genuine equality (Sunder 93).

Legal feminist theory develops reforms designed to correct gender restriction, exploitation and injustice (Sunder 104). Therefore, through the perspective of feminist epistemology, political theory and relational metaphysics, legal feminist theory applies insights into feminist philosophy which help in understanding and changing the way overriding masculinist standards are enforced by legal institutions (Threedy 745). For instance, one would easily answer in the negative when asked whether judges can and should be allowed to be feminists, simply because judges are expected to do their job and not be activists who promote personal political agendas.

However, judges often need to make decisions that have no clear legal answers existing and hence, depend on their discretion and sense of justice, which differs among individual judges. In such a scenario, feminist perspectives and values are typical examples that inform discretion and, provided no malice is intended, should be included in arriving at judgment. In conclusion, feminism is inextricable from the real world, which is a clear indication that similar to the world, it is changing and evolving. Therefore, legal feminist theory is the best representation of the contribution by women to ongoing deliberations that acknowledge the changing times (Rhode & Sanger, 38). As shown by the graph below, the number of women getting admissions into law school following the suffrage movements shot up exponentially.

Figure 1: Trend of women admissions into law schools (Rhode & Sanger, 39).

Works Cited

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