GENDER AND THE LAW

Brain Shower

- What is gender and or sex?
- Do you think male and female are equal? If so how?
- What role do you have at home as a male or a female?
- What things female/male can/t do?
- What do you expect from this course?
- What do you think feminism means? What is your attitude towards feminism?

CHAPTER ONE

- **Gender** is a social attribute ascribing some characteristics or norms and modes of behavior to the female and other to the male sex.
- The gender of a person is determined by the society and by its way of up bringing children. Gender is, therefore, the result of the interplay of culture, religion, and similar factor of a society.
- It refers to historically defined identities, roles and behaviors of different groups such as men-women, girls-boys, old men-old women, etc. The female and male sexes are socialized into being one of these groups. The differences among these groups brought about by socio-cultural factors are often mistaken for natural differences between the sexes or considered as a God-given phenomena.

CONT…

- **Sex** is a natural attribute helping us to identify a person as male or female. A male person biologically differs from a female.
- Being a male or female is, therefore, a natural phenomenon that we cannot change since the two sexes are born different.

CONT…

- **Gender roles** refer to the expected duties and responsibilities, rights and privileges of men-women, girls-boys, etc. that are specified by socio-religious and cultural factors.
- The interplay of these factors determines what kind of clothing is appropriate for the female and for the male sex. It also decides on the amount of food necessary for each, the type of work they perform, the time and the type of place they are supposed to be at, the type of grouping they can join, etc.

GLOBAL AND HISTORICAL PERSPECTIVE ON THE LEGAL STATUS OF WOMEN
HISTORICAL PERSPECTIVE

- ***The four global women's conferences 1975-1995***

Four world conferences on women convened by the United Nations in the past quarter of the century have been instrumental in elevating the cause of gender equality to the very centre of the global agenda. They have united the international community behind a set of common objectives with an effective plan of action for the advancement of women everywhere, in all spheres of public and private life.

CONT…

- During the first three decades, the work of the United Nations on behalf of women focused primarily on the **codification of women's legal and civil rights**, and the **gathering of data on the status of women around the world**. With time, however, it became increasingly apparent that laws, in and of them, were not enough to ensure the equal rights of women.

CONT…

- The struggle for equality entered a second stage with the convening of *four world conferences* by the United Nations to develop strategies and plans of action for the advancement of women. The efforts undertaken have gone through several phases and transformations
  - from regarding women almost exclusively in terms of their development needs,
  - to recognizing their essential contributions to the entire development process,
  - to seeking their empowerment and
  - the promotion of their right to full participation at all levels of human activity.

CONT…

- All the conferences had stressed the importance of women's full participation in decision-making, and women's perspectives were incorporated into the deliberations and the documents that were adopted.

THE MEXICO CITY CONFERENCE: DIALOGUE IS OPEN

- The Conference, along with the United Nations Decade for Women (1976-1985) proclaimed by the General Assembly five months later at the urging of the Conference,
  - launched a new era in global efforts to promote the advancement of women by opening a worldwide dialogue on gender equality.
- To this end, the General Assembly identified three key objectives

1. Full gender equality and the elimination of gender discrimination;

2. The integration and full participation of women in development

3**. An increased contribution of women in strengthening of world peace**

- The Conference responded by adopting a World Plan of Action, a document that offered guidelines for governments and the international community to follow for the next ten years in pursuit of the three key objectives set by the General Assembly.

CONT…

- The conference led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM)
- The conference was important for grater women participation. women themselves played an instrumental role in shaping the discussion. Of the 133 Member State delegations gathered there, 113 were headed by women. Women also organized a parallel NGO Forum, the International Women's Year Tribune

CONT.

- Sharp differences emerged among the women gathered at the Forum
  - e.g. women from the Eastern block was interested on issues like peace
  - women from the West emphasized on equality and
  - those from the developing world placed priority on development.
- The Forum played an important role on
  - Bringing the world together to women's movement
  - opening up the United Nations to NGOs, which provide voice access to the women

THE COPENHAGEN: THE REVIEW PROCESS BEGINS

- 145 Member States met
- Milestone achievement was had been the adoption by the General Assembly in December 1979 of the CEDAW, one of the most powerful instruments for women's equality, now it binds 165 states
- CEDAW has an individual compliant procedure
- The Conference came to close with the adoption of a Program of Action, albeit not by consensus, which cited a variety of factors for the discrepancy between legal rights and women's ability to exercise these rights

CONT…

- including improving women's role in society;
  - Insufficient political will;
  - Lack of recognition of the value of women's contributions to society;
  - Lack of attention to the particular needs of women in planning;
  - A shortage of women in decision-making positions;
  - Insufficient services to support the role of women in national life, such as co-operatives, day-care centers and credit facilities;
  - Overall lack of necessary financial resources;
  - Lack of awareness among women about the opportunities available to them.

CONT…

- To solve this concerns the Cope called for national measures to ensure
  - women's ownership and control of property,
  - improvements in women's rights to inheritance,
  - child custody and loss of nationality.
  - end to stereotyped attitudes towards women.

NAIROBI: "THE BIRTH OF GLOBAL FEMINISM" 1985

- The conferences had succeeded on the movement for gender equality to gain true global recognition, development and peace, was also convened
- many referred to the Conference as the "*birth of global feminism*".
- A lot of information, knowledge and experience had been gathered through the process of discussion, negotiation and revision. At the same time, delegates were confronted with shocking reports. Data gathered by the United Nations revealed that improvements in the status of women and efforts to reduce discrimination had benefited only a small minority of women.

CONT…

- Improvements in the situation of women in the developing world had been marginal at best. The objectives of the second half of the United Nations Decade for Women had not been met.
- The Nairobi Conference was given the mandate to seek new ways to overcome the obstacles to achieving the Decade's goals” equality, development and peace.
- The Nairobi Forward-Looking Strategies to the Year 2000 It broke new ground as it declared all issues to be women's issues.

CONT…

- Women's participation in decision-making and the handling of all human affairs was recognized not only as their legitimate right but as a social and political necessity that would have to be incorporated in all institutions of society.
- Three basic categories of measures were identified:
  - Constitutional and legal steps;
  - Equality in social participation;
  - Equality in political participation and decision-making.
- The Conference urged governments to delegate responsibilities for women's issues to all institutional offices and programs.

CONT…

- Conference had introduced a wider approach to the advancement of women. Therefore, women's perspective and active involvement on all issues, not only women's issues, was essential if the goals and objectives of the Decade for Women were to be attained.

- Still decisions that affected all people's lives were still being made mostly by men.
- **fundamental transformation** that took place in Beijing was the recognition of the **need to shift the focus from women to the concept of gender**,
- This change represented a strong reaffirmation that women's rights were human rights and that gender equality was an issue of universal concern, benefiting all.
- The Conference unanimously adopted *the Beijing Declaration and Platform for Action*, which was in essence an agenda for women's empowerment and stands as a milestone for the advancement of women in the twenty-first century.

CONT…

- The Platform for Action specified twelve critical areas of concern considered to represent the main obstacles to women's advancement
- By adopting the Beijing Platform for Action, governments committed themselves to the effective inclusion of a gender dimension throughout all their institutions, policies, planning and decision-making.
- The introduction of gender mainstreaming called for the re-examination of society in its entirety and its basic structure of inequality.

CONT…

- The Beijing Conference was considered a great success, both in terms of its size and its outcome. It was the largest gathering of government and NGO representatives ever held, with 17,000 in attendance, including representatives of 189 governments. The NGO Forum held parallel to the Conference also broke all records, bringing the combined number of participants to over 47,000.

Historical perspectives on the legal status of women in Ethiopia

Women’s human right

- UDHR
- UN Charter
- CEDAW
- The FDRE Constitution
- The RFC
- The Beijing Plat Form
- MDG
- The Labour law

Some changes on the government policy

GENDER SOCIALIZATION

- **Socialization**, as a process consisting of **“complex process of interaction through which the individual learns the habits, beliefs, skills and standards of judgment that are necessary for effective participation in social groups and communities.”**
- Socialization is a continues process, which not only allows the baby to know about the basic norms of the society, but also helps in the gradual development of one’s self.

CONT…

- A child learns about his/her *gender* identity by learning what is s/he expected to do by others. An individual learns about his or her gender identity by knowing what s/he is not, or in other words, by learning about the other which helps in the emergence of one's self. For instance, a male child learns to confirm to his own gender group by neglecting all activities that a girl child does.
- The very first thing child is socialized into is the views regarding his/her gender identity.

There are four socialization process accg. Ruth Hartely

1. **Manipulation** refers to how a child is handed. Boys are taken to be strong and girls are given more feminine designation of being pretty. Such experiences on one's physique matters in shaping the self-image and personality of boys and girls.
2. **Canalization** involves the familiarization of boys and girls with certain objects, which later shapes their perceptions, aspirations and dreams. Well, we all know that anything that is pleasurable in the childhood becomes a memory to be cherished through out one's life.

CONT…

3. “**Verbal appellation”** likes “strong” for boys and “beautiful” for girls help them construct different identities. It is always strength versus beauty.
4. **Activity exposure** pertains to different kinds activities, boys and girls are exposed to. Girls are asked for help by their mothers and boys usually accompany their fathers outside the house.

It is important to note here that the basic difference between a man and a woman does not seem to have any genetic foundation. It is the result of one’s culture, which is injected into an individual through socialization process.

GENDER CONSTRUCTION: A PSYCHOANALYTIC VIEW

- The learning of gender differences in infants and the young children is centered on the presence or absence of penis. “I have a penis’ is equivalent to ‘I am a boy’ while I am a girl is equivalent to ‘I lack a penis’.
- “At a very early stage, the little boy develops an object-cathexis of his mother, which is originally related to the mother’s breast…, his father by identifying himself with him. For some time, this two relationships exist side by side, until the sexual wishes in regards the mother become intense and the father is perceived as an obstacle to them; this gives rise to the **Oedipus complex.** Electro complex

CONT…

- So, “in repressing the erotic feelings towards the mother and accepting the father as superior being, the boy identifies with the father and become aware of his male identity”. The father represents an all-powerful protector; the omnipotent lawmaker who yields the rod of punishment.
- In psychoanalytic terms, the father is the breaker of the mother-child dyad, the transcendental signifier of law, culture and language.
- Is it chewable for you?

1. Cultural construction of masculinity and femininity

- The **feminine** that is associated with woman is characterized as **passive**. Tenderness consideration and physical weakness are synonymous to the feminine genre.
- The **masculine** is defined as dominant and encouraging male violence against women as virile. Men are supposed to be high on strength and prowess.
- Men and women have different moral orientations. Men speak the language of right and women the language of responsibility.

- Right from their childhood, boys attempt to dominate and control. But girls are encouraged to be good mothers. So the first thing they do is attract a man to depend on: they are expected to be emotional, unstable, weak and talkative about their problems. They are valued for their look or smallness but not their strength and brains.
- Men’s predominance in the public domain and their association with reason distanced them from talking about relationships, emotions, which is rooted in culturally construed and historically specific form of masculinity.

- Culture: has made women more expressive and it also happens that their expressiveness is confused with the display of weaknesses.
- In order to conform to the codes of socialization meant for men, men bottle-up their emotions and eventually fail to be expressive.
- Their silence on problems has been mistaken for strength and courage but the truth is that it shatters them from within.

- Cont…

- There are different expressions of masculinity and femininity. At the level of the society these contrasting versions are ordered in a hierarchy, which is oriented around one defining premise- the domination of men over women. That is why men take advantage from the dominant position of **“hegemonic masculinity”.** Some call this as “patriarchal dividend for those who benefit from it.

CONT…

- Femininity can be of various types. The most popular and one which has been accepted as a general norm to be followed for women has been named as **“emphasized femininity**”.
- It complements the “hegemonic masculinity”. It is supposed to be the embodiment of motherhood and sexual reciprocity. This type of femininity is the most prevalent image of woman.

2. Patriarchy and its structures

- **Patriarchy** refers to male domination and female's acceptance and internalization of that dominance. Its literal meaning is the supremacy of the father. In the current discourse it can be replaced with "male rule".
- 'Patriarchy may also be described as a system of social structures and practices in which men dominate, oppress and exploit women.'
- Most of the institutions of the society are patriarchal in nature, regardless of whether it is the state, religion, educational institutions, family or the media.

CONT…

- Our male dominated society has frequently claimed that the development of the child requires the mother to devote herself completely to the welfare of the child and it is the primary duty of the mother to shower all kinds of affection and care to the child.
- Nevertheless, the patriarchal knows how to appropriate results in its favor without giving much effort.
- The world of a man and a woman has been divided into two halves, forming many pairs of binary opposites.

CONT…

It is a world of

- Body versus mind, Emotion versus reason,

- Nature versus culture,
  - women with their association with infants and children are tagged together with ‘nature’.
  - Since men lack a natural basis meant for family orientation, i.e., they do not reproduce, the cultural reasoning seems to go that men are the ‘natural’ proprietors of religion, ritual, politics, and other realms of cultural thought. Thus men are associated with culture, i.e., the higher form of human thought involving art, religion and law.

Cont…

- Private versus public
  - This becomes clear from the private/public realm. The private sphere popularly known as the domestic has no economic, political or historical significance. It does not contribute to one's social life. It is tagged as the 'personal'.
  - The private realm stands in opposition to the public sphere. It needs to be nourished with understanding, co-operation, care, and selfness and of course bundles of emotions. The public sphere is a competitive world, which requires being aggressive, reasonable and ambitious with no trace of emotions.

This dichotomy is perpetuated by patriarchy itself

CONT…

- Gender and workplace:
  - After the industrial revolution due to the kind of work, they took up, **Men were more exposed to the outside world**, thus becoming an integral part of the public sphere due to their participation in local affairs, politics and the market.
  - But **women were relegated to the domestic sphere.** One can see occupational segregation based on gender. This refers to men and women being concentrated in different kinds of occupation.
  - Occupational segregation has two dimensions,

CONT…

- **“Vertical segregation”** refers to the tendency of women to remain in the second position, whereas men remain in influential position.
- **“Horizontal segregation”** refers to the tendency of men and women to occupy different categories of jobs.
- Things get extremely difficult for women who are working because they have to bear the double burden of domestic work, as well as work place.
- What about today?

Gender and media:

- Media transmit values and attitudes that highly affect the attitude and behavior of individuals.
- The issue of women and media can be looked at from *three* perspectives:

  women's portrayal,

  - Women tend to be portrayed in roles in which they are trivialized, condemned, or narrowly defined, resulting in the "symbolic annihilation" of women by the media.
  - Men on the other hand, are usually depicted in high-status jobs in which they dominate women. Women are usually portrayed doing domestic chores, or appearing as sex objects and sometimes, they are presented to be selfish and cruel.

the content,

- Many women do not receive information from the media. Information is at the heart of education; the basis of health; that defines every aspect of production, distribution and exchange; and information defines social relationship at all levels
- Ethiopian women share similar constraints in accessing ICTs with women in other African countries.
- Women who have access usually use ICTs for work purposes, and not for personal growth.

CONT…

women as media consumers.

- Ethiopian women are excluded even from conventional information sources. E.g agriculture
- The formation of the Ethiopian Media Women Association (EMWA), with the objectives of training and exchanging experience for capacity building is an attempt to address problems of gender and the media. Ethiopia is also a member of the East African Media women Association (EAMWA).

Brain shower

- What is gender equality?
- What kind of gender inequality you can mention?

CHAPTER TWO: THEORETICAL FOUNDATION OF GENDER EQUALITY THEORY

- **Gender equality: R**efers to equal valuing of the roles of women and men.

- Gender inequality is the result of social, economic, and political differences not the difference in their sex. Some examples:

Social inequality

- Women and men usually have different roles and responsibilities in their daily lives.
- Women have unequal access to education and health services.
- Social customs that encourage or force girls into teenage marriages
- There are high levels of incidence of violence against women in all countries around the world which are accepted as ‘normal’

Economic inequality

- Nearly 70% of the worlds poor are female.
- Women have unequal access to economic resources, such as capital, credit, limited opportunity for employment and career advancement which restricts and affect their economic situation.
- Females have unequal access to education and training opportunities which makes them to concentrate on unskilled and low status jobs.

Political and legal in equality

- Women are very poorly represented at all levels of formal decision making both at regional and national levels.
- The legal system in many countries discriminates women especially in the areas of inheritance, property, and land ownership and criminal law.

Models of equality and approaches

1) ***The formal model of equality***

- Regards men and women as being the same and therefore sets out to treat women the same as men.

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- Advocates of such a model will argue for the provision of equal opportunities for women but will go on to expect women to access the opportunities and perform according to the same rules and standards as men.
- The problem with this model is that it does not take into consideration the biological and gender differences between women and men.
- Women cannot have access to or benefit from opportunities in the same manner as men when there is so much difference between the conditions of women and men.

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- For example, if women and men are given equal opportunity to employment and this requires doing shift work at night, women will not be able to have access to this opportunity without some assistance being provided such as transportation, as the social environment is not conducive to women moving about at night.

CONT…

- In formal equality terms, the goal is equal treatment for all, not just women.
- Those who offer this rational may favor formal equality as a strategy, but insofar as their choice of principle is based on its woman-centered results or outcomes, they already have their foot in the door of substantive equality.

2. The substantive model of equality

- The convention promotes the substantive model of equality and consolidates two central approaches to equality.
- First the convention stresses the importance of ***equality of opportunity*** in terms of women's access on equal terms with men to the resources of a country. This has to be secured by a framework of laws and policies, and supported by institutions and mechanisms for their operation. This is referred to as the **Obligation of means.**
- But the Convention goes beyond this in emphasizing that the measure of a state's action to secure the human rights of women and men needs to ensure ***equality of results***.

CONT…

- The indicators of state progress, in the eyes of the Convention, lie not just in what the state does, but in what the state achieves in terms of real change for women.

- Hence, the Convention stresses that equality must inform the *practice* of institutions. This is referred to as the **Obligation of results.**

CONT…

- The convention is not concerned so much with equal treatment but with equal access and equal benefits.

- Hence it recognizes that women and men may have to be treated differently in order for them to benefit equally. This may take the form of providing enabling conditions and/ or affirmative action. (Articles 3 and 4)

CONT…

- Framing a policy for “people” implicitly including women and men, while not excluding women per se, may result in a de facto discrimination against women.
- This is because of the fact that women and men are not the same. Not only there is a significant biological difference but gender differences between men and women upheld by ideology and perpetuated by socialization processes.

CONT…

- Differences between women and men whether based on biological **(sex)** difference or socially created **(gender)** differences results in women's asymmetrical experience of: Disparity and Disadvantage
- Initiatives for the realization of women's rights need to compensate for or cater to the difference, disparity or disadvantage.

CONT…

- This means taking into account the **ways** in which women are different from men, and ensuring that these differences are acknowledged and responded to by policy or legal interventions and programs.

- The substantive model of equality that the convention promotes, adopts the **corrective approach.**

CONT…

- This approach assesses specific provisions or rules to see whether the rule in question contributes to women's subordination in the short or long term, whether it builds on existing subordination, thus reinforcing it, or whether it helps to overcome that subordination.

Corrective app

- Under the corrective approach, if there are job opportunities that require night work, there would be public policies or laws that require employers to make some provision that would make it safe for women to work at night instead of placing a ban on night work. This could be the provision of transport for women workers etc.
- The approach requires that socially constructed differences such as the traditional roles ascribed to women and men as well as cultural practices that see women as inferior need to be

CONT…

- It also recognizes that in order to redistribute benefits equally between women and men, approaches to promoting women's rights must transform the unequal power relations between women and men in the process. For this to happen, policies, laws and programs must aim to provide the following:

1. Enabling conditions, in the form of the basic social, economic and cultural contexts within which women may be able to lead their lives with dignity

2. Affirmative action in the form of temporary special measures (TSM) where women's needs are specially recognized and catered for in the context of employment, education, financial services, politics and all other spheres of life in order to enable women to overcome barriers that are historical or those that arise from male domination in the system.

- The obligation of the state is to ensure a broad approach to equality that includes:
  - Equality of opportunity
  - Equality of access to the opportunity and
  - Equality of results

Resistance to the substantive approach to equality

- There is, however, a problem with this approach. The problem is, that employers and others will see that ensuring *de facto* equality may bring an extra burden and as incurring extra costs. While it is true there are costs involved, we need to develop arguments to justify these costs.
- The first is on the **basis of human rights principles**. Article 1 of The Human Rights Declaration states that, “All human beings are born free and equal in dignity and rights.” And Article 2 states that “Everyone is entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind …..”

CONT…

- Since the Convention promotes the substantive model of equality, we have to point out that by ratifying the Convention, the State has accepted an obligation to ensure that women will be able to enjoy all rights.
- They are also obligated to regulate all agencies including the private sector to ensure of this even if it means incurring additional costs. This is an argument that establishes women’s entitlement to rights.

CONT..

- The second argument is based on **long-term benefits to the country.** The corrective approach ensures that all citizens will contribute to the development of their country productively and to the best of their capacity.
- Everyone’s potential has the opportunity for its fullest development and more skilled human resources will be available to the country. Keeping half the population in a subordinated position also incurs costs as they fall into a dependent category instead of a productive category and have to be provided for.

CONT…

- The substantive model of equality attempts to bring about social change. Such change does not come about without risk and it is essential that within the project there are components that anticipate the risk and help women cope with the risk.

- In this regard the participation of women in the design of the project and the processes of implementation is essential. It is only the women concerned who can evaluate the options, assess the trade offs, and decide on the kind of support needed.

- The challenge is to know when to take note of difference, and to decide on appropriate measures for different treatment that will facilitate equal access, control and equal result.
- Such measures will have to be assessed to ensure that they promote autonomy rather than protection or dependency.
- This has to be done without compromising the claim for equal rights and equality as a legal standard.

Cont…

- For example, there can be no compromise on the claim for legal equality in matters pertaining to personal status such as:
  - *Citizenship and nationality*
  - *Rights within marriage and family relationships*
  - *Rights over children (guardianship)*
  - *Equal treatment before the law. etc,*

The need for a broad approach to equality

- Such an understanding of equality is seen for example in the Canadian Charter of Rights and Freedoms 1982.
- Section 15 (I) of the charter reads: " Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability."

- This broad legal approach to equality is essential as it would help spell out the different aspects of equality rights to include when seeking legal protection for women: equality in the substance of the legal texts, equal treatment under the law, access to the law and its institutions and finally the de facto enjoyment of equal rights.
- Taken together they provide a comprehensive coverage. Where there is no such differentiated equality rights, equality law has had little impact on disadvantaged groups. On the basis of such rights, there would have to be further provisions that facilitate the fulfillment of the different levels of equality rights.

- This would provide a comprehensive approach to a systemic problem of inequality.
- It helps us take into consideration the contexts that create inequality, including past events and history as well as current institutional arrangements.
- This approach to equality helps us focus on results or effects of a particular law or action rather than on neutrality of the treatment.

Protectionist app

- Protectionist approaches see the differences between women and men but constitute these differences as weakness or inferiority in women.
- If night work is unsafe for women, it is diagnosed that women are weak, not that the environment is unsafe.
- The solution then is to control or correct the women and not to correct the environment or provide support for women to cope with an unsafe environment.

CONT…

- In this sense the difference is considered to be naturally ordained and the approach serves to reinforce the subordinate status of women.

- Protectionist approaches are inherently limiting in that they do not challenge gender discrimination, but reproduce it in the garb of protecting women.

Non-essentialism app

- The non-subordination perspective on women and law shifts the focus of attention from gender-based difference to the imbalance of power between women and men.

- This perspective, also known as ***dominance theory***, **makes the relevant inquiry not whether women are like, or unlike, men, but whether a rule or practice serves to subordinate women to men**.

CONT…

- Accordingly, similarities and differences between women and men are important under this theory not as given that produce certain expected, rational consequences in the law, but as part of a larger system of categories and concepts designed to make women's subordination seem natural and legitimate.
- Dominance theory offers a way of understanding not just the situations of elite women, who are well represented in liberal feminism, and not just women's situation as a function of class, as presented by socialist feminism, but the situation of all women.

Autonomy app

- Many legal standards assume that individuals are capable of having "intent," of exercising "choice" or "consent," and of acting and thinking like a "reasonable" person, and require juries and judges to make findings accordingly.

- Women's advocates make similar assumptions when they argue that women should have greater personal autonomy, freedom to make their own choices, and power to control their own lives.

CONT..

- A series of challenges to the law's assumption that individuals act autonomously and to the law's ability to make objective determinations about the individual's intent, consent, and ability to make rational choices were stimulated by intellectual currents in other disciplines known as "postmodernism."

CONT...

- The postmodern view of the individual or the "legal subject" opposes the Enlightenment view of the stable, coherent self, capable of reason and "privileged insight into its own processes and into the 'laws of nature,'' with a more complicated view of the individual as one who is constituted form multiple institutional and ideological forces that, in various ways, overlap, intersect, and even contradict each other.

- These structures produce "the subject's experience of differentiated identity and . . . autonomy," but a misleading one, under the postmodern view this experience of what is real, rational, or, in some transcendent sense, true.

CONT…

- In the hands of scholars of gender and law, however, postmodern insights have not ended efforts to enhance the autonomy and freedom of women but rather have invigorated them.

- Legal activists and scholars who have enlisted postmodern critiques in the effort to end women's subordination have shown that better understanding of the limits of individual subjectivity and free choice can lead to better strategies for maximizing autonomy.

CONT…

- The proposition that autonomy is impossible was restated or reaffirmed by some scholars and women's advocates as a practical observation that choice is a relative concept in some matters at least.

- At the same time, the meaning of autonomy has been expanding beyond the right to be free from interference by others to include the ability to flourish among and in relation to others.

- Many "anti-essentialist" critiques implicitly or explicitly call for a more sophisticated understanding of relations of power. When we think about oppression, we tend to assume there are people and groups who are oppressed and people and groups who are oppressors.

- End

Quiz 10%

1. What is patriarchy and its manifestations in relation to the dichotomy created on identifying gender?

2**. List down the approaches to equality we have discussed so far and chose one which you think is best to bring gender equality. Don’t forger to include the reason why you chose the approach.**