
THE FEMINIZATION OF JUSTICE: WHY REPRESENTATION MATTERS IN LAW

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ABSTRACT

Justice is often portrayed as a blindfolded woman holding scales, representing neutrality and balance. Throughout history, however, the institutions she represents have excluded women from constructively shaping its course. Feminizing justice is not about prioritizing one gender's voice over another; it is about recognizing that true justice needs recalibrated legal systems that are informed by women's unique experiences embodying diversity, compassion, and fairness. Women and marginalized voices in positions of power play an important role in adjusting the texture of justice, to align with each of their lived realities that are often overlooked - domestic abuse, workplace harassment, reproductive rights and structural inequities. Feminizing justice is a means of democratizing justice, allowing courts, legislatures, and legal professions to better reflect the society they serve. This work is not about symbolism: it is a recognition that justice can be interpreted more inclusively, reasonably, and humanely.

From Exclusion to Empowerment: Tracing Women's Entry into Law

The journey of women into law represents a narrowing path from far-reaching systemic exclusion to at best, incremental empowerment. Statutes, bar regulations, and passive social customs and traditions had systematically excluded women from legal education and practice for decades, utterly silencing the voices of nearly half of all contributors to justice, as law was viewed as an exclusively male domain and fairness for women was inherently incompatible with men's universal position. In the late nineteenth and early twentieth centuries, we can see the walls begin to crack, with women litigating the boundaries of exclusion and inspiring legislative change. Women entering bar councils or taking on judicial roles was not only symbolic, but it forced the profession to concede to its institutional biases in a public forum. It is important to keep this discussion of empowerment and justice in progress and perspective and appreciate that due to the disparities in empowerment, women may now make up the majority of law graduates worldwide but the pathways to senior roles in advocacy, the judiciary and/or in corporate law remain far from realistic or homogenous. What do these trends reflect? Feminization is not simply a matter of access; it reflects the challenges to institutional structures of legality or hierarchies that remain and who continue to obstruct institutionalized meaningful equality or rights in law.

Beyond Tokenism: Why Representation Must Transform Institutions

The feminization of justice involves more than just the numerical inclusion of women. While having women as judges, advocates, and legislators may be a step toward progress, the participation of women without any structural change will simply become a form of tokenism. Although a number of token positions may attain diversity requirements, that will rarely lead to change in terms of dismantling hierarchies or a different legal reasoning created by the patriarchal tradition. Achieving representation requires women's involvement in the decision-making, developing doctrine, and providing a women's perspective that is long overdue in the institutional contexts that usually give preference to the male perspective. For example, appointing women judges only to lower courts, and only securing male judges on the higher constitutional benches, may also demonstrate tokenism instead of progress of women as truthfully, they are excluded from participation on the higher benches. Likewise, the separation of women advocates and lawyers into "soft" areas, like family law, will reinforce the commercial, and constitutional litigation – regardless of status – leading to gendered

separation, as the male advocate progresses his status without the gender comparison. Feminization, even as representing women, will need to create equal opportunity, valued perspective and, accountability – this will allow the feminization of justice to shift from the symbolic representation to substantive justice.

The Gendered Lens: How Women Redefine Legal Reasoning

Legal reasoning is routinely framed as objective and value-free, but the reality of legal practice discloses that neutrality frequently hides deep-seated patriarchal assumptions about a host of lived experiences. The inclusion of women in both adjudication and advocacy spaces counters this myth by bringing experiences of oppression, exclusion and vulnerability into the decision-making process. The participation of women judges, in the above regard, has brought an expanse of interpretive rights in the areas of sexual harassment, domestic violence and reproductive autonomy - areas that have been systematically trivialized or misread by male courts. Women expanded rights by referring to dignity, privacy and equality, dimensions that enrich the doctrinal work of constitutional and criminal law. Their activism has described the notion that good judgement cannot rest solely on legal formalism; it has to understand the human circumstances which are at the heart of the dispute. By the same token, women's reasoning makes their decisions less formalistic and more contextually substantive.

Symbols and Substance: The Power of Visibility in Justice

The representation of women within positions of legal authority has both emblematic and substantive effects. Representation challenges the assumptions that restrict law to a man's world and depicts a version of justice that is inclusive and democratic. Emblematic is not simply insignificant. For instance, the appointment of Justice Fathima Beevi as the first woman judge of the Indian Supreme Court in 1989 was a powerful demarcation in a male-identified court system because it provided permission for future generations of women to study and practice law. Internationally, the ascendancy of judicial figures like Justice Sandra Day O'Connor in the United States demonstrated that women could affect constitutional meaning at the highest level. But visibility must become substantively meaningful. The feminization of justice means that women must not only rise in status and prestige in the legal field but also contribute to the conversation about our law, how laws are interpreted, and reforming and making institutions inclusive. Visibility becomes an agent for structural change, not simply symbolism, when being visible is paired with being impactful.

Intersectionality in Action: Voices Within Feminization

To conceptualize the feminization of justice, we must consider the complex and often overlapping identities (gender, caste, class, race, and other) involved in access to law; importantly, we cannot focus only on elite individuals, or our understanding of exclusions within the profession will be obscured. Although more urban, upper-caste women have started entering the Indian courts, their representation has not changed significantly for those women who are, for example, Dalit or Adivasi, who remain among the most poorly represented cohorts of women (if not individuals at all); this reflects broader class and economic hierarchies. In this regard, while intersectional approaches are critical because the law is social and contextual, intersectional approaches also help us to avoid comprehending barriers to justice solely in terms of gender. Landmark cases, such as *Bhanwari Devi v. State of Rajasthan*, show us that caste and gender operate in tandem to shape access to justice, and that Bhanwari's fight against sexual violence revealed the multidimensional vulnerabilities of marginalized women. On a global scale, intersectionality as a theoretical framework, led by Kimberle Crenshaw, helps to reveal how anti-discrimination law (anti-discrimination or otherwise) is often all too capable of failing women, while recognizing that it is simultaneously failing to recognize the experience of substantial individuals with multiple bonds of oppression. True feminisation must not only give women, and women of all identities, the confidence to access the justice system, it must also ensure that they are included across all identities, so that justice is not reformulated for the motorcycle club, but reimagined for everyone.

Breaking Barriers in Emerging Societies: Law as a Site of Struggle

In developing societies, feminization of justice is not a straightforward story of progress, but rather an ongoing battle against established social and cultural impediments. When women became part of the legal profession, the challenge for them was often entirely outside of the courtroom; with issues related to limited educational access, family resistance, economic dependence, and other ingrained beliefs about women in positions of authority, the notion of a woman standing up in court be it as a practicing advocate or presiding judge was upsetting an established hierarchy in many areas. But these obstacles also humanize the law, as they remind us that justice is lived before it is argued, for example women advocates in rural India do not just litigate as advocates but they mediate as domestic dispute resolution professionals acting as probably the only voice of law which now exists before marginalized communities. They

demonstrate justice is experienced, lived, and relational - it is grounded in a circumstance and if in those instances empathy is viewed through the construction of meaning by law, justice is meaningful. In this environment, the law was both a site of exclusion and a site of agency (as it relates to women's participation) and the way in which women appropriate the law provides space to delineate each practice in an ongoing way.

Feminist Jurisprudence and the Reimagining of Legal Norms

Feminist jurisprudence, in its core tenets, critiques the existing definition and meaning of justice that the law formulates. It interrogates the belief that law depicted objective truth by exposing that doctrinal frameworks often covertly reflect male paradigms. Feminists engage with issues that judicial regimes don't explicitly consider; reproductive autonomy, woefully invisible domestic labor and gendered violence along with others. Feminist legal thought persuades the scope of rights in different discourse. Feminism illuminates cases like *Vishaka v State of Rajasthan*, (1997) and *Suchita Srivastava v Chandigarh Administration*, (2010) that have redefined constitutionally guaranteed equality and personal liberty in practice of law in relation to women's experiences. Global legal scholars/ practitioners like Catharine MacKinnon and Kimberlé Crenshaw have explained how the law significantly discounts women's lived experience and or makes it imperceptible unless articulated explicitly in a gender-sensitive jurisprudence. Importantly, feminist jurisprudence does not aim to reverse hierarchies but rather, it aspires to re-establish or develop legal norms to be emphatic and include background, and responsive to social force. Feminist jurisprudence advocates for moving the legal regime from formal equality - treating everyone in the same way - to substantive equality - in which individuals, and often populations, may be marginalized by systemic disadvantage. Feminist jurisprudence holds the legal order to task treating this current legal regime in an asocial manner, and encourages a perspective of social responsibility, which might produce authentic justice.

Towards Inclusive Justice: Structural Reform and Global Solidarity

All of these discussed reforms, no matter how radical the changing of entry-level barriers, will still not complete the feminisation of justice without having the structural reform that will dismantle and change barriers within the legal institutions themselves. Reform must move beyond the entry to the entry-level profession to encompass judicial appointments that follow transparent processes, workplace policies that are gender-sensitive and workplace

opportunities that allow women equivalent access to positions of leadership. The measures mentioned above (reservation at all bar councils, mentoring initiatives, family-friendly structures at the workplace) are not privileges, they are necessary to address systemic imbalance. Therefore, constitutional promises to guarantee equality in Articles 14 and 15 must lead to institutional accountability. However, the struggle is not a hundred percent local, we need to be able to emphasise global solidarity through networks like International Association of Women Judges (IAWJ) and ongoing transnational feminist legal movements to share best practices, resist regressive practices, and call for international standards for gender justice. The universality of women's struggles shows us that law is both a local and a global project. At this stage towards inclusivity within justice, it seems that the work is twofold: within the reformation of institutions, and secondly, the development of solidarity across geographical boundaries that makes the feminisation of justice non-reversible.

Conclusion

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