

The Advancement of Legal Education: Exploring Women's Knowledge and Legal Reality

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Abstract: *The insufficiency of legislation regarding women's rights prompted the emergence of the feminist movement, which resulted in the development of feminist theories that are not included in legal education. Given the longstanding conflict between the demands for professional training and the education of scholars in academia, it is imperative for students to acquire a comprehensive understanding of the technical aspects of law. The primary emphasis of legal education should be on teaching legal doctrine. The purpose of this paper is to propose the incorporation of feminist legal theories into legal education in order to enhance the advancement of the field. This would enable Law students to make well-informed decisions regarding the nature of Law. The employed approach entails the utilization of a secondary source for data collection. The results indicate that feminist concepts are not sufficiently incorporated into legal education due to the absence of a systematic approach to teaching these concepts to law students. Additionally, law courses often incorporate a diverse range of feminist literature without making a concerted effort to elucidate the importance of feminist critiques within the broader framework of mainstream legal literature. Hence, the study asserts that incorporating these theories into the curriculum of law students will empower them to assume accountability for their own perspectives on the essence of law. Furthermore, a methodical incorporation of feminist critiques in legal education can empower law students to critically examine the fundamental underpinnings of conventional knowledge.*

Keywords: feminism, knowledge, legal education, legal reality, and women

I. INTRODUCTION

The portrayal of legal information as objective and neutral persists as the prevailing paradigm in the teaching of law, despite the existence of considerable challenges in the literature. The field of legal education has historically been predominantly dominated by white males, with women and individuals from racial and ethnic minority groups only recently gaining access. Over an extended period, the prevalence of white males in the field of legal education was upheld by means of admission policies that were intentionally crafted to marginalize women, individuals from disadvantaged ethnic backgrounds, and those facing economic disadvantages. Over the past 25 years, there has been a notable shift in the demographic makeup of law school student populations. Historically marginalized groups have experienced increased acceptance rates to law school, primarily due to the implementation of race and gender-conscious admission initiatives. Affirmative action plans, which are admissions programs that consider race and gender, have consistently been a subject of controversy. They have faced increasing legal challenges, anti-affirmative action voter initiatives, and legislative and administrative counter efforts.

The US Supreme Court's ruling in *Grutter v. Bollinger* provided legal clarification on the affirmative action policy in higher education admission programs. This achievement would not have been possible without the advocacy efforts of women's groups, now known as feminists. This paper will cover various aspects of legal education, including its history and scope, a concise definition of feminism, the historical evolution of feminist legal theories, the various feminist legal theories that have emerged over time, the significance of these theories for law students, such as the development of feminist legal methods, findings, recommendations, and conclusions.

Legal Education

Legal education is the education of individuals who intend to become legal professionals or those who simply intend to use their law degree to some end, either related to law, politics or academics. The study includes first degrees in law,

vocational courses e.g Nigerian Law School for Nigeria, applied legal education for specific branch of law such as Business law, human resources and labour law, higher education degrees and doctorate courses. Legal education generally focuses either on pedagogy or substantive content. It ought to incorporate interdisciplinary analysis of law in order to change the very fundamentals of legal knowledge. Legal education must take as a starting point that we need to create useful capacities in our students. While there are many abstracted fields of study, from sociology and literatures to economics, which can help inform a capable understanding of law, law itself is an applied discipline involved in creation and operations of critical institutions through which humans order many of their most important social activities.

Historical Development and Extent of Legal Education

The field of legal education has faced a longstanding conflict between the demands for professional training and the education of scholars in academia. In line with the professional aspect of legal education, there is a prevailing belief that effective learning in the profession equates to proficient lawyering skills. According to this perspective, students should acquire knowledge of the technical aspects of law, while the primary focus of legal education should be on teaching legal doctrine. In common law jurisdictions, courts serve as interpreters of both uncodified common law and statutes, and are the primary source of legal doctrine. Historically, lawyers were primarily trained to analyze and interpret case law, with this training taking the form of apprenticeships.

Feminism

It is the belief in the social, political, and economic equality of the sexes. The movement is organized around this belief by the women folk. It is also said to be an analysis of women's subordination for the purpose of fighting out how to change it. Feminist Theory is an outgrowth of the general movement to empower women worldwide. Feminism can be defined as a recognition and critique of male supremacy combined with efforts to change it. It can also be defined as the quest by the female folk to gain respect, relevance and acceptability in the men's world. The goals of feminism are: to demonstrate the importance of women; to reveal that historically women have been subordinate to men and to bring about gender equity. Simply put: feminists fight for the equality of women.

The evolution and progression of feminist legal theories

During the century preceding the 1960s, there had been substantial efforts to change the law respecting women's rights in the United States. The women's suffrage movement fought for inclusion of sex in the text of the Fourteenth Amendment; Myra Bradwell fought for right to be admitted to the bar under the Privileges and Immunities Clause of the Fourteenth Amendment; many litigants and lawyers sensitive to issues of sex discrimination raised legal issues concerning women's equality; and a major and finally successful effort to pass the Nineteenth Amendment to the Constitution gave women the right to vote. In the 1960s, a "second wave" of an active women's rights movement developed from the civil rights struggle, leading to renewed efforts both to change the law so as to abolish sex discrimination and to reshape the legal profession so as to integrate women within it. The litigation efforts that followed, which posed issues of equal protection in a host of areas such as social security, a pregnancy discrimination, and parental leave, as well as activist efforts around the Equal Rights Amendment raised important arguments about the nature of gender which laid the foundation for feminist legal theory. The emergence of theories of equality and the Federal Equal Rights Amendment can be attributed primarily to the practical demands of activist efforts at lawmaking, despite the significant impact of women teachers in law schools in mobilizing, energizing, and supporting a younger generation of women entering the legal profession. In the year 1971, a significant paper on Constitutional equality was authored by Barbara Brown, Ann Freedman, Tom Emerson, and Gail Falk. The primary objective of this article was to influence the endeavors of Congress in enacting the Amendment. In her 1979 publication titled "Sexual Harassment of Working Women," Catharine MacKinnon aimed to establish a legal framework that elucidated the detrimental effects of sexual harassment, a topic that had already been extensively examined by other feminist legal scholars. Additionally, MacKinnon sought to propose an efficacious solution to address these damages. In Nigeria, the traditional African belief that women are objectified has been reduced, but not completely eliminated, due to the influence of the Private domain on the mindset of the elites.

Feminist legal theories

Feminist legal theories aim to provide a more comprehensive analysis of the world compared to mainstream theory. Simultaneously, their objective is to facilitate a global environment characterized by fairer sex and gender dynamics. In

this context, individuals exhibit self-awareness of their political orientation, albeit with varying political ideologies. The focus of these efforts extends beyond the advancement of a specific group known as women. It also involves a critical examination of the authority to define insiders and outsiders, the agendas of feminist movements, and the level of progressiveness exhibited by feminist theory and practice. Currently, feminist legal theories have developed into four prominent bodies of thought. The following are:

- The principle of formal equality
- Cultural feminism
- The concept of dominance theory and its implications
- The theory of post-modernism or anti-essentialism

Theoretical Framework of Equality

The doctrine of formal equality is based on the principles of liberal democracy. The argument posits that women should be accorded equal treatment as men.

Cultural feminism

This pertains to the necessity of considering the disparities that exist between males and females.

The development of its viewpoints in the legal field was mostly influenced by endeavors to comprehend the distinct female encounters with pregnancy and parenthood. The Supreme Court's unwillingness to consider pregnancy as a matter of gender equality had a significant impact on both women's lives and the legal system. The enactment of the Pregnancy Discrimination Act in 1978 was a direct response to the aforementioned concerns. Title VII of this Act established that pregnancy discrimination is equivalent to sex discrimination. Furthermore, it sparked a renewed focus on the concept of "difference" across many contexts.

The Significance of Feminist Theories in the Context of Law Students

Feminism, as an academic field that centers on the importance of gender and the societal disparities stemming from gender-based beliefs and assumptions, is present among scholars across various academic domains. Feminists, as a collective, express a collective concern regarding the ramifications of both historical and contemporary instances of women's exploitation within societal contexts. Their objective is to advocate for the empowerment of women and the reformation of institutions that are predominantly controlled by men. Furthermore, numerous feminists employ unique feminist techniques to highlight women's experiences, such as increasing awareness or employing storytelling. These methodologies acknowledge the legitimacy and significance of women's experiences, so establishing a foundation for feminist theory and research. An essential attribute of feminism is its embodiment of the amalgamation of practical application and theoretical framework. According to historian Linda Gordon, feminism entails an examination of the subjugation of women with the aim of devising strategies to effectuate change. The acknowledged desirability of this pragmatic aspect has led numerous feminists to be drawn towards the study and implementation of law and legal reform. Their achievements in the field of law have been numerous. Indeed, it can be said that feminism, in conjunction with economics and, to a certain degree, psychology, has exerted a tangible and immediate influence on the field of law throughout the preceding decades.

The impact is evident not alone within the realm of academic and legal writing, but also in the jurisprudence utilized by courts and formulated by legislative entities. The assessment and occasional revision of legal institutions have been influenced by feminist ideas and arguments. The influence of feminism is unsurprising, considering the significant increase in the number of women entering law schools starting in the 1970s. Although women were present in law schools before this period, their representation has experienced a substantial growth throughout this time. Moreover, women have been accommodated inside the profession across many hierarchical levels. During the initial cohort of women who pursued legal education, a significant number had a clear inclination towards a feminist political agenda. Upon entering law schools, they were firmly convinced by the prevailing belief that the personal is inherently intertwined with the political. The individuals expressed a keen interest in the concept of reform and the potential impact of legal frameworks on the endeavor to establish a society that promotes gender equality.

The early feminists held a positive outlook on utilizing legal means to achieve gender equality. The approaches employed by early legal feminist reformers were diverse, and their viewpoints were not consistently congruent. A fundamental division that arose during the initial stages of formulating a legal framework for feminist thought remains

pertinent in contemporary times, namely the matter of gender disparity. This inquiry seeks to explore the distinctions between women and men. What was the procedure for addressing them? Most early feminist legal scholars embraced a model of gender-based prejudice. The primary aim of their endeavor was to prohibit prejudiced treatment and establish legislation that would grant women equitable chances on par with men. However, there were other feminist scholars who sought to further deepen and expand upon the notion of gender difference. Gender inequality was not solely generated and perpetuated through the act of excluding individuals from or subjecting them to unfair treatment within established social frameworks. The implementation of facially neutral policies may potentially give rise to inequalities, especially considering the significant disparities in societal situations between women and men. These variations necessitate distinct treatment - simply providing equal treatment in a formal manner would not adequately tackle the prevailing structural and ideological disparities. This particular branch of feminism aimed to challenge the validity of established gender norms and their consequences for the institutions and legal frameworks of society. The primary aim was not to completely eliminate these standards, which is a significant undertaking that is still in its early stages. Rather, the focus was on examining the consequences of gendered institutions. Institutions, such as the legal system, were not seen as impartial and potentially beneficial in this matter. They contributed to the problem in its current form. The feminist also presents a systematic approach for its examination. Consequently, Feminists have formulated comprehensive criticisms of law and put out suggestions for legal restructuring. Feminists have expressed limited opinions regarding the nature of the legal process and the appropriate level of truth to assign to subsequent legal assertions. The significance of these methodological issues lies in their influence on one's perspective of the potential for legal practice and reform. The method facilitates the acquisition of truth by establishing criteria for determining what is considered evidence and what is deemed as verification. The consideration of method is crucial for feminists, as employing the same methods that have historically defined power structures may inadvertently perpetuate the very power structures they aim to challenge and dismantle. The significance of method lies in its ability to validate and substantiate feminist claims within the legal framework, thereby ensuring their legitimacy and accuracy. Many individuals who disregard feminism as unimportant or insignificant are said to have a misunderstanding of it. Feminist scholars have commonly prioritized the advocacy of their diverse substantive stances or political objectives, even within their own ranks. A heightened focus on methodological considerations could potentially serve to bolster these defenses, elucidate the reasons behind the perceived radical nature (or perceived lack thereof) of feminist agendas, and foster a sense of shared understanding among feminists.

II. CONCLUSION

The law plays a crucial role in promoting women's rights and achieving gender equality. When a society is governed by the principle of the rule of law, characterized by an inclusive and equitable legal framework, women are able to flourish, actively participate in the system, and enhance its efficacy for subsequent generations. The principle of the rule of law necessitates that laws are devoid of prejudice and unfairness, uniformly implemented and impartially resolved, and in accordance with global human rights norms and standards. Therefore, a strong and efficient legal system founded on the principles of the rule of law is crucial in facilitating women's equal participation in decision-making and development. Consequently, this can be accomplished by expanding legal education to encompass additional fields such as sociology, psychology, economics, feminism, and so on. It is important to ensure that both theoretical knowledge and practical application are integrated into the curriculum for law students. Hence, sex, gender, and sexual orientation are present in the room, regardless of whether we openly acknowledge them or not. However, everyone pretends to be unaware of these matters, and when they do, they label them as women's affairs or, even worse, unethical women's affairs. However, a comprehensive understanding of feminist legal theories would enable the recognition of bias and discrimination perpetuated by the legal system, leading to the implementation of necessary modifications to effectively address these issues.

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