

Feminism and Pseudo Feminism - A Legal Perspective

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Abstract: *The following dissertation aims at explaining how feminism is different from pseudo-feminism and how people have been confusing the two. First half of the paper elucidates the history of women and the agony they have faced over the years and how at present the situation has changed for the better. It further lays down the different countries that hold rights to equality and the importance of such right. The second half of the research paper puts forward the picture of pseudo feminism in India and how it is a living parasite pushing the society back day by day. A case of Rajesh Suri and state of 2022 is elaborated in brief to explain how women are misusing their rights, privileges, and gender. Lastly, the paper concludes with the moral implications of pseudo feminism on the society explaining the changes it brings upon in the lives of men and how the world must join hands and work together to eradicate discrimination and promote equality/feminism.*

Keywords: Feminism, Pseudo Feminism, Misandry, Women, Sexual exploitation, Discrimination, IPC, POSH Act, USA, Canada, India, Social, Cultural, Legal

1. Introduction

Susan B. Anthony, one of the biggest names in the list of women activists once quoted that those women who do not want to be ruled must spend their lives without getting married. Many might be for such an opinion; many might be against it. The thinking capability of a human mind governs the thought process in people. Women have had an extreme past, extreme in every way possible. Beginning with being servants meant for doing house chores and sacrificing their bodies in ancient times to ravishments and bigotry in the 21st century. The situation hasn't really changed, it is just that over a while, new challenges have materialized. However, it cannot be denied that education and refinement together have done wonders in improving life for a lot of women, besides, many are still facing outrage and trying to live as per the expectations of the 'so-called' society. 'Feminism' has paved its way to the very roots of the world today with various old and emerging leaders constantly putting forward their opinions on how women shall be treated at par with men. Ironically, most of the people living in the 'internet-specific world' do not know the dictionary meaning of feminism. Some associate it with misandry while others confuse it with pseudo-feminism. The real meaning of feminism does not tilt towards any particular gender. It speaks volumes about how all genders shall be treated equally without any type of discrimination. The concept is so important and because of the oppressed conditions of women, they require advocacy. It is necessary to eradicate the obsolete perception of women as inferior to men and balance all genders on the same scale of competency. The flawed perception of relating feminism to Misandry or Pseudo-feminism only takes the developing society backward. Misandry is total hostility or hatred towards the community of men, on the other hand, pseudo-feminism represents a belief of women being superior to all other genders. It is apparent that people have very conveniently derived these two unrelated branches to the concept of feminism, leading to discrepancies between men and women in every sphere of life.

Women and Laws of the world

The legal systems and legislatures of the world have worked tirelessly over the years to formulate and execute such rules and regulations which decrease the crime rate and increase contentment amongst the population of the country. Women have been going through suffering and agony for ages and this misery is not limited to a particular country. Rome's history has been one of the leading examples of crime against women with rapes, sexual exploitation, and gender disparity being a part of the patriarchal society in the archaic era. The United States of America despite being the undisputed power of the world has one of the highest numbers of women exploitation cases today. India is no exception; the country has had a staggering history of gender-based distinction. Sati Pratha being on the top of the list, a baseless ritual in which upon the death of a woman's husband it was believed that the wife had no motive of living a normal life because her existence was dependent on her husband's wellbeing, therefore, she was forced to commit suicide by laying with her dead husband in the same funeral bed which was then put on fire. Such ridiculously baseless customs have been a part of Indian society since time immemorial. As and when years passed, women began speaking for themselves and started understanding that both men and women take birth in the same manner and same physical competencies with just some bodily features different from each other. Therefore, there are no grounds upon which they should be treated differently.

Law and society always work hand in hand. There would be no usage of rules and regulations if there were no people and vice versa. In the eyes of law, all genders are equal. None of them have a privilege over the other. Legal systems might have a different set of laws and different punishments for their abridgment, but many have the right to equality and right against discrimination in the roots of their respective legal systems. As a survey conducted in 2021 by Statista, out of numerous countries with outstanding international powers and goodwill, only ten have properly instituted laws in their statutes concerning equality before the law. Some of

them are India, the USA, Canada, and Sweden while others will slowly but surely come at par because of the extraordinary international forums working every day for the cause. The Indian constitution provides for certain fundamental rights in part 3 that guarantee equality and freedom, thus, ending any scope of discrimination. Most importantly, it clearly states that all these rights shall be given to people irrespective of their race, religion, caste, GENDER, or place of birth. Similarly, under 'the Canadian chapter of rights and freedoms', section 15 guarantees equality and no discrimination (with certain exceptions like employment equity), going further, The United States of America also guarantees equal protection of laws to its citizens as part of its 14th amendment. This is feminism in the real sense, providing all genders a ground-level, equal base to stand their pillars of competencies. Apart from these broad rights of equality for both men and women, certain rights are acentric to women. This does not mean there is any discrimination induced. They were instituted to facilitate equality. For example, The International Labour organization in its hundredth and hundred and one conventions focused on equal pay and the elimination of workplace discrimination. A similar approach was taken by India when the Vishakha guidelines were enumerated under the infamous case of 'Vishakha and ORS v. State of Rajasthan (1977)'. All these initiatives were not taken to hoist the flag of women's superiority in the face of men as certain pseudo-feminists proudly believe but to provide a level playing field to women by destroying some extra hurdles made up by criminal-minded individuals.

International forums play a major role in putting countries on the law-abiding track but it is also true that the conventions and treaties formulated are mostly only binding on member states and sometimes not binding at all. Therefore, it would not be inappropriate to state that the international forums play a critical role but at the same time, laws and statutes at the national level are the most crucial because it directly deals with the society of a country and places an obligation on the people living in that country to abide by the stated laws and regulations. Hence, it is apparent that the world has progressed when it comes to the legality of equality and rights specifically for women. It has managed to strike a balance between promoting feminism and not pseudo feminism.

Pseudo Feminism- a social, cultural, and legal parasite

"the world is under a crisis", this statement is usually used to address issues like international/national conflicts, natural disasters, financial emergencies, etc. Adding to the list, Pseudo feminism as a thought process is no less than a crisis for a country. It has taken centuries for the conditions of women to change for the better and decades for the legal systems of the world to formulate reasonable laws. Yet, pseudo feminism is taking this growth backward with each passing day. Ironically, this concept is preached and disseminated by women themselves. In a survey conducted for this research paper, 7/10 women and men don't know the meaning of pseudo-feminism. When social media handles of some so-called 'influencers', were tracked down, numerous such quotes were found out that just promote misandry and pseudo feminism. One such example is a quote by a celebrity that says that the population of men should be

brought down to ten percent. Such statements do not promote feminism in any way and such public figures should quit calling themselves feminists.

India and Pseudo Feminism

India is a country that has witnessed the intimidation of women for centuries. The situation might have changed a little and all the credits go firstly to the people who understood that oppression has to be eradicated and women shall be given equal consideration as men and secondly, to the legislature/political leaders/lawmakers who understood the severity of the issue and decided on providing such rules and regulations that promote equality in all spheres of life. From freedom fighters to astronauts to actresses to entrepreneurs, men and women are walking and growing shoulder to shoulder. This pattern of growth is incredibly powerful as it helps India, as a country to expand. Yet, there are always some anti-social elements who try to hinder this expansion. The biggest issue today is that women have started using their rights, privileges, and most importantly, their gender, maliciously. In August 2021, the High court of Delhi expressed its concern against the disturbing increase in the number of false rape cases. Mostly, such accusations are constructed to extract financial benefits from a non-guilty party or just to tarnish the image of a man for a personal grudge. Women have seriously started throwing the word sexual harassment so readily without even thinking of the life of the person accused of something he never did in the first place.

The implication of such false cases is beyond catastrophic for the women who face sexual exploitation in their lives. The system meant for the protection and upliftment of all genders has seen so many false accusations that at present it has become too difficult for it to distinguish between a genuine and fraudulent case of sexual exploitation.

One such example is the latest case of Rajesh Suri v. state on 31st January 2022. In this case, the accused and the complainant wilfully developed a feeling of attraction despite the complainant being married. According to the complainant, the accused who is a petitioner in this case visited her house when she was alone and allegedly forced her into sexual intercourse after getting her intoxicated with alcohol. Later, it was uncovered that the complainant had earlier filed a similar case against another man who preferred negotiating and settling the case out of the court by paying a sum of money. In Lalita Kumari v. State of Uttar Pradesh (2008) the court stated that an FIR for a non-cognizable offense is imperative and non-filing an FIR is against the law. Moreover, there were discrepancies about the time when the FIR was launched. The case is still pending before the court. There are plenty of cases of such type in the court of law at present where it is difficult to judge whether the accusations were true or made up.

POSH act (Prevention, prohibition, and redressal) related to sexual exploitation at the workplace lays down in section 14 that strict actions should be taken against false accusations. However, other sections like 499 and 500 of the Indian Penal Code are only remedies and deal with defamation. The need of the hour is that particular provisions shall be made which pose a stringent implication on a woman for making a

fraudulent indictment against a man. For example, positioning specific imprisonment tenure and penalties for this crime.

Moral implications of a false accusation and Pseudo feminism-

Once an accusation against a man for sexual exploitation has been made, his life changes. People living in the society, specifically the ones who don't know the man personally would think if the accusations were true. Pseudo feminism dwells on the minds of people. When pseudo feminism and the crime of false accusations combine, they make a lethal combination. This combination is enough to destroy the lives of men. Today, most men are afraid to help a woman because they have come across so many cases where a man is wrongfully blamed for exploiting women. This does not mean that there are only women who do wrong with men and they are the ones to be blamed, there are men who do even worse with women but the difference is that there are suitable laws for a man committing such crimes, whereas, there are fewer laws for charging a woman who blames a man of a crime against her which he did not commit.

Therefore, the people of a nation have to come together as a single unit to glorify feminism and degrade pseudo feminism and misandry. It is of utmost necessity at present.

2. Conclusion

Feminism is the most important aspect of women and law. Together they formulate an undetachable socio-legal aspect. For any country to develop in real sense, parasites like pseudo feminism must be uprooted. It is when all the people of the country, irrespective of their designation, social standing, or goodwill, will work together to strengthen the legal system, the world will prosper, and discrimination eradicated.

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