

# Feminist Theory of the State

The **feminist theory of the state** questions the common belief that the state treats everyone equally. Feminist thinkers argue that the state is not neutral—it often works in ways that **support male power** and **ignore the problems faced by women and other gender minorities**.

This theory says that the state is **not just a political or legal system**, but also a **gendered institution**. It helps create and protect a world where men usually have more power than women. For example, many laws and policies focus on public life—like jobs, voting, and the economy—but often **ignore issues in private life**, such as domestic violence, unpaid care work, and reproductive rights, which mostly affect women.

Feminist scholars like **Carol Pateman**, **Catharine MacKinnon**, and **Nivedita Menon** argue that older political theories miss this point. **Liberal theories** focus on equal legal rights, and **Marxist theories** focus on class struggle—but **feminism adds gender** as a key issue. It shows how even legal rights can fail if real social power still stays with men.

Feminist theory also points out that **gender does not work alone**—it connects with class, caste, race, and sexuality. So, to really understand how power works in society, we have to look at how all these factors combine.

## Key Features

### 1. The State is Patriarchal, Not Neutral

Feminist thinkers argue that the state is not as fair or neutral as it claims to be. Instead of treating all people equally, it often supports **male power**—whether in how laws are made, how institutions work, or who gets to be in positions of power. This idea is called **patriarchy**—a system where men hold more authority than women in both public and private life.

#### 1.1 The State Pretends to Be Neutral—But Isn't

Many people believe the state stands above society and treats everyone fairly. But feminist scholars say this is not true. The **rules and values of the state are often shaped by male experiences**, and women's needs are not taken seriously.

**Example:** When laws about property or divorce were made in colonial and post-colonial India, they were mostly written by men. These laws often made it hard for women to get equal inheritance or full rights over their children. Even today, in some personal laws, a woman's testimony or agency can be seen as weaker than a man's.

## 1.2 Laws Often Reflect Male Thinking

Feminists say that laws often come from a **male-centered view of justice**. Even laws about women's issues are sometimes written in a way that protects men more than women.

**Example:** In the past, rape laws in India and other countries required women to show proof of resistance, like injuries, to prove they were assaulted. Courts would question a woman's past behavior, clothes, or whether she screamed. This ignores the fact that many victims freeze out of fear, and instead assume **men are innocent until proven guilty, while women must prove they are victims**.

## 1.3 Institutions Are Biased Too—Not Just Laws

Even when laws are changed to protect women, the **institutions meant to enforce them—like the police or courts—often act in biased ways** because the people running them still hold patriarchal beliefs.

**Example:** If a woman reports domestic violence, police officers may tell her to "adjust" or "forgive" her husband instead of registering a case. In rural areas, officers may even suggest that the complaint will bring shame to the family.

## 1.4 Fewer Women in Power Means Fewer Women's Issues in Policy

Feminists say that women are **underrepresented in decision-making roles**. This means that laws and policies often don't reflect women's concerns. Even when women do enter politics, they face challenges like lack of funding, family pressure, or being given only symbolic roles.

**Example:** In India, only **about 15% of MPs in Parliament** are women (as of 2023), despite the country having had a woman Prime Minister decades ago. Political parties often prefer to give tickets to male candidates, arguing women can't win elections or manage "tough" constituencies.

## 1.5 The State Helps Maintain Patriarchy

Some feminist theorists, like **Carol Pateman**, say the modern state was never meant to treat women as equals. It was created in a time when men had power over women—especially over their labor, sexuality, and freedom. So, even when the state talks about "equality," it often **ignores women's real-life problems**, like unpaid work, domestic violence, or reproductive health.

**Example:** Even today, many states do not count women's unpaid domestic work as "real work" in national statistics. As a result, women's contributions to the economy are **invisible in policies**, and they receive less support in terms of pensions, benefits, or healthcare.

# 2. The Public–Private Divide Hides Women's Oppression

Traditional political theory makes a **sharp separation between the public and private spheres**. The public sphere includes areas like government, law, the economy, and politics—where the state is expected to act. The private sphere includes the home, family life, and personal relationships—where the state is usually silent.

Feminist theorists strongly challenge this division. They argue that **most of the violence and discrimination women face actually happens in the so-called 'private' sphere**, and by staying out of it, the state helps continue their oppression.

## 2.1 Why the Public–Private Divide is a Problem

This divide assumes that what happens inside homes is a “personal” matter, and not something the state should interfere in. But feminists ask: **why should the state protect people from violence on the street, but not violence inside their own homes?**

They point out that patriarchy uses the private sphere to **control women’s bodies, sexuality, labor, and choices**, and the state’s refusal to interfere ends up protecting the oppressors.

**Example:** In many countries, including India, **domestic violence is widespread**, but women often find it difficult to get justice. Even when laws like the *Protection of Women from Domestic Violence Act (2005)* exist, women are discouraged by police or courts from pursuing cases, being told it's a "family matter."

## 2.2 Marital Rape and the State’s Silence

A powerful example of this is **marital rape**—when a husband forces his wife to have sex without her consent. In India, **marital rape is still not recognized as a crime**. The law assumes that by marrying, a woman has given permanent sexual consent to her husband.

Feminists argue that this belief treats women as property and denies them bodily autonomy. It also shows how the state refuses to protect women **within marriage**, calling it a private relationship—even when harm occurs.

**Example:** In 2022, the Delhi High Court delivered a split verdict on the issue of criminalizing marital rape, showing that **even the legal system is deeply divided**. The central government told the court it needed more time to consult with stakeholders, delaying reform. Meanwhile, thousands of women continue to suffer silently in marriages.

## 3. Intersectionality: Gender + Caste, Class, Religion

Feminist theory has evolved beyond viewing gender oppression as a single, uniform experience. Today, it recognizes that **gender interacts with other forms of identity**—such as **caste, class, religion, race, and sexuality**—to create **complex,**

**overlapping systems of domination.** This idea is known as **intersectionality**, a term coined by American legal scholar **Kimberlé Crenshaw** in 1989.

Intersectionality asks us to **look beyond “all women” as a single category**, and instead examine how **specific social locations** affect people’s experiences of power, exclusion, and violence. Feminist scholars argue that if the state treats all women as the same, it fails to see how its policies **marginalize the most vulnerable**.

### **3.1 What Is Intersectionality?**

Intersectionality is the idea that **multiple forms of identity and oppression do not act separately**. They are **interconnected**, and can make life harder for people who stand at the crossroads of several disadvantages.

For example, a woman may be oppressed not only because of her gender, but also because she is Dalit, Muslim, tribal, disabled, LGBTQ+, or poor. These identities combine to **deepen exclusion** and shape very different life outcomes compared to upper-caste, urban, or affluent women.

### **3.2 Historical Example: Lower-Caste Women in Pre-Modern India**

In ancient and medieval India, **upper-caste women** were often confined to domestic roles, but **Dalit and Shudra women** faced **multiple layers of exploitation**. Not only did they suffer **gender oppression**, but they were also subject to **caste-based discrimination** and **forced labor** under Brahmanical social codes.

**Example:** Dalit women, such as those from the Madiga or Chamar communities, were historically barred from temple entry, forced to perform degrading labor like manual scavenging, and denied the right to education or property. They were also **sexually exploited** by dominant-caste landlords, and the **state-supported religious hierarchy** offered them no legal or moral protection.

### **3.3 Industrial-Era Example: Working-Class Women in 19th Century Europe**

During the Industrial Revolution in Europe, women from **working-class backgrounds** entered factories in large numbers. Feminists at the time noted that they were **exploited not only for their gender**, but also for their **class status**.

**Example:** In England’s textile mills, women were paid much less than men for the same work. They worked long hours in unsafe conditions and had little legal protection. **Middle- and upper-class women**, on the other hand, fought for voting rights or access to education—but didn’t always support labor rights for poor women.

### **3.4 Contemporary Example: Dalit and Muslim Women in India**

In present-day India, intersectionality is crucial to understanding how **marginalized women** face state neglect and social violence in ways that go beyond gender alone.

**Example:** In cases of **violence against Dalit women**, such as the 2020 Hathras gang rape and murder in Uttar Pradesh, the state's response was not just inadequate—it was complicit. Police delayed medical aid, denied media access, and cremated the victim's body without her family's consent. This shows how **caste, class, and gender intersect** to produce state apathy.

**Another example:** After the 2020 Delhi riots, many **Muslim women** in working-class neighborhoods lost homes and faced police intimidation. Their identity as **Muslim, poor, and female** meant they were more vulnerable and less likely to receive justice or rehabilitation support.

These examples highlight how **state laws and institutions often fail** to protect those at the **intersection of multiple oppressed identities**.

## Contemporary Challenges and Ongoing Debates

### 1. Low Female Workforce Participation

- Only **about 25%** of women in India are part of the labor force (NSO 2023), among the **lowest in the world**.
- Even when women work, they are often in **low-paying, informal jobs** like domestic work or caregiving.
- State policies often **ignore unpaid care work** done by women at home—cooking, cleaning, child care—which supports the entire economy but is **not recognized or compensated**.
- Example: The **Maternity Benefit Act (2017)** gives 26 weeks of paid leave, but it is paid by employers, which makes companies less willing to hire women. Also, it assumes **only women** are responsible for childcare.

### 2. Violence Against Women and the State's Role

- Gender-based violence—rape, acid attacks, harassment—remains a major problem.
- After the **2012 Nirbhaya case**, laws were changed (Criminal Law Amendment Act, 2013), but real change is slow:
  - Police often **refuse to register complaints**.
  - Victims face **blame, fear, or delay** in the legal system.
  - Courts are **slow and insensitive**, showing that **patriarchal thinking** still dominates state institutions.

### 3. The Women's Reservation Bill (2023)

- This law reserves **33% of seats** in Parliament and state assemblies for women—but it has **not yet been implemented**.
- Feminist scholars raise important questions:
  - Will it bring real power to women or just **elite women from political families**?
  - Can it **change party structures**, which remain male-dominated?
  - Is this just **symbolic**, or will it change how politics works?

#### 4. Digital Harassment and Online Patriarchy

The digital age has opened up public space for more voices—but it has also created **new platforms for abuse and violence**, especially against women who speak up in public.

**Example:** Women journalists like Rana Ayyub and politicians like Mahua Moitra have been regularly targeted online with threats of sexual violence, doxxing (sharing personal information), and hate campaigns.

These attacks are not random—they are meant to silence women and **push them out of political or public debate**.

What makes it worse is that **state mechanisms—police, courts, or cybercrime units—often fail to act**, citing jurisdiction issues, lack of technical evidence, or low priority.

#### 5. Triple Talaq: Politics of Gender and Religion

The Supreme Court's 2017 verdict declaring **instant triple talaq** unconstitutional was welcomed by many as a step forward for **Muslim women's rights**. The government also passed legislation criminalizing the practice in 2019.

**Feminist concern:** While the ban was necessary, **some feminists argue** that the state used the issue **selectively**, framing it in **communal terms** rather than as part of a consistent gender justice agenda.

There were **no parallel reforms** in Hindu personal laws, which still allow **gender-discriminatory practices** like unequal inheritance or child marriage.

Thus, feminist critics ask: **Is the state genuinely promoting women's rights**, or is it **using women's issues for political symbolism**—especially when it comes to minority communities?

### Different Feminist Approaches to the State

Feminism is not a single way of thinking. There are **many feminist theories**, and they don't always agree. Each approach has its **own understanding of the state**, the causes of women's oppression, and the path to change.

#### 1. Liberal Feminists: Reform the State

Liberal feminists believe that the **state is not naturally patriarchal**—it can become more equal through laws and policies. They think women’s problems arise mainly from **discrimination and lack of opportunity**, and these can be corrected through **legal and political reforms**.

- They support laws like **equal pay, anti-harassment regulations, and maternity benefits**.
- They also support **women’s reservations** in politics and more representation in leadership positions.

**Example:** Campaigns for the Women’s Reservation Bill in India and laws against workplace sexual harassment (like the Vishaka Guidelines) reflect liberal feminist strategies.

## 2. Radical Feminists: Challenge Patriarchy at its Root

Radical feminists argue that **patriarchy is built into the very structure of the state**. According to them, the state is not just unfair by accident—it has been shaped by **male values, male control, and male interests** from the beginning.

- They believe **reforms are not enough**; the entire system must change.
- Their focus is on issues like **sexual violence, control over women’s bodies, reproductive rights, and patriarchal culture**.

**Example:** Movements against **marital rape** and **control over abortion laws** are driven by radical feminist concerns, as they question male dominance even in the most personal areas.

## 3. Socialist/Marxist Feminists: Link Gender with Class

Socialist and Marxist feminists believe that **gender oppression is closely tied to capitalism**. They argue that women are not only dominated by men but also **exploited as unpaid or underpaid workers** within an economic system that benefits from their labor.

- They focus on **domestic labor, wage gaps, and economic dependence**.
- They demand **both gender and class justice**—not just legal reforms, but also **redistribution of wealth and resources**.

**Example:** During the COVID-19 lockdowns, women bore the double burden of unpaid household work and job losses. This highlighted the **economic invisibility** that socialist feminists often critique.

## 4. Postmodern Feminists: Challenge Universal Categories

Postmodern feminists criticize the idea that all women share the same experience. They argue that terms like “woman” or “patriarchy” are **too broad and fixed**, and ignore how **gender intersects with caste, race, religion, sexuality, and culture**.

- They question **fixed identities** and believe **power is fluid and dispersed**, not just located in the state or in men.
- They oppose **one-size-fits-all policies**, and call for attention to **diverse and local experiences**.

**Example:** The experiences of a Dalit woman, a Muslim woman, and a queer woman are all very different. Postmodern feminists argue that state policies must reflect this **diversity and complexity**.

## Criticisms of the Feminist Theory of the State

Feminist theory has powerfully exposed how states and institutions often ignore or suppress women's experiences. But like all theories, it is not without its challenges. Critics raise important concerns about **tone, unity, and real-world impact**.

### 1. Too Much Focus on Victimhood

One major critique is that **feminist theory often portrays women only as victims**—as if they are always powerless and dependent on protection. This can unintentionally ignore women's **strength, resistance, leadership**, and ability to shape society on their own terms.

### 2. Internal Divisions within Feminism

Feminism is not a single voice. There are often **deep disagreements among feminist thinkers and activists** on what counts as empowerment or exploitation.

Some key areas of conflict include:

- **Sex Work:** Is it a legitimate form of work chosen by women, or is it inherently exploitative? *Example:* In India, organizations like **Durbar Mahila Samanwaya Committee (DMSC)** advocate for sex workers' rights, while other feminist groups demand a ban, citing coercion and trafficking.
- **The Hijab:** For some, wearing the hijab is an act of cultural pride or personal faith. For others, it's seen as a symbol of patriarchal control. *Example:* The **hijab controversy in Karnataka (2022)** sparked debates among feminists themselves—some defending choice, others questioning religious pressure.
- **Surrogacy:** Is it empowering when women earn money by becoming surrogate mothers, or does it turn women's bodies into tools for the market?

These divisions raise questions about whether **feminism can truly speak for all women**, especially across different social and cultural contexts.

### 3. The Gap Between Law and Practice

Feminist movements have been successful in influencing legal reforms in many countries. However, **laws alone are not enough**—without proper enforcement, funding, and social change, legal rights remain **paper rights**.

**Example:** The **Domestic Violence Act (2005)** in India was a major step forward, but many women still face pressure not to report abuse due to family honour, economic dependence, or fear of police apathy.

**Example:** The **POSH Act (2013)** was meant to prevent workplace sexual harassment. Yet, many companies lack internal complaints committees, and survivors often face retaliation or silence.

This shows that a **feminist vision of justice must go beyond law-making**—it must address how deeply patriarchy is embedded in social attitudes and institutions.

## PYQ Insights

1. **State and Patriarchy:** UPSC has asked how feminist theory critiques the assumption that the state is gender-neutral.  
*“Critically examine the feminist understanding of the state as an instrument of patriarchy.”*
2. **Public–Private Divide:** Questions focus on how traditional political theory separates public from private, and how feminists challenge this.  
*“Discuss the feminist critique of the public-private dichotomy in political theory.”*
3. **Intersectionality and Gendered Oppression:** UPSC has explored how gender intersects with caste, class, and religion in feminist discourse.  
*“How does intersectionality enrich feminist political analysis in India?”*
4. **Feminist Approaches to the State:** The exam has tested understanding of liberal, radical, socialist, and postmodern feminist critiques of the state.  
*“Compare and contrast the liberal and radical feminist perspectives on the state.”*
5. **Feminist Theory and Justice:** UPSC has asked about feminism’s contribution to debates on equality, justice, and rights.  
*“How has feminist political theory redefined the concept of justice?”*

## Speculative Model Questions

1. **Contemporary Digital Patriarchy:** *“Evaluate how the rise of digital spaces has created new forms of gendered power and control. Use feminist perspectives on surveillance and harassment.”*
2. **Postcolonial Feminism and the State:** *“How does postcolonial feminism critique both Western feminist thought and the role of the postcolonial state in reinforcing gender hierarchies?”*

3. **Feminist Re-reading of Social Contract Theorists:** *“Feminist theorists like Carole Pateman critique Hobbes, Locke, and Rousseau. Discuss how the social contract theory ignores the subordination of women.”*
4. **Feminism and Neoliberalism:** *“Examine how feminist thinkers have responded to the rise of neoliberal economic policies and their impact on women’s lives and labor.”*
5. **Global South Feminism vs Western Feminism:** *“Compare the concerns of Western liberal feminism with those emerging from the Global South. How does this affect the feminist critique of the state?”*

## Conclusion

The feminist theory of the state challenges the idea that the state is neutral, arguing instead that it often upholds patriarchal power. Different feminist approaches—liberal, radical, socialist, and postmodern—offer varied critiques and solutions, from legal reform to deep structural change. Feminists highlight how state policies often ignore gendered experiences, especially within private spaces and among marginalized women. Intersectionality shows that caste, class, religion, and sexuality shape how women experience oppression. Contemporary issues like digital harassment and the #MeToo movement reveals how patriarchy adapts to new forms. Critics of feminist theory argue it sometimes overemphasizes victimhood, lacks internal unity, or fails in practical implementation. Still, feminism remains essential for imagining a more just, inclusive, and accountable state.