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RESEARCH ARTICLE

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FEMINISM:BEYOND LEGAL EQUALITY TOWARDS SUBSTANTIVE EQUALITY

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ABSTRACT

Women's rights have expanded significantly through legal, constitutional, and social reforms. Women today possess rights relating to education, employment, marriage, family life, political participation, and public life. However, the existence of rights in law does not always guarantee their equal enjoyment in everyday life. This article examines the gap between formal equality and substantive equality, with particular attention to family and marital relationships. It explores how patriarchal attitudes, social expectations, family reputation, economic dependence, and unequal decision-making can restrict women's ability to exercise their rights freely. The article argues that equality should not be understood only as the presence of equal rights in legal documents but also as the practical ability to exercise those rights without fear, discrimination, coercion, or social pressure. Drawing on feminist perspectives and the principle of substantive equality recognized in international human rights law, the article emphasizes the importance of social awareness, family support, economic independence, institutional protection, and effective implementation of law. It concludes that genuine gender equality requires a movement beyond formal legal recognition toward social conditions in which women can experience dignity, autonomy, choice, participation, and equal decision-making in everyday life.

Keywords: *Feminism, Equality, Injustice, Patriarchy, Women's Rights.*

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INTRODUCTION

The struggle for women's rights has brought significant changes to modern society. Feminist movements have challenged the historical exclusion of women from education, employment, political participation, property ownership, and decision-making. Legal and constitutional reforms have further strengthened the recognition of women as equal rights-bearing individuals. In India, for example, the constitutional principle of equality before the law provides an important foundation for addressing discrimination and unequal treatment (Government of India). At the international level, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) similarly places equality and non-discrimination at the centre of women's human rights.

However, legal recognition does not automatically produce equality in everyday life. A woman may possess a legal right but still experience social, cultural, economic, or familial barriers that make the exercise of that right difficult. CEDAW therefore moves beyond a purely formal understanding of equality and emphasizes the practical realization of women's rights. Its approach recognizes both equality before the law and equality in fact (United Nations).

This distinction is important because gender inequality does not exist only where laws openly discriminate against women. It may also operate through social expectations, gender stereotypes, unequal responsibilities, economic dependence, and traditional assumptions about women's roles. UN Women notes that discrimination can be deeply rooted in family, culture, interpersonal relationships, and other social structures (UN Women).

The present article therefore examines the movement from formal equality to substantive equality. It argues that women's empowerment cannot be measured only by the rights written in constitutions and legislation. Equality becomes meaningful when women can actually use those rights, make decisions about their lives, participate equally in family and society, and seek protection when their rights are violated.

BACKGROUND OF THE STUDY

Feminism has historically questioned systems that place women in subordinate positions. One of its central concerns has been the recognition of women as autonomous individuals entitled to equal rights, opportunities, dignity, and social participation.

The development of women's rights has involved several stages. Early struggles frequently concentrated on formal legal and political rights, including access to education, property, employment, and voting. These achievements were essential because without legal recognition, women had limited institutional protection against discrimination.

Nevertheless, the achievement of legal equality did not eliminate all forms of gender inequality. Women could possess the same legal rights as men while continuing to experience unequal social conditions. This led feminist scholars and human rights institutions to focus increasingly on the difference between de jure equality, or equality in law, and de facto equality, or equality in practice.

The substantive equality approach responds to this problem by examining the actual effects of laws, policies, and social practices. According to UN Women, substantive equality requires attention to women's actual circumstances and outcomes rather than relying only on gender-neutral wording in laws (UN Women).

Thus, the central concern is no longer simply whether women have rights but whether the social conditions exist that allow them to exercise those rights effectively.

OBJECTIVES OF THE STUDY

- To examine the distinction between formal equality and substantive equality.
- To explore the gap between women's legal rights and their practical experiences.
- To analyze the influence of patriarchal attitudes on women's decision-making within family relationships.
- To examine the role of social expectations, family reputation, and economic dependence in limiting women's autonomy.
- To discuss the importance of education, awareness, family support, and institutional protection in achieving substantive equality.
- To emphasize the need to move beyond legal recognition toward equality in everyday life.

RESEARCH QUESTIONS:

- What is the difference between formal equality and substantive equality?
- Why do legal rights not always result in equal experiences for women?
- How do family expectations and patriarchal attitudes influence women's decision-making power?
- How can economic dependence and social expectations affect women's autonomy?
- What social and institutional changes are necessary to achieve substantive equality?

METHODOLOGY OF THE STUDY

This article follows a qualitative and analytical approach. It is primarily conceptual in nature and examines existing feminist and human-rights perspectives on formal and substantive equality.

The study draws upon secondary sources, including scholarly discussions, international human-rights documents, feminist legal perspectives, and institutional publications concerning gender equality and women's rights. CEDAW is used as an important conceptual reference because it explicitly addresses both formal and substantive dimensions of equality and recognizes discrimination within public as well as private spheres.

The analysis focuses particularly on family and marital relationships, social expectations, patriarchal structures, economic dependence, and women's practical ability to exercise their rights.

DISCUSSION

The discussion demonstrates that legal equality and lived equality are interconnected but not identical. Formal equality establishes an important legal foundation by recognizing women as equal citizens and rights-bearing individuals. Without such recognition, substantive equality becomes difficult to achieve.

Nevertheless, legal recognition cannot by itself transform social relationships. A woman may possess a legal right while facing circumstances that make exercising that right difficult. This can occur through family pressure, social expectations, economic dependence, gender stereotypes, or inadequate institutional support.

Substantive equality therefore requires attention to the effects of rights rather than only their existence.

The substantive approach is particularly important because apparently neutral rules can sometimes produce unequal effects. CEDAW recognizes this broader understanding by addressing both direct and indirect discrimination and by requiring the practical realization of equality.

Therefore, the achievement of substantive equality requires a combination of legal, social, economic, and institutional measures.

FORMAL EQUALITY AND SUBSTANTIVE EQUALITY

Formal equality generally means that people should receive equal treatment under the law. It emphasizes equal legal status and seeks to prevent explicit discrimination. This approach has played an important role in the historical development of women's rights because it challenges laws that directly deny women opportunities or freedoms available to men.

Formal equality, however, may not be sufficient in situations where women and men do not begin from equal social or economic positions. A rule that appears neutral may produce unequal effects when existing social structures are unequal.

Substantive equality asks a broader question: What happens to women when a right is exercised in real life?

For example, a woman may have the legal right to employment, but family responsibilities, restrictions on mobility, expectations regarding domestic work, or opposition from family members may affect her ability to use that right. Similarly, a woman may legally possess rights within marriage but may not have equal influence over household finances, career decisions, residence, or other important matters.

CEDAW adopts a substantive understanding of equality by looking at the actual condition of women's lives and the effects of laws and practices.

Therefore, formal equality and substantive equality should not be viewed as opposing concepts. Formal equality provides the legal foundation, while substantive equality seeks to make that foundation effective in everyday life.

THE PROBLEM OF THE STUDY

The central problem examined in this article is the continuing gap between formal equality and substantive equality.

Although women's rights have received increasing legal recognition, legal rights do not always result in equal experiences. The difficulty may arise not because a right is completely absent but because social and institutional conditions prevent women from exercising it freely.

Family expectations, concerns about reputation, economic dependence, gender stereotypes, and patriarchal attitudes may influence women's decisions. In such circumstances, a woman may

formally possess the same right as a man while having considerably less practical freedom to exercise that right.

The problem therefore requires a shift in focus from the question "Does the woman have the right?" to the broader question "Can the woman exercise the right freely and effectively?"

This distinction is particularly important within family and marital relationships, where private expectations can have a significant influence on individual autonomy.

WOMEN'S RIGHTS AND FAMILY LIFE

Family is one of the most important social institutions through which gender roles are created and maintained. It can provide emotional, social, and economic support, but it can also become a space where traditional expectations influence women's choices.

Women may be expected to prioritize family responsibilities over education, employment, personal ambitions, or independent decision-making. Such expectations do not operate in every family in the same manner, but where they restrict women's autonomy, they become relevant to the study of substantive equality.

CEDAW specifically recognizes that discrimination may occur within family relations and private life rather than only in public institutions (United Nations).

Marriage is particularly significant because legal equality within marriage does not necessarily guarantee equal power within the household. A woman may have formal rights but still experience pressure to compromise her preferences in order to preserve family harmony or social reputation.

Substantive equality therefore requires that women's voices and decisions receive equal respect within family relationships.

PATRIARCHY AND UNEQUAL DECISION-MAKING

Patriarchy may broadly be understood as a social system in which men traditionally possess greater authority and decision-making power. Feminist scholarship has examined how patriarchal structures can operate through institutions, customs, family relationships, and cultural expectations. Within family life, patriarchal attitudes may influence decisions concerning education, employment, finances, household responsibilities, mobility, marriage, and personal choices. The issue is not simply whether women are technically "allowed" to make decisions. A deeper question concerns whether women's decisions are treated as equally valuable.

For example, a woman may be educated and economically independent but still be expected to seek approval for decisions that men are permitted to make independently. Such circumstances demonstrate why economic or educational advancement alone cannot completely measure substantive equality. Substantive equality requires attention to authority, agency, participation, and the distribution of decision-making power.

SOCIAL EXPECTATIONS AND FAMILY REPUTATION

Social expectations are another important factor affecting women's autonomy. In many communities, family reputation can influence individual behaviour. Women may experience pressure to maintain an image of family respectability and may therefore

hesitate to challenge practices that they consider unfair.

The concern for family reputation can influence decisions relating to marriage, divorce, employment, relationships, mobility, and responses to domestic conflict. Such pressures may be especially significant when women fear social criticism or rejection.

This does not mean that family values are inherently harmful or that all families restrict women. Rather, the issue arises when social expectations are applied unequally to women and men.

A substantive approach to equality therefore requires social values to be examined critically. Cultural practices should not become a reason for limiting women's autonomy or denying their equal dignity.

ECONOMIC DEPENDENCE AND WOMEN'S AUTONOMY:

Economic independence is an important component of substantive equality. Legal rights may be difficult to exercise when a person lacks the financial resources necessary to make independent choices.

Economic dependence can influence a woman's ability to leave an unhealthy relationship, continue education, seek legal assistance, pursue employment, or make independent decisions. Consequently, economic empowerment is not merely a financial issue; it is also connected with autonomy and decision-making power. At the same time, economic independence alone cannot guarantee substantive equality. An economically independent woman may still encounter gender stereotypes, unequal domestic responsibilities, or social restrictions. Substantive equality therefore requires a combination of legal rights, economic opportunities, social support, and freedom from discriminatory expectations.

DOMESTIC VIOLENCE AND THE LIMITS OF LEGAL PROTECTION

Domestic violence provides an important example of the difference between formal legal protection and lived experience. Laws may establish protections and remedies, but their existence does not automatically ensure that every woman can access those protections effectively.

Women may face social pressure, economic dependence, fear, stigma, lack of information, or institutional barriers when attempting to seek assistance. UN Women identifies access to justice as an essential component of substantive equality and notes that women may encounter institutional, social, cultural, and gender-based barriers when seeking justice (UN Women).

Consequently, effective protection requires more than legislation. Women need awareness of their rights, accessible institutions, responsive authorities, social support, and an environment in which seeking assistance is not treated as a failure of family loyalty.

The purpose of substantive equality is therefore not simply to create legal remedies but to ensure that those remedies are realistically accessible.

EDUCATION, AWARENESS, AND SOCIAL TRANSFORMATION

Education is an important means of promoting substantive equality because it can help individuals understand rights, challenge stereotypes, and develop confidence in decision-making.

However, education should not be understood only as formal schooling. Social awareness also involves knowledge of constitutional values, human rights, gender equality, legal protections, and the importance of respecting individual autonomy. Families, educational institutions, communities, and media all have roles in challenging stereotypes. Gender equality becomes more sustainable when both women and men understand that equality is not a threat to family or social stability but a principle of dignity and justice.

UN Women's recent work similarly emphasizes that changing discriminatory social norms requires transformation of narratives, material conditions, and power relations rather than relying exclusively on legal reform (UN Women).

FEMINISM AND THE MOVEMENT BEYOND FORMAL EQUALITY

Feminism has evolved from demanding recognition of women's legal rights toward questioning the deeper structures that reproduce inequality.

The achievement of formal equality was a necessary historical step. Without equal legal status, women could not effectively challenge discriminatory institutions. Yet contemporary feminist approaches recognize that equality must also address social structures, economic disadvantages, stereotypes, and unequal power relationships. Substantive equality therefore represents an important development in feminist thought. It asks whether equality produces meaningful changes in women's lives.

The concept is also closely connected with CEDAW, which requires States to move beyond the mere removal of discriminatory laws and work toward the practical realization of women's equality.

Thus, feminism should not be understood merely as a demand for identical treatment. It also involves creating conditions in which women can exercise autonomy, participate equally, and live with dignity.

SIGNIFICANCE OF THE STUDY

This article is significant because it approaches women's rights as both a legal and social question. It emphasizes that the existence of rights in legislation is an essential achievement but not the final goal of gender equality.

The study is particularly relevant to family and marital relationships because these spaces often involve informal expectations and unequal power relations that may not be visible through legal analysis alone.

By examining the gap between formal and substantive equality, the article contributes to a broader understanding of women's empowerment. It emphasizes that meaningful equality requires not only legal recognition but also supportive families, economic opportunities, social awareness, accessible institutions, and changes in discriminatory attitudes.

RECOMMENDATIONS

The following measures can contribute to substantive equality:

- **Strengthening legal awareness:** Women should have accessible information about their constitutional and legal rights.
- **Improving institutional support:** Legal and administrative institutions should be

accessible, responsive, and sensitive to gender-based barriers.

- **Promoting education:** Educational institutions should encourage awareness of equality, dignity, autonomy, and non-discrimination.
- **Encouraging economic independence:** Women should have meaningful access to education, employment, skills, financial resources, and economic opportunities.
- **Challenging gender stereotypes:** Social expectations that assign unequal roles to women and men should be critically examined.
- **Supporting women within families:** Families should recognize women's choices and decisions as equally important.
- **Strengthening implementation:** Legal rights should be supported by effective institutional mechanisms so that rights can be exercised in practice.
- **Promoting shared responsibility**: Domestic and family responsibilities should not automatically be treated as women's responsibilities alone.
- These measures reflect the broader principle that equality requires not merely equal legal wording but conditions that allow individuals to exercise rights meaningfully.

CONCLUSION

Women's rights have developed considerably through feminist movements, constitutional principles, legislation, and international human-rights instruments. These developments have established an essential foundation for gender equality. However, the existence of legal rights does not necessarily guarantee their equal enjoyment.

The distinction between formal equality and substantive equality is therefore central to contemporary discussions of women's rights. Formal equality asks whether women possess equal legal rights, while substantive equality asks whether women can actually exercise those rights and experience equality in their everyday lives.

Family relationships, social expectations, economic dependence, patriarchal attitudes, and gender stereotypes can create barriers even where formal legal equality exists. Consequently, genuine equality requires a broader transformation of social conditions.

The goal should not be limited to placing equal rights on paper. It should be to create an environment in which women can exercise those rights without fear, discrimination, coercion, or unnecessary social pressure. Education, economic independence, family support, institutional protection, and social awareness are therefore essential components of substantive equality.

Ultimately, the movement from formal equality toward substantive equality represents a movement from legal recognition to lived experience. Women's rights become meaningful when equality is not only guaranteed by law but also reflected in everyday choices, relationships, opportunities, dignity, and participation.

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