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ŠOLTYS, DOMINIK: THE H(ANDB)OOK OF LEGAL FEMINISM: THE CONCEPT, NATURE, FEATURES, DEVELOPMENT AND FORMS OF LEGAL FEMINISM. PAVOL JOZEF ŠAFÁRIK UNIVERSITY IN KOŠICE, 2022 / Sára Majerová

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"Feminism may simply be about seeking women behind everything."
(Excerpt from monograph)

JUDr. Dominik Šoltys's, PhD monograph on the topic of feminism, a resonant theme in recent decades, is, as the title alludes to, more than a handbook of legal feminism. The author critiques the foundations of contemporary patriarchal society from the perspective of social, political, and economic gender inequality, arguing in favours of the power of legal feminism as a determined pursuit and popularization of women's rights in a world constantly dominated by the malaise of gender inequality.

The monograph itself consists of three main parts. The first part deals with an introduction to legal feminism and presents an introductory excursion into the problems of feminist legal studies. It starts initially from a variety of definitions of feminism, dividing these into those that see feminism both as a philosophical-ideological field or doctrine, and equally as a social movement with political goals and overlapping practical implications. The author chooses as a central definition the conception of feminism by K. Offen, who describes feminism as a concept involving ideology and a movement for socio-political change, based on a critical approach to male superiority and female subordination within any society (Offen, 1988, p. 151).

In this part, it is strongly felt that the author is quite against patriarchal society, which he associates with the concept of feminism, that is seen as a critique and an attempt to overthrow all patriarchal ideas and social institutions that seek to keep the female half of the population under the control of male authority.

The author continues by attempting to define legal feminism in the same light as the definitions of feminism that have been presented so far, using as the central definition among many P. Smith's definition of legal feminism as an analysis and critique of the law as a patriarchal institution (Smith, 2008, p. 219). The author equally points to a number of views of other authors concerned with feminism who express some scepticism about the full applicability and need for the development of legal feminism. Despite the diversity of opinion, the author very insightfully abstracts from the various definitions of the two terms the basic defining features, upon which he then builds his assumptions and feminism study.

Subsequently, in the first part, the author discusses the features of feminist legal scholarship, philosophy, and theory as they have developed from the second to the third wave of feminism, within which, first, he identifies the presence of a significant diversity of legal feminism, i.e. the presence of a variety of feminist legal theories, as well as expressing a conviction that feminism has expanded through a feminist openness that appeals to the inclusion of as many women as possible from all backgrounds and currents of thinking, thereby describing the recently formed fourth wave of feminism.

Author concludes the first, mostly theoretical, part of the monograph, which focuses on the diversity of views of leading feminist authors on the issue of feminism, by presenting a basic classification of feminism, based on the main sources of ideology, in which he classifies the most widespread types of feminism, such as liberal feminism, cultural feminism, radical feminism, psychoanalytic feminism, postmodern feminism, black feminism, lesbian feminism, and pragmatist feminism, which the author then returns to, in some form, within the third part of the monograph. However, a closer classification of these types of feminism is lacking, which can be perceived rather negatively with regard to the main objectives of the thesis. In this case, we would recommend the author to narrow down the number of definitions of feminism across different authors, whose definitions are mostly identical, precisely in favour of defining the basic classifications of legal feminism, in the case of working on a similar monograph in the future, which aspires to provide a theoretical basis for legal feminism. The structure thereby chosen could provide readers with a greater theoretical overview, which will help them to better understand and relate to the other two parts of the thesis, especially the third part, which deals with the aforementioned types of feminism, but in a more concrete form, through the line of thought of several feminist authors.

The second part of the monograph examines the basic systematics of legal feminism across the first to fourth wave of feminism in the introduction, whereby the author offers the readers, among other things, a brief excursus into the inner workings of the development of feminism in general, thereby capturing the historical development of feminism. Subsequently, the author introduces readers to another basic classification of feminist legal philosophy into the feminism of similarities and the feminism of differences, within which the author focuses attention on the diversity of theoretical positions of selected feminist leaders and feminist theorists, respectively, holding different positions, in terms of which the author abstracts the general range of positions between the feminism of similarities and the feminism of differences. These positions are: the assimilationist position, the liberal episodic position, the bivalent position, the incorporationist position, the transformational position, the intersectional position, and the eliminationist position.

In the conclusion of the second part of the monograph, the author turns his attention to legal feminism between essentialism and anti-essentialism, drawing heavily on his earlier publication dealing with the positions standing between essentialism and anti-essentialism in feminist legal philosophy (Šoltys, 2022a, pp. 45-71). Here the author addresses the fundamental basis of all feminist theory, which is the issue of the category or concept of 'woman', within which he identifies the basic feminist causes or reasons leading to the emergence of essentialist theories, which he contrasts with the most fundamental feminist arguments of anti-essentialism, thus offering a very insightful and easy-to-read overview of the two approaches, which is to be valued.

The third part, as we have already mentioned, is devoted to the most fundamental or generally most prominent types of feminism, in which the author explains selected philosophical trends on the basis of texts by several feminist-oriented authors, on which he evaluates the selected authors' texts individually and then in their interrelation with each other, on the basis of which he formulates his own opinions and conclusions about the diversity of feminism and legal feminism and expresses his own preference for the development of a legal feminism that he feels the need to advance.

In the third part of the monograph, we must on the one hand highlight the quantity of texts that the author has analysed and thereby provided a comprehensive overview of a selection of contemporary and past figures of feminism. On the other hand, from the point of view of the clarity and structuring of the monograph, it is necessary to mention a certain imbalance of the texts presented within the basic types of feminist philosophy, which, of course, can be related to the absence of relevant materials for individual types of feminism, but in terms of the quality of the monograph, it seems appropriate to review the quantity of the authors and texts mentioned in order to unify the structural structure of each subchapter of the third part of the monograph.

As well as the author himself, we consider the question of the need for legal feminism and the increase of legal regulation reflecting the feminist idea to be controversial, not in the dimension of the need for legal recognition of women's fundamental rights in society, in order to ensure equality in the main areas of social relations, or the overlap of feminism in public policy, but we feel the need to express our reservation towards the ambitions of women's empowerment, primarily through the passing and implementing of new legal regulations. We base this on the concern that in the area of gender equality, as a social problem, too much interference of the law may act repressively, as a means of public enforcement to change the social opinion and attitude towards women in the Slovak society, which still bears the relics of a patriarchal and conservatively narrowed society, within which legal feminism may freeze as a purely theoretical strand, without any significant impact on public affairs and the situation in social relations, precisely because of the lack of a foundation in the social conviction of the need to enforce feminist goals in reality.

In conclusion, we have to strongly highlight the work of the author who has been determined to write the first monograph in our country on the history of feminist political and legal science must be highlighted, thus outlining the feminist political ideology in our region and attracting public attention to this important topic and issue, which is largely ignored by our society and the public authorities. The work is very engaging and readable, despite the theoretical focus and conception of the topic, description of feminism and its forms. We also share the author's concern about the adequacy and relevance of the attributions of our country as a democratic and rule of law-based country, as we also perceive a high level of repression towards the fundamental rights of various minority groups, among which we include gender and sex, that is not compatible with the aforementioned 'attributions' of our country.

In the future, we would encourage the author to build upon the well-laid foundation presented by this monograph with a more in-depth study of past and present efforts of feminism in Slovakia and of policies or important legal documents aiming to achieve gender and sex equity in society, as we consider it important to encourage efforts to raise awareness of the importance and relevance of gender issues and feminism as its own partial problem.

In spite of the few reservations we have addressed, in our opinion, the monograph represents a very valuable contribution to jurisprudence, which has a great potential to open discussions and polemics on a number of challenging topics in the field and thereby to advance the perception of some social issues in the discussed problem, in the sense of which we recommend it to all those who are interested in learning more about the topic and are eager to systematically deepen their knowledge of feminism in general, or legal feminism in particular.

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