

Feminist Legal Theory

[Three Themes Cited in Vago (pp. 67-69)]

- 1) Existing legal precedents tend to support the status quo that may be more favorable to male interests.

Examples: a) male only combat rules
b) job security for pregnant women
c) maternal child-custody preference

- 2) Law reflects a typical male culture with its inherent masculinity.

Example: Male legal culture dismisses or trivializes many problems of women such as sexual harassment and date rape

- 3) Law's language is not value-neutral but gender-biased against women.

Example: "the rational person" in law favors males partly because of the emphasis that this legal standard places on reason/ logic versus emotion/ intuition and partly because "the reasonable woman" is argued to be more frail and vulnerable than is "the reasonable man"; the adoption of the "battered woman syndrome" based on *State v. Wanrow* (1979) arises on the premise that a battered woman may be justified in killing a sleeping man whereas the same is argued to not be true for a battered man killing a sleeping woman.