



Feminist Jurisprudence⁹ and Thai Law

Law functions in various capacities: [it] defines and protects individual and group rights, punishes, regulates access to and distribution of economic, political and social resources, legitimizes or de-legitimizes actions and institutions and reflects fundamental values and beliefs of society. (APDC 1993:1)

Introduction:

Legal reforms are essential to overcome the barriers to women's full participation in society. Legal reforms enhance the rule of law, which leads to a more equitable system of government. It is important to note that 'the relationship between the law and women's status is complex.'¹⁰ The Thai legal system is a powerful social institution, which can either enable or inhibit women's full enjoyment of their human rights.

Accessibility to resources natural and economic resources, like credit and property is vital to women's economic survival.¹¹ Unfortunately, women often face legal discrimination in these areas; even when laws are on the books, implementation is often bereft.¹²

According to the World Bank, current economic conditions and structural adjustment

⁹ Feminist jurisprudence is defined as "A branch of jurisprudence that examines the relationship between women and the law, including the history of legal and social biases against women, the elimination of those biases in modern law, and the enhancement of women's rights and recognition in society." - Black's Law Dictionary, Bryan Garner, Editor in Chief, seventh Ed. West Group, 1999. Many feminists believe that it is difficult to generalize about feminist jurisprudence. It is however, possible to understand feminist legal theory as a reaction to the jurisprudence of modern legal scholars (primarily male scholars) who tend to see law as a process for interpreting and perpetuating a universal, gender-neutral public morality. Feminist legal scholars, despite their differences, appear united in claiming that "masculine" jurisprudence 'of all stripes' fails to acknowledge, let alone respond to, the interests, values, fears, and harms experienced by women." -Gary Minda, Postmodern Legal Movements 129-30 (1995).

¹⁰ www.adb.org Asia Development Bank Report of the Status of Women in Thailand

¹¹ *Id.*

¹² *Id.*