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Q1(a)

Feminist critique of the State.

UPSC Civil Services Mains 2021 · PSIR GS 1 · 10 marks · Theories of the State

Theories of the State: Liberal, Neo-liberal, Marxist, Pluralist, Post-colonial and feminist.

Core demand of the question

- **Comment on the following in about 150 words:** Feminist critique of the State. (10 marks)

Revision summary

Feminists treat the state as gendered, not as a neutral referee.

Pateman locates a sexual contract beneath the social contract.

MacKinnon reads law as organised around male power.

The public-private split hid household domination from liberal theory.

Indian **Article 15**, **Vishaka**, and the **73rd Amendment** are incomplete replies.

Introduction

Feminist critique treats the state as a gendered power, not a neutral umpire. **Carole Pateman** and **Catharine MacKinnon** argue that public authority has been built on men's private command over women.

Body**The claim**

- **Pateman's** sexual contract sits under the social contract: brothers make a public fraternity while keeping women in the household.
- **MacKinnon** reads the state through male dominance: rape law, workplace rules, and the public-private split protect a sexed hierarchy.
- Liberal night-watchman talk, from **Locke** to a thin reading of **J. S. Mill**, treated the family as pre-political, which hid unpaid care and domestic violence.
- **Marxist** feminism adds that the state also reproduces cheap social reproduction for capital.

Indian bearing

- **Article 15**, **Vishaka** guidelines, and later workplace-harassment law show the state being forced to enter the "private".
- Reservation of seats for women in panchayats after the **73rd Amendment** is a partial opening of office, not the end of sarpanch-pati practice.
- The critique does not say that every statute is simply "men". It says that legitimacy, force, and welfare still assume a male citizen unless redesigned.

Flow diagram

Feminist critique -> Pateman sexual contract
Feminist critique -> MacKinnon male dominance
Feminist critique -> Public-private split
State -> Public-private split

Conclusion

Feminist critique of the state, in **Pateman** and **MacKinnon**, is that public power rests on a sexual contract and male dominance. Indian rights and panchayat quotas have begun to rewrite that bargain. They have not yet made the state sex-neutral.

Facts & figures

Pateman

The Sexual Contract (1988) argued that classic contract theory excluded women as full civic persons.

MacKinnon

Toward a Feminist Theory of the State treats law and the state as sites of male dominance, not only of class.

Vishaka (1997)

Supreme Court guidelines against workplace sexual harassment, later given statute form.

73rd Amendment

Reserved seats for women in panchayats, a gender opening of local state power.

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