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LEGAL AND SOCIAL STATUS OF MODERN WOMEN

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Abstract

The article attempts to conduct an in-depth analysis of the problems related to the place and role of women both in Russian society and the world. In this regard, the socio-legal approach to understanding the purpose of a woman, her status, and role in modern society has been analyzed. The authors have analyzed various international aspects related to the social and legal status of women in the modern world, the changing status and role of women in modern conditions, as well as a new system of values designed to relieve tension in society through the practice of social creativity implemented in women's social initiatives.

Keywords

Women's status – Discrimination – Domestic violence – Modern society – Protection measures

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Introduction

In the Ancient World, a woman for a man was a thing, a servant, a slave. The ancient Greek poet-storyteller Homer wrote: "There is nothing more harmful than a woman". This expression clearly shows an insignificant and "milky" attitude towards the fair sex. A woman could not leave the house without her husband, had no right to dispose even of her property, and had no right to share food with her husband.

To feel love for a woman was considered a pernicious affair in ancient Greece. The proof of this attitude is the lines belonging to Socrates: "Love for a woman is poison".

Times passed and in the early 1860s, the public came to revise the women's issue. There was a rethinking of the legal status of women.

At the beginning of the 20th century, large women's political structures were created.

During the first revolution in 1905, women began to fight for equal rights with men.

In 1913, International Women's Day was celebrated for the first time on March 8.

In the numerous discussions on the legal and social status of women that have taken place over many centuries, various ideological and theoretical trends have emerged. Traditionally, the essence of a woman was defined through several negative characteristics. A woman is an inferior and dependent being, inferior to a man, limited and weak. At all times, the only meaning of women's existence was to serve the family. This meaning is determined by nature itself, which has assigned reproductive functions to the woman and not to the man. Thus, outside the sphere of sexuality and motherhood, the life of such a being is meaningless and of secondary importance. The sphere of decision-making, inheritance, and the like is a man's prerogative.

According to the philosopher Socrates, three things can be considered happiness: that one is not a wild animal; that one is a Greek, not a barbarian, and that one is a man, not a woman¹.

From the point of view of S. Freud, a woman alone is capable of nothing but procreation. All of her inventions, and the scientist only recognizes weaving and netting, are based on bashfulness, the intention to hide a genital defect².

The Marxist model explains the subjugation of women in capitalist societies by historical trends that predate capitalism³.

F. Engels tried to explain the origins of these historical trends. His idea that relations between the sexes can and should be distinguished from relations of production was a very

¹ Z. S. Morozova, "Evolutsiya sotsialnogo statusa zhenshchiny", *Sotsialno-gumanitarnye znaniya* num 2 (2008): 185-194.

² S. Freud, *Introduction to Psychoanalysis: Lectures*. Translation from German (Moscow: Science, 1989).

³ E. Mezentseva, "Gendernaya ekonomika: teoreticheskie podkhody", *Voprosy ekonomiki* num 3 (2000): 54-66.

important discovery. He attributed the oppression of women to a change in the mode of production during the Neolithic revolution.

According to F. Engels, as soon as the men acquired property, they wished to transfer it by inheritance to their descendants according to the patrilineal inheritance scheme. This was accompanied by the exclusion of matrilineal inheritance and led to the worldwide historical defeat of the female sex.

The American scientist T. Veblen, considering the evolution of the economic role of women in history, identified three successive stages: a woman as the prey of an invader; a woman as a producer of consumer goods for her master; woman as an object of demonstration of male success and wealth.

Currently, there are two paradoxical trends in women's professional activities: on the one hand, the socially approved image of a businesswoman and, on the other, concern about the mass transition to a small family due to the establishment of formal gender equality. Supporters of patriarchal consciousness tend to associate all negative processes occurring in the family with the social work of women. Women's participation in the labor market is perceived by men as a threat to the national well-being and the well-being of the family. The orientation of women to work and career destroyed the maternal instinct, led to the fall of morals, the destruction of the family⁴. Despite the above, the status of women around the world is strengthening. There are still many questions that we will consider in this article. The implementation of women's rights in the metropolis is a problem that has generated controversy for a long period. The socio-legal status itself is unstable and depends on several indicators that change depending on changes in religious, social, and economic factors. Today, women are faced with such a concept as "life in the metropolis". We would like to talk about some of the complexities of a woman's life. The first and vital thing for every person is, paradoxically, financial well-being. Financial well-being, as a rule, is directly related to the availability of work. Employment, direct employment, and being in competition for a higher position with men – these are the main difficulties that women face. Issues related to this aspect have become relevant and have been considered and analyzed relatively recently. Problems related to the legal and social status of modern women were considered in the works of M.S. Tkachenko⁵, M.V. Tuluzakova⁶, G.A. Shadinova⁷, and others. Issues related to the development of proposals to strengthen the status of women were reflected in the works by O.I. Bogomazova⁸, S.V. Voroshilova⁹, and others.

⁴ A. L. Shilovskaya; M. A. Volkova; S. J. Starodumova; R. R. Lenkovskaya y A. A. Neznamova, "On Correlation between the Means of Protection of Rights in Family Law and Civil Law". *International Journal of Civil Engineering and Technology* Vol: 9 num 10 (2018):1686–1694.

⁵ M. S. Tkachenko, "Gendernyi aspekt demograficheskikh i sotsialno-ekonomicheskikh preobrazovaniy v sovremennoi Rossii (status zhenshchiny)", *Sotsialnaya politika i sotsialnoe partnerstvo* num 6 (2008): 38-43.

⁶ M. V. Tuluzakova, *Sotsialnoe tvorchestvo zhenshchin kak faktor stanovleniya rossiiskogo grazhdanskogo obshchestva* (Saratov: Publishing House of the Saratov State University, 2004), 224.

⁷ G. A. Shadinova, *Status musulmanskoj zhenshchiny v sovremennom obshchestve*, *Gumanitarnye nauchnye issledovaniya* num 6 (2015), 2.

⁸ O. I. Bogomazova, "Pravovoi status zhenshchin", *Vestnik Vladimirskogo yuridicheskogo instituta* Vol: 3 num 4 (2007): 229-233.

⁹ S. V. Voroshilova, *Grazhdansko-pravovoe polozhenie zhenshchin v Rossii (19 - nachalo 20 veka)*. Edited by: Rybakova O.Yu (Saratov: Publishing house of GOU VPO "Saratov State Academy of Law", 2010).

Method

Theoretical, general philosophical methods (dialectics, systemic method, analysis, synthesis, analogy, deduction, observation, modeling), traditional legal methods (formal-logical), as well as methods used in specific sociological studies (statistical, expert estimates, etc.) were used in the process of research. The main method used was the system-structural method, which allowed identifying the most pressing issues related to the problems of women's acquisition of a certain status, ranging from complete disenfranchisement to, in many countries, the proclamation of gender equality.

Using the dialectical method, we were able to prove that the dialectic of the social and legal status of a woman consists of a constant transition from the past to the present and future. The accumulated experience is opposed by everyday practice, which requires constant decoding of previous experience, its adaptation, selection, interpretation, and enrichment. In this field between the past, present, and future, there can be both attachments to the usual rituals that constantly revive the past and immersion in everyday life with its practical concerns or orientation toward future achievements.

Using a combination of the above methods, as well as the application of the generalization method, common properties, signs, and disadvantages associated with the implementation of certain norms related to the strengthening of the status of women in the metropolis were identified, as well as several measures aimed at strengthening the position of women on the world stage.

Results

It was revealed that for many centuries the main purpose of the fair half of humanity was the propagation. The woman acted solely as the keeper of the hearth, while the man took upon himself all kinds of contact with the outside world. This, of course, gave him the right to consider a woman far below him in status and, therefore, to treat her accordingly. However, the situation has changed dramatically in our time of technological progress, scientific discovery, and feminism. A woman in modern society has a completely different status and vocation. She has other values and needs that make one reconsider their views on the role of women in today's world.

The study found that the role of women in modern society is no longer limited to performing household duties, caring for children, raising them, and serving their legal spouse. Now, this position is considered outdated, and women who still choose it are perceived as supporters of conservative beliefs, who almost voluntarily give themselves into slavery to a man. This approach is wrong in specific situations when a representative of the weaker sex sees her vocation in preserving family values and does not seek to separate her achievements from the success of her spouse. After all, the embodiment of personal ambitions, career growth, and the status of independence, at least in financial terms, do not appeal to everyone to this day. We also concluded that in the international aspect, due to efforts to highlight the real situation of women in the world, alarming statistics on economic and social inequality between men and women have been obtained. The vast majority of the poor are women, and the proportion of rural poor women had increased by 50% in 20 years since 1975. Women account for the largest number of illiterates; their number increased from 543 to 597 million between 1970 and 1985. In Asia and Africa, women work 13 hours a week more than men, and their work is not paid in most cases. Globally, women's wages are 30 to 40% lower than those of men who do the same job. Women occupy 10 to 20% of

managerial and administrative positions worldwide and less than 20% of manufacturing jobs. Less than 5% of heads of states are women. If women's unpaid work in the home and family were considered a productive activity in the national accounting system, total output would increase by 25 to 30%.

Based on the analysis of normative legal acts and world practice, we believe that a system of value orientations based on attitudes to higher values and super-values should be developed to change the place and role of women in modern Russian society. Its meaning is to understand the need for reproduction not of an employee, but of a person who is guided in their activities by certain stable values and the goals of development of a society based on them.

To start their "liberation", Russian women should use the simplest way: to express doubt about the "naturalness" of the "primordial" inferiority of a woman compared to a man whenever they encounter such a look and not sit idly by, or even make fun of a woman for her "inborn" stupidity, frivolity, vanity, or other vices.

Discussion

Several scholars have addressed the issue related to the legal and social status of women in the modern metropolis. This is due to the fact that, despite the existence of an extensive legal framework, discrimination remains one of the most complex problems of the modern world, having a global character, existing in all countries of the world, and affecting a wide segment of the population. In general, discrimination is one of the main causes of armed conflict and international instability. Women, children, the disabled, and other groups of people continue to be victims of unequal treatment. The phenomenon of discrimination has existed throughout human history, beginning with the emergence of the first states. The existence of inequality between men and women, including based on gender, testifies to the lack of development of international legal norms aimed at combating inequality between women and men and their low effectiveness. In many states of the international community, the implementation of international and national legal norms in this aspect leaves much to be desired, because they are legislatively enshrined in the basic laws of national law, but in practice, the implementation of the latter is not applied. It is necessary to use the huge potential that international law has in the field of combating inequality and discrimination, on the implementation of which the well-being of society and all humanity depends.

We consider it necessary to take up and analyze some issues of discrimination against women in the modern world. The financial well-being of a woman and her family depends primarily on the availability of work for a woman, especially an unmarried woman. Therefore, we consider it necessary to start with the problems of employment of Russian women. They are as diverse as the problems of employment of persons with disabilities¹⁰.

Women have problems at the first stage of employment. It is worth noting that at this stage, a young woman is faced with gender opposition, which consists of the reluctance to enter into an employment contract. This is primarily due to the fact that the employer is aware that a woman, after a relatively short time, can give birth to a child and go on maternity leave.

¹⁰ G. N. Kuleshov; P. V. Zhesterov; M. A. Volkova; A. A. Neznamova y R. R. Lenkovskaya, "Employment of the disabled", *Revista Inclusiones* Vol: 7 num Especial (2020): 535-546.

The legislation of the Russian Federation does not establish such a concept as "maternity leave", but Article 255 of the Labor Code of the Russian Federation provides for such it, establishing the employer's obligation to provide women with maternity leave on their application for no more than 110 calendar days. However, this term cannot be called final, since in Article 256 of the Labor Code of the Russian Federation, upon the request of female she is granted a child-rearing leave up to when her child reaches the age of three years. The workplace, in this case, is retained by the employee.

Thus, the employers face a difficult situation when they are deprived of a unit of labor resource, but, at the same time, are responsible for the timely and systematic payment of benefits. Dismissal in such circumstances is possible only in cases stipulated by current legislation, namely: liquidation of the company, by agreement of the parties (which is an extremely rare practice), as well as due to staff reduction¹¹.

Since the violation of labor laws is liable for the employer to the administrative liability of a legal entity irrespective of its organizational legal form, and the officials (CEO, Board member, Board of Directors, etc.) in the amounts established by Article 5.27 Administrative Offences Code of the Russian Federation.

At a more mature age, women in hiring also face several difficulties. When conducting an interview with a person whose age is already older, the employer usually sees a problem in the fact that the job applicant's skills do not make it possible to quickly and efficiently use Internet resources and software. In other words, this can be expressed as incompetence in the work that necessary to implement. This phenomenon is caused not so much by intellectual abilities, but by the lack of practice and work experience of the applicant, while the employer, in turn, understands that the training of a person will take a long time, which may not always show results¹². Another problem when applying for a job is the fact that employers consider the look of the candidate. Employers do not hide the fact that a woman with good looks is more likely to get a vacant position, as well as more likely to advance on the career ladder in relation to other women. Accordingly, it is possible to conclude that the employer is interested not only in intellectual abilities and the ability to adapt to new conditions and volumes of work but also in the "representative" appearance of a female employee¹³. Other cases also deserve attention. In our opinion, this is the difficulty of finding employment for a young and unmarried woman who already has children and faces problems with their frequent illnesses and support. The difficulty of supporting children is caused, in particular, by the lack of sufficient financial support. According to statistics, 95% of Russian courts leave children with their mother when parents divorce (if there is a dispute about children). Only 5% of children can be left to their father, if the latter proves that he has conditions more favorable for the support and development of children. In any case, turning to the first and most common option, the courts award alimony to provide for children.

The next problem that occurs in the life of a woman, as a rule, as well as, of course, her children, is family and domestic violence, which is also a global problem for the whole

¹¹ S. V. Voroshilova, *Grazhdansko-pravovoe polozhenie zhenshchin v Rossii (19 - nachalo 20 veka)*. Edited by Rybakova O. Yu (Saratov: Publishing house of GOU VPO "Saratov State Academy of Law", 2010).

¹² E. A. Novikova, "Metody uvelicheniya zhenskogo predstavitelstva v politicheskom protsesse", *Vlast* num 12 (2012): 66-68.

¹³ A. E. Kolobova, *Zhenshchiny-predprinimatelnitsy srednego i starshego vozrasta: shtrikhi k portretu*, *Zhenshchina v rossiiskom obshchestve* Vol: 1 num 78 (2016): 51-59.

society. This problem adversely affects the life of the woman herself and the development of the younger generation, sometimes throwing minors into the criminal environment¹⁴.

Women and girls are often subjected to serious forms of violence, such as domestic violence, sexual harassment, rape, forced marriage, i.e. crimes that constitute violations of human rights specifically against women.

To combat acts of domestic violence, a draft federal law "On Prevention of Domestic Domestic Violence" was submitted in the State Duma, the main principles of which are support and preservation of the family, the inadmissibility of causing physical and/or psychological suffering to a person and citizen, as well as property damage.

According to the bill of the Federal Law No. 1183390-6 "On the Prevention of Domestic Violence," domestic violence is a deliberate act causing or containing the threat of causing physical and (or) mental suffering and (or) property damage that does not contain signs of an administrative offense or criminal offense.

According to the draft law, the prevention of domestic violence includes providing assistance to victims of violence, as well as identifying and eliminating the causes and conditions of its occurrence.

The state should provide real assistance to victims of violence, as well as take other measures to ensure the establishment of appropriate assistance centers for victims of rape or sexual violence in sufficient numbers to provide medical and forensic examinations, support in the event of trauma, including professional and qualified assistance to children who have been subjected to violence on an equal basis with women¹⁵.

In our opinion, it would be appropriate to establish a supervisory body for families that are subject to domestic violence. Such an organization will perform functions similar to tutorship and guardianship authorities, for the timely detection of acts of violence that women may be silent about because of fear of reprisal.

Russian President Vladimir Putin signed the bill into law on March 1, 2020, on the introduction of maternity capital for the birth of the first child.

The new law also extends the program until 2026 and provides for an increase in the amount of support for the second and subsequent children and an annual indexation of the maternity capital. It becomes obvious that this law is aimed at encouraging women to have children. However, this has already been indicated in our article. The employer does not want to hire women of maternity age, and the amount allocated by the state for the first and subsequent children will not be enough for the support and education of a child, especially in a metropolis. Accordingly, many issues related to women's rights in the modern metropolis have yet to be resolved at all levels of government.

¹⁴ Y. I. Skuratov; M. S. Lavrentieva y E. S. Kuchenin, "Issues and technologies of enforcement of the constitutional status of the child", *International Journal of Engineering and Advanced Technology* Vol: 8 num 4 (2019): 1155-1158 y A. L. Shilovskaya y L. B. Sitdikova, "The Use Of Restorative Justice For Juveniles In Europe", *Russian journal of criminology*, num 1 (2018): 141–151.

¹⁵ E. G. Tonkopeeva, "Reabilitatsiya zhertv domashnego nasiliya", *Sotsialnaya rabota* num 1 (2015)

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It should be mentioned that in the formation and development of international legal protection of women, the United Nations and its specialized agencies played an invaluable role, developing the most important international agreements of a universal nature, embodying the values common to all mankind. The system of international legal norms aimed at protecting women was developed after World War II and remains comprehensive.

Initially, international treaties were aimed at protecting individual women's rights: ILO Convention No. 100 on Equal Remuneration for Men and Women for Work of Equal Value of June 29, 1951, Convention on the Political Rights of Women of December 20, 1952, Convention on the Consent to Marriage, Minimum Age of Marriage and Registration of Marriage of December 10, 1962. All these international treaties included only certain aspects of women's rights protection but did not reflect all forms of discrimination against women. In November 1967, the first Declaration on the Elimination of Discrimination against Women was adopted. Later on December 18, 1979, the UN General Assembly unanimously adopted the Convention on the Elimination of All Forms of Discrimination against Women, which ranks third among international human rights treaties in terms of ratifying states¹⁶.

Conclusion

As we have already noted, humanity is divided into two halves – men and women. This is why any negative discrimination of one sex, whether direct or indirect, inevitably means positive discrimination in favor of the other sex, and vice versa. Life shows that the balance in this matter is still very far away. The category of justice, designed to correct the balance of freedom and equality in a legal state, does not always allow a woman to defend her rights. Direct negative discrimination against women is not a frequent phenomenon in the modern world. In Western states, such norms have been preserved as a rudiment in the succession laws of several monarchies. Direct negative discrimination against women is most often rooted in Islam in Asian and African states and covers inheritance, land ownership, and family relations. In contrast, direct positive discrimination in favor of women is most often based on women's reproductive function. It is clear that some of the rights associated with the birth and feeding of a child simply cannot belong to men and their presence does not discriminate in the proper sense of the word. Issues of child care and upbringing should be shared equally between both parents, and there may be legal excesses in both directions. Granting such rights only to women, as it has been until recently in Russia, not only directly discriminates against men, but indirectly infringes on the rights and opportunities of women, depriving them of the freedom to choose the sphere of application of their powers and abilities, as well as reducing their competitiveness in the labor market. That is why the definition of "discrimination against women" given above by the 1979 UN Convention covers not only a direct violation of their rights but also any difference, exclusion, or restriction based on sex if it is aimed at reducing the woman's ability to enjoy rights and fundamental freedoms common to all people. Issues of protecting the rights of women are relevant for Central and Eastern Europe, as well as, Russia since at present, fundamental changes are taking place in the country in the economic, political, and social spheres.

Summing up the above, it is worth pointing out the fact that we focused only on part of the problems that modern women face. On the one hand, feminist trends that are gaining

¹⁶ G. A. Shadinova, "Status musulmanskoj zhenshchiny v sovremennom obshchestve", *Gumanitarnye nauchnye issledovaniya* num 6 (2015): 2.

momentum are aimed at completely equalizing women and men. On the other hand, proceeding primarily from physiology, this is almost impossible. The Constitution of the Russian Federation proclaims universal equality. Article 59 of the Constitution states that the defense of the Fatherland is the duty and obligation of a citizen of the Russian Federation. However, the Federal Law "On Military Duty and Military Service" tells us that military duty and military registration is only for men who have reached 18 years of age, while women can serve in the army only if they wish. This fact already shows the inequality in the approach to this issue. Next, the retirement age. It occurs in women 5 years earlier than men, although according to statistics men live, on average, 7-10 years less than women. Another fact that is worth pointing out is the list of jobs that women cannot work in. This list of jobs is established by Decree of the Government of the Russian Federation dated February 25, 2000 No. 162 "On approval of the list of heavy work and work with harmful or dangerous working conditions, under which the use of women's labor is prohibited". Based on this list, it follows that men can work anywhere, while women are forbidden to be hired if the job falls on this list.

As part of the study, not all issues related to the legal and social status of women were raised, but they are planned for consideration in further research.

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