

IN THE INTEREST OF WOMEN

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DECONSTRUCTION OF LAWS

South Asian society has constructed woman as a problem. Critical theory aims to reconceive the construction of woman by using tools of philosophy and social sciences. This paper attempts to explore a world which breaks down perceptions of women, conscious and unconscious which are discriminatory and dysfunctional. Radical change cannot take place immediately. A number of areas have to be addressed. Deconstruction is just the first phase whereby the feminist task would be to lay bare the male perspective which colours the world in its own image and interest. The second phase is the development of women's self definition and identity and its relation to our society and legal system and finally the restructuring of society to accommodate the existence, practice and further development of self definition. The paper sets out propositions for the first two phases.

The operation of language in both society and law is a powerful coercive mechanism. The social construction of language, for example the discourse around marriage, reproduction, and divorce is supported by an invisible network of power in society. Foucault writes that "power acts by laying down the rule. Power's hold on sex is maintained through language or rather through the act of discourse that creates from the very fact that it is articulated, a rule of law."¹ Thus it is language which defines, separates and creates universal categories into which individuals and situations are fitted for analysis.

Jacques Derrida describing Nietzsche's use of language² writes that contemporary critical theory exposes the human need for categorization through language. One of the most exciting innovations of critical theory is its recognition of the structuring and development of power in modern society. Critical theorists see power as an interlocking web, rooted deep in the structure of society and operates within a subterranean network of relations. What is most evident about the effect of power is its invisible and insidious effect in moulding and colouring everyday life. Martha Minnow³ reflecting on this coercive effect, writes "Daily social practices that reinforce existing arrangements stand in the way of efforts to expose unstated assumptions about the power behind attributions of difference. Because we cannot perceive the network we accept the development of power almost without being able to

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