Is Unlawful Gender Discrimination an offshoot of Zero-sum thinking of the patriarchal epoch? : A study on the pathetic conditions of women

1Archana Vedantam & 2Vani Soujanya

1L.L.B Student, Sultan ul uloom college of law, Hyderabad, Telangana (India)
2L.L.B Student, Pendekanti college of law, Hyderabad, Telangana (India)

ABSTRACT

Human dignity is a Natural Right - At its core, it contains three elements, namely, intrinsic value, autonomy, and community value. Despite that Gender inequality and gender-based violence is a global problem. Universally recognized fundamental human rights like equality and protection for the Dignity of women are unlawfully getting intimidated in many countries. Invidious distinctions based on gender stereotypes always create a dent in the dignity of women, and one of the severe hurdles in the path of development for women is the attitude of people towards them. The biological weakness of women is also making her easy prey, particularly to physical domination. One of the most vital recourses would be empowerment. Only when women are empowered, many of the social issues of discriminations would decline, but practically, even women who are too much under the shadow of patriarchy are not supporting empowerment as well as aiding men to perpetrate violence as a weapon to exercise control over women. This paper beacons the quagmire of women due to the patriarchal systems focusing on the Root cause of the issue by analyzing the relation between Zero-sum thinking of human nature & how it influenced in causing this social malice since six thousand years of human history. The data analysis is made by collecting data from different surveys, official statistics, books, articles, journals, websites, newspapers to deduce conclusions following facts as creation of a synergy, which is illustrated as the "2+2=5-effect," between men & women bestows supreme outcomes exceeding the moderate results (2+2=4) of individual entities to make our world an Earthly paradise.

1. Introduction

Discrimination is defined as the behavioral manifestation of prejudice. Gender discrimination is a practice of granting or repudiating the rights to a person illicitly based on their gender. It originates from differences in socially constructed gender roles & physiological differences. In a few societies, this practice is longstanding and acceptable to both genders. Certain religious groups also embrace gender discrimination as part of their dogma. Although United Nations Commission on Human Rights, proclaim that there should be autonomy and rights for all citizens equally as every human has an intrinsic value of their own, Apart from the Instrumental or utility value and Focusing on the utility value alone can be a ground for exploitation.

Discrimination against women remains a fact of life worldwide. The UN Charter was the first international agreement to deal internationally with the issue of discrimination based on sex. The UN Convention on the elimination of all forms of Discrimination against women defines discrimination widely and encompasses both formal (de jure) and substantive, i.e., in practice (de facto) equality. This convention seeks to redress the historical subordination of women and to accelerate the achievement of equality—that is, preferential treatment for women through the adoption of temporary special measures. It defines the term gender as socially constructed identities and duties for men and women, and society's social and cultural connotation for these differences catalyzing hierarchical relationships, distribution of power, rights favoring men over women. The notion of 'substantive equality' is also used in theories of sex inequality, which focus on 'asymmetrical structures of power, dominance, and disadvantage at work & in society which exists even today although human rights such as the right to be free from torture, right to life, right to freedom of expression, privacy, freedom of opinion, and many other fundamental rights are guaranteed under international humanitarian law.

Discrimination begins in the womb and continues throughout the lives of women. Nowhere in the world do women participate equally with men in government, and women represent 25 percent or more of elected legislators in only twenty-two countries. Although illiteracy rates have steadily declined over the past three decades, mainly because of efforts to increase significant educational opportunities for girls, nearly two-thirds of the world’s billion people who are still illiterate are women. The vital gender discrimination determinants include the social setup, culture, religion, geographical conditions, economic structure, moral standards, and education level of people in society. All these factors, individually or in combination, make up the face of gender discrimination.

2. Patriarchy – Past & Present

Patriarchy is a social system of today prevalent in many parts of the world where societies are organized around the
idea that males are the primary authority figures in the family or community & Women are expected to live under the guidance and protection of men as if their existence is derived from and depends upon that of a man.

Historically Patriarchy emerged to reduce the burden on women by separating production & reproduction & giving women the job of child-rearing & men the control on resources as women naturally inclined to invest more in procreation & in prolonged offspring care, which hinders hunting activities. As men blessed to have greater size and strength comparatively thus societies division of labor created gender roles but later due to some misogynists whose decisions were guided by their base emotions like Hunger for power, attention, money & more mates turned what is to be an advantage for women into a bane. Patriarchy is thus availed to own private property & to have control over women.

In the post-globalization era, it can be viewed that Sexism is rooted in patriarchy, gender differentiation, and sexual reproduction (Glick and Fiske, 2001). Patriarchy and gender differentiation lead to hostile sexism by enhancing the differences between men and women and justifying the superiority of men.

Social malicious such as ‘patriarchal terrorism’ and ‘common couple violence’ arises from the long history of acceptance and encouragement of men assaulting their wives to force compliance with patriarchal values about how wives should behave. The patriarchal structure of society is seen as encouraging and legitimizing men's violence towards their wives through an ideological and customary framework. Subordination of women is actively promoted and endorsed even by many women till today. There exists a hierarchy of the two sexes: 'woman' the negative or inferior side of the two, thereby justifying male domination. Patriarchy and misogyny are visible at all times & in many states globally, even in the twenty-first century, even in the world's most 'emancipated' societies. The crucial question is not whether societies or cultures are patriarchal, but how they are different, so as There exists a close link between patriarchy and ideas about what it means to be a 'real man' and 'a woman.'

3. Stereotypes, Prejudice & Discrimination

Gender stereotyping is when people make incorrect generalizations based on the gender of a person. Prejudice is when people judge others blindly & unfairly. Many prejudices are a result of stereotyping & strongly influence people's attitudes and behavior. Discrimination is when people act by their prejudiced attitudes. Many researchers now observe that the bias that plays a role in stereotyping and prejudice is an illusionary correlation.

Researchers have shown that Power leads to stereotyping for two reasons

1) Those in dominant position have lesser need than powerless to perceive others accurately.

2) Many stereotypes support the position of the powerful & the broader systems that provide groups differential access to power; hence are motivated by the urge of ruling to make one's group dominant over the other vulnerable groups.

Gender Stereotypes tend to freeze gender identities and make them appear as real, universal, eternal, natural, essential, and unchangeable. Gender Stereotypes also have influences on how people perform their tasks, and that these go beyond the general lowering or raising of performance as a result of labeling it as a man's or woman's domain. Researches done on sex stereotypes have consistently revealed that males are viewed as more competent and independent, whereas females are more warmer and expressive (Deaux, 1985). Traits supposedly possessed by the women in comparison to male characteristics are viewed as Less appropriate for the high-status position. Women's perceived features are making them more suitable for supporting roles as frequently reflected in working Women's jobs, like clinical, nursing, etc. This is often projected by media where the boss is male, and his secretary is Female & Boss often perceives his secretary as a dependent, soft, and sexy. Several studies have confirmed the fact that women generally experience less favorable outcomes in their careers, and therefore, are prevented from reaching top positions because of their gender (Stroh et al., 2004). This is known by the name glass ceiling effect (Baron, Byrne, and Branscombe, 2008). When females violate these expectancies concerning warmth, nurturance, and instead, act according to the portrait of a leader, particularly in male domains, they are likely to be outright rejected. These Stereotypes come in two primary forms: descriptive and normative. The line between descriptive and prescriptive stereotypes is skinny since many descriptions of what women are, also function as prescriptions of how they should behave. Gender stereotypes are not necessarily accurate because they are said to be an exaggeration in the sense that they do not take into consideration any overlap between men and women. Reality is that not all men are independent, and not all women are emotional.

4. Zero-Sum Attitude

During the evolution of primates, selfishness as a self-preservation instinct brought higher rewards than altruism, selfish individuals left more descendants, & altruists inevitably become extinct as the resources at that time were limited. Evolution worked by natural selection & natural selection means the enhanced survival of the organism that enhances its durability because of selection pressure. This zero-sum attitude is also an evolutionary adaptation to fight & win for limited resources competitively. It states, what is gained by some is lost by others so that the total sum of gain & loss is always zero. This ideology gives rise to a selfish standard where people go even to the extent of punishing their opponent considerably for their gain. It also has an idea of Pareto optimal payoff. Attitudes toward gender discrimination, Power politics & the need for power can typically be traced back to the roots of Patriarchy and Zero-sum thinking.

In a relationship, both the “winner” and the “loser” because of zero-sum attitude are losers because the conflict issues are seldom resolved, and the relationship becomes less unified and more individuated. What is a clear win or lose in other arenas is a “win-lose trap” in a relationship & family as it seeks to gain at other's expense. Hence the competitive advantage is temporary & suicidal in the long run for all the parties.
5. Synergy

It means "working together." The positive synergy, which is also called as the $2 + 2 = 5$ effects, contends that if each subsystem, operating independently, can produce two units of output, then the same by combining their efforts and working together effectively, the two subsystems can provide five units of production.

As life emerged from the ancient soup billions of years ago, the molecules that caused them to be replicated became numerous. Then some of those molecules discovered the virtues of co-operation, synergy, and specialization, so they began to assemble in groups called chromosomes to run machines called cells that could replicate these chromosomes efficiently. In just the same way, little groups of agriculturalists joined with blacksmiths and carpenters to form co-operative units called villages, which again grouped to form tribes. Tribes merged to form countries & then countries together formed an empire. Just as this, Cooperation & synergy & Non-zero-sum attitude is vital for relationships & societies at large. In a non-zero-sum game, the winning of one won't be loss of another as resources are unlimited, thinking is broad, and the productivity of the parties is enhanced by the positive synergy, so the result is mostly win-win. It increases shared benefits & mutual trust. It benefits the highest number of people without violating the rights of the weaker & taking into account rules & regulations.

Gender equality can be achieved by assigning women and men different roles according to sex, but which are complementary and equally valued as equality is only possible by the recognition of differences feminist vision of power connotes the co-operative non-zero-sum relationship which they call as empowerment.

6. Impacts of gender discrimination

The history of all hitherto existing societies is the history of the struggle between Freeman & slave woman, Ruler & ruled, lord or guide master & female serf, male chauvinism & womanhood, oppressor & oppressed stood in constant opposition to one another.

The level of inequality is mostly based on geographical region, age, and educational standards globally. Education is a key to the advancement of women, and the low level of knowledge of girls and women remains among the most severe impediments to their full enjoyment of human rights. Every girl has a right to read and write, to seek knowledge, and be an active member of society on par with men as per Laws of natural Justice, but they are unequally everywhere. According to some cultures, women should be confined to the kitchen, and their main achievement in life should be motherhood. If a woman can't bear a child, that woman is treated as a bad omen. Even though Women show having many skills that can be visibly observed by societies, they willfully take away many rights from them because of their generalized prejudices & stereotypes. Women are struggling for equal pay, positions, title, respect in every country, and some still fighting specific communities for the rights over their bodies. Still, the whole framework is silent about this. Women are seen as a passive, compliant, temporary workforce that will accept low Wages or lower salaries than their male comparators without demanding their rights. The traditional sexual division of labor (where the location of women in employment regarded as inherently suitable for them, for example, the caring professions like a nurse) has been amplified through the addition of new places and forms of work (Ex: Services, industry, tourism). What remains constant is the low economic value accorded to work performed primarily by women, often migrants, frequently in poor and unsafe working conditions, accompanied by a lack of job security and by gender violence. Gender biased dominance is seen from the time a female child is born until the end of her life as she is under the full-fledged control of her father, Brother, and husband or another male protector in every stage of her life. In socio-historical cultures with pronounced patriarchal values veiled by power-hungry religious & political Institutions, It is a matter of honor for men to control their women and the inhibiting impact of disapproval of men. Hitting women is weaker. The importance of men's proprietary view of women is also a cause of violence against women. Many so-called parents (who do not have a chance to express their opinion as the decision is one-sided choose to abort their pregnancies knowing the procedure by scanning method despite being it abolished in many countries which leads to gendericide abortions. Females are killed after birth as well as tossed in the garbage, or a field, burned, suffocated, choked to death, some also call it as "the modern-day massacre" which is rampant in some countries, most notably in countries like India & China. Social Malice such as trafficking, marriage, health, exploitation, and violence have immediate and vital consequences for girls than boys because of this.

Economic Discrimination: Gender Inequalities breed prejudice, which justifies the Economic and social superiority of those who have wealth and power. Women's lack of control over essential household assets, such as land, is also a critical problem in case of divorce or the husband's death. Closely related to the issue of land ownership is the fact that in several countries, women do not have the same property rights as men & do not own or control the land. In industrialized countries, fewer women than men own their homes. Even where there is no legal discrimination, women are subject to social pressures or economic realities that create unequal access to land, property, and wealth. A married woman is not entitled to any of her property rights in many cultures. Globalization has also tended to deepen women's property disadvantage as The cash economy has displaced communal or household-based land use. Research in India states Rural women 'produce on average more than half of all the food that is grown' yet 'they own only two percent of the land' receive only one percent of all agricultural credit' and 'represent two-thirds of all illiterate people.'

Religious Discrimination: In the Judaea - Christian tradition, God created a woman as the helpmate of man but not his equal. This was the natural order of things, and it is one that can be found in the teachings of other major religions too. Inequality is also attributed to religious stories such as a woman are being made from a man's rib and societal practices such as dowries paid to fathers by prospective husbands to purchase their daughters to be wives. In the Ottoman Empire, the chief law was the Sharia, and the man was considered above the woman. Countless literary fiction references are
made to females being the fairer, weaker sex and males being the keen, invincible hunters & game players of the world. The combined power of these religious and social beliefs left little room for Equitable thinking for centuries. Women are also handicapped by their biological factors on account of three main events connected to their life, namely menstruation, childbirth, and menopause, which is also taken advantage of to show discrimination by many major religions of the world.

**Societal Prejudice:** It is almost half a century since most countries unequivocally granted to the women a space in the society equal to that of men by giving them equal rights at work, wages & vote. Despite this, women remain active objects of gross & severe victimization & Scapegoating in the hands of men. Even when women are engaged in full-time employment, they are expected to clean, cook, and shop - to keep house for their families. Time-budget studies undertaken in the 1990s showed that the number of time husbands spent doing housework, including taking out the rubbish and maintaining the grounds, was not influenced by wives' employment outside the home.

Social recognition of the transition from girlhood to womanhood may depend upon a Girl’s perceived readiness for marriage or childbearing, but these are often forced upon girls before they are physically or mentally prepared, causing them tormenting discrimination. Woman's right to choose a partner and enter freely into marriage is vital for her life, dignity, and equality as a human being. An examination of States parties’ reports discloses that there are countries which, based on customs, Religious faiths or the ethnic origins of particular groups of people, permit Forced marriages or remarriages. Other countries allow a woman's wedding to be arranged for payment or preferment, and in other women's poverty forces them to marry foreign nationals for financial security. States should take all appropriate measures to abolish such customs, ancient laws and practices by ensuring, among other things, complete freedom in the choice of a partner, eliminating child marriages and espousal of girls before the age of puberty, establishing appropriate penalties wherever necessary and creating a city or another register in which all marriages will be recorded.

7. **Coercion & Aggression**

The evolutionary principle of sexual selection provides the ultimate reason why males of many animal species are more competitive and combative with one another than are females. Sexual aggression includes all forms of sexual acts that occur without the other person's consent, including rape, violence, physical, mental & emotional coercion. According to an evolutionary hypothesis, rape is a conditional tactic, occurring or not depending on current costs and benefits. This analysis implies that all or most men are capable of rape, given the right set of conditions. Women, if weaker economically and struggling for basic needs, provide such conditions for subjugating them. Weak prey didn't live longer & it was the law of the jungle, but we humans being civilized should make proper laws to control the jungle raj where one human becomes the oppressor & other oppressed. Male chauvinists seeking to control the reproductive lives of women using patriarchy can use rape also as a weapon to gain control & access to women.

Gender-based violence includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty, limiting the autonomy of women over decisions they make. In a survey of 45 societies from the Human Relations Area Files, Schlegal (1972) found that 34 Showed tolerance of extreme violence by husbands to their wives. In rural New Guinea, Morley (1994) found that over half of the men and women sampled said that it was acceptable for a husband to hit his wife, particularly if she ‘fails to fulfill obligations. Power in individual and interpersonal terms involves subordination of other's preferences to one's own. All traditional belief systems, backed up by centuries of religious support, have led to wives being the primary victims of family violence. According to the Dobashes, the beginning of legal marriage in Roman times was associated with the complete subjugation of wives, who held a position equivalent to slaves, with no property rights and entirely under the control of their husbands. This included the right to beat a wife who did not adhere to the expected code of behavior. Murder of a wife for adultery - or other forms of misbehavior (such as drinking wine and other 'immodest' acts) - was accepted and encouraged. In the West, Christianity incorporated the Roman view of the legitimacy of the power of husbands over their wives, and this was maintained by church and state for many centuries. In several European countries, the law specified how a husband could legitimately ‘chastise’ his wife. For example, in seventeenth-century France, a wife could legally have her nose broken by her husband. Adultery was widely viewed as justifying severe violence, even murder.

The biological weakness of a woman has been making her easy prey, particularly to physical domination. She is often a victim of a material violation not only outside her home but also inside her house. Violence against women is one of the widespread human rights abuses. Every female feels this type of human rights violation at some point or the other in her life irrespective of nationality, ethnicity, class, caste, or Creed. Thus it is observed practically that women are too much under the shadow of patriarchy globally that mainly manifests in the power play between men and Women. This power play is mostly visible in forms of intimate partner violence, which is used as a sharp weapon to exercise control over women. Violence was rampant in places where women’s status was meager, and the reason for their the weak state can be because of the lesser treatment given to them in their patrilocal homes which gave more secondary preference to their career & education and making marriage & motherhood their only prime sole duty & purpose of life.

8. **Conclusion**

Thirty years since the United Nations Convention against gender discrimination into force, the recognition and enjoyment of equal rights on par with men remains elusive for large sections of women throughout the world. Women’s discrimination affects adversely the economic and human development of all the rich & even the poorest countries. There exists a need for recognition that women can have various roles in society, not only the vital role of mother and wife,
exclusively responsible for children and the family but also as a person and keen actor in her community and the society at large. "Protection Women" demands that Women be the subject of special respect and protected in particular against rape, forced prostitution, slavery, genital mutilation, forced pregnancy, and any other form of indecent assault. All appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women must be enacted. It is also necessary to say that gender equality will not be reached just through laws. It will require a more in-depth reflection. In fact, throughout our lives, we internalized behavior models, which could seem natural to us. Now we need to introspect ourselves if the role model conferred to women is part of their nature, or it is just a role shaped by the dominant culture. This is something that both women and men need to reflect on because equality is not something that will be reached unilaterally. Still, it has to be understood and accepted by everyone. Non-zero-sum thinking, Broad mindedness, Cooperation & positive synergy shows a better way forward

References

1. The research literature (Fain & Anderton, 1987; Gruber & Bjorn, 1986; Terpstra, 1989) generally describes targets of sexual harassment as being mostly female, young, single, and having lower personal power and status at work. Thus power is considered by many as having a significant role in the occurrence of sexual harassment. The power and dominance model suggests that sexual harassment is one way in which men maintain dominance over women in society & at workplaces in general (Brownmiller, 1975; Fitzgerald, 1992; MacKinnon; 1979)

2. According to Stockdale (1996: 11) people who have strong needs to control others coupled with hostile attitudes towards women have been documented by many researchers (Koss et al., 1985; Malamuth, 1986) As is more likely to perpetrate sexual violence in general. She also cites Kipnis (1990) who found that people with disproportionate power over other individuals tend to perceive others as having little worth and deserving mistreatment.

3. Within the power perspective, Lafontaine and Tredeau (1986) also described sexual harassment as being the result of patriarchy, where maleness is valued far and above femaleness and where sexual and economic power ought to be given to the male role.

4. In the book The The wealth of Nations, Smith wrote that finding the right balance between co-operation and competition has been the goal and bane of western Politics for centuries. Adam Smith recognized that the economic needs of the an individual is better met by unleashing the ambitions of all individuals than by planning to meet those needs in advance.

5. Researches Wood and Eagly presented a contrasting the account of the origin of patriarchy, viewing it not as a universal feature, but as something that emerges (or not, as the case may be) from an interaction between physical sex differences, ecological conditions, and cultural values.


