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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

BEYOND THE BINARY BOX: **EMBRACING A WORLD BEYOND** **GENDER NORMS**

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Abstract:

In this article, the author discusses the topic of gender stereotypes and the urgent need to move beyond traditional binary notions of gender roles. The article delves into various aspects related to gender stereotypes, including their impact on society, the importance of gender-neutral education, the role of parents in promoting equality, the influence of mass media, and the support needed from the judicial system to eradicate stereotypes. The author also highlights examples from different countries, such as Rwanda and New Zealand, to illustrate how challenging gender norms can lead to positive societal changes. Additionally, the article touches on the issue of advertisements reinforcing gender bias and the significance of breaking stereotypes for personal well-being and mental health. Throughout the text, the author advocates for a progressive and inclusive society where individuals are treated based on their true selves rather than conforming to societal expectations based on gender.

Gender stereotype is a very sensitive topic and it is high time to consider this problem on a global scale. Since time immemorial, our society has a completely different set of idea about gender role in society and how we expect men and women to even dress, behave and live their lives. Gender stereotypes limit men's and women's personal abilities, skills and ambitions. Therefore, eradicating this age-old concept of gender stereotyping should be the priority of any society. This could be achieved by taking into consideration some important points and steps. The first step towards eradicating gender stereotype should be taken in the field of education. The very seed of stereotypes is sown in education itself and education is where the solution lies.¹ Teachers should be trained to provide gender neutral education to children and they should be avoiding

¹ Iberdrola, <https://www.iberdrola.com/social-commitment/gender-stereotypes-women>

subconsciously channeling a child towards future aspirations and certain subjects that would be gender appropriate. Schools should encourage more girls towards sports and more boys towards dancing and singing from a young age to completely eradicate society's stubborn beliefs such as, "girls are not made for sports" or "Dancing is a feminine pursuit". Every school should make sure that their books are not in anyway perpetuating gender stereotypes. Schools are meant to encourage children to create a world where both genders have equal opportunity and importance. Apart from school it's also the responsibility of parents to make sure that their children are not exposed to any kind of gender stereotyping at home. Family is the utmost primary social institution, the very first institution through which an individual learn social behavior, roles and expectations. In many households, a girl's responsibility is limited to cleaning, cooking or setting the table and washing dishes whereas boys are assigned more physical or maintenance tasks like repairing electrical appliances, grocery shopping, mowing the law or taking out trash etc. This segregation of the household labor itself tells the children that they are expected to take up on different roles based on their gender, and this is what should not happen and parents should treat their sons and daughters equally. The age old stereotype that it's only the responsibility of mothers to look after their children is the major reason behind fewer women in the workforce. Furthermore, many studies suggest that one of the major reasons behind gender pay gap is the presence of paid maternity leave and absence of compulsory paternity leave. Men are less likely than women to use their parental leave, and that time out of the workforce is associated with lower wages. Therefore, active involvement of fathers in childcare and compulsory paternal leave can help us overcome this gender pay gap to a large extent. Iceland, in the year 2000 passed a law which made paternal leave obligatory and this step brought a huge positive change in the gender pay gap. Fathers involvement in taking care of children and household work positively influence their children by showing that adult male role can be nurturing too. Additionally, the mothers who financially support the running of a family helps break down the stereotype for their children, this is especially for daughters, and they do challenge the ideas about the conventional female role.² Mass Media has also played a significant role in propagating gender stereotypes. Majority of films depict women as the "damsel in distress" who waits for her prince charming, and the boy having to save the day each time and it always shows minimal emotions or sensitivity. Even cartoons that our popular among kids such as 'Shinchan' or 'Doraemon' depict that women as family caregivers and men as the breadwinners. All this wrong and cliché depiction in films, ads and cartoons sets wrong expectations for both the genders. Therefore, such media should be discouraged. UK, recently banned ads featuring harmful gender stereotypes and this indeed was a great step towards

² Plan International Canada, <https://stories.plancanada.ca/why-gender-inequality-starts-at-home/>

eradicating gender stereotypes. In India also many brands took the initiative to make more gender neutral ads.

We also need the support from judiciary to eradicate gender stereotypes. Laws in India are gradually changing with the aim of eradicating gender stereotypes. Striking down (partial) of section 377³ and passing of Transgender Persons Act, 2019⁴ were indeed great efforts to end inequality of sexes. Even the recent Supreme Court judgment that made women army officers eligible for permanent commission, allowing them to take commanding roles was clear indication of the fact that our society along with the judiciary is now rising above this narrow concept of gender stereotypes. But, apart from these laws we still need more laws to make this nation gender neutral such as laws against marital rapes, laws to make paternal leave compulsory etc. Therefore, we still have lot to change and with right approach we will definitely bring positive changes in our judicial system to free India from gender stereotypes.

Rwanda is one those nations which made the world realize that no task is gender appropriate and anybody be it a woman or a man with appropriate skills to do a particular job can efficiently perform that job. Rwanda is considered to be one of the poorest nations on earth and until just a few decades ago, women were denied their basic rights there but then in the year 1994 everything changed. In just three months, around 800000 people were massacred in Rwandan genocide of 1994. After the violence, the population of Rwanda was 60 to 70% of women⁵. The shortage of men means that women had to step into the workforce in huge numbers. Gradually, women were seen in every field such as Police, Military, Mayor etc. and today in Rwanda, women hold around 61% seats in the Parliament which is the highest in the entire world. Therefore, this huge change in Rwanda proves the world that there is nothing such as gender appropriate task and gender stereotyping is a futile exercise. At last we can conclude that gender stereotypes benefits no one and with women, men and others taking up variety of carrier fields and societal roles irrespective of their gender, we all are slowly moving towards a better society where there is no place for gender stereotypes. In future, we can expect to see a gender neutral world, a world where opportunities are not limited to just one gender.⁶

³ Section 377 in The Indian Penal Code 377. Unnatural offences.—Whoever voluntarily has carnal inter-course against the order of nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation.—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

⁴ The Transgender Persons (Protection of Rights) Act, 2019

⁵ <https://www.britannica.com/event/Rwanda-genocide-of-1994>

⁶ <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.00011/full>

Isn't it surprising to know that 41% of people think that men are more suited to work as builders? Or that 25% of people think that studying fashion and textile technology is only for women?⁷ These are just a few examples of how gender stereotypes impact our view of men and women. Gender stereotypes; let's try to break it down. A stereotype is a generalized view of behaviors and characteristics within a group. All individuals in the group are described as having the same characteristics regardless of their differences. In this case, gender stereotypes mean that the stereotypes are connected to what is seen as, "female" and "male". They are also seen as the parameters that are acceptable in society. We all have stereotypes regarding our own or another gender. You might know about some or they might be unconsciously in your head. It's not always easy to be conscious about the stereotypes we hold, since these are often rooted in our cultures, traditions and even in our media. So now we know what gender stereotypes are, we will take a look at some examples and see if they are true. It is often said that women cannot attain high paying, leadership jobs because they are either too emotional, will get pregnant and therefore can't work for a long period of time, but Jacinda Ardern is the perfect example of why this gender stereotype has no truth to it. Jacinda Ardern is the prime minister of New Zealand and is a renowned world leader when it comes to breaking down gender stereotypes. She became very famous for her policy on handling the COVID-19 pandemic, as a result she got reelected in 2020 with the highest score for her party in over 50 years!⁸ But maybe one of her most remarkable moments so far was when she had to appear at a UN summit in New York and could not find a babysitter; therefore she took her child with her into the meeting in the great hall. Jacinda Ardern proves that even with children, as a woman, you can perfectly perform in a high paying, leadership job. "Boys should not wear skirts", "that shirt looks feminine on you", "Why are you wearing that? Only girls wear that". Those are just some of the things boys hear when they decide to wear something that is out of the ordinary, unusual or 'non-conforming' to what is expected from them. Breaking stereotypes is very important, because while stereotypes are not necessarily a bad thing, they can enforce discrimination, inequality and leave people unmotivated to reach their biggest potential. For example, when Will Smith showed how it is okay to share both good and bad emotions he enabled many other young boys to do the same. This ultimately leads to improved mental health and better understanding of what it means to feel certain things. So we can all agree it is okay to have some stereotypes, but we also have to remember they are not definitive and certainly do not apply to everyone, perhaps we could even say it's important to break a stereotype every once in a while.

⁷ Aayesha Mushtaq, Is fashion a good career? the surprising truth

⁸ The New York Times, Amanda Taub, 13 Aug 2020 ; Why Are Women-Led Nations Doing Better With Covid-19?

Are gender stereotypes really necessary for the civilized and progressive society and is this still a thing?

In social life at different levels, gender stereotypes are still quite serious, especially the stigma towards women. Prejudices are perceptions, negative assessments, biases in positions, roles, characteristics, and capacities of men and women, such as women are weak, dependent so they should spend time looking after their families, stand behind their husbands, and are obliged to obey their husbands. Men must be noble, be tough, and have to do social, political, and business activities rather than housework. Men must be pillars, do big things, make important decisions, and they have the right to teach their wives, and is it really necessary for the civilized, humanitarian, progressive society that people are looking forward to?

Before diving into this topic, there is one thing that the author would want to emphasize in this article. This topic does not encourage feminism, but tries to build a common voice that everyone is human-being and has the right to express their inner feelings and emotions. Let's explore the topic; Stereotypes are formed from the gender characteristics and the social role of each gender in the development of society and are influenced by cultural factors and geographical conditions. However, as society develops, cultural factors, personal awareness and personality of the two sexes also change. The social roles of the two sexes are respected but the gender stereotypes are still slowly changing. This is partly due to the creation of ideal images associated with each gender. Along with that, cultures and religious factors with perceptions of human life, the worldview maintains the exaggerated points of difference between men and women. When we live in a world with so many preconceptions, people will often be criticized for not being real.

Sometimes, men also have their frailty contrary to the men's stereotypes of being strong, and women are often advised to be gentle and needy, but this will make it impossible for people to express their emotions and personalities by the criticisms from others and because the expression of their emotions is abnormal. Living without daring to express true feelings, their physical and mental health will be directly affected such as anxiety, stress, depression, even suicide. The consequences of prejudice to suppress and impose on people are very serious. The truth that we impose personalities and characteristics for a certain gender, it really should be considered in a progressive and civilized society. The imperative of people to express and properly conform to gender stereotypes should be reduced and limited. If you're the person with the prejudice that the author mentioned in this article, I wish you could change your mind a bit. You can see that in this big universe, humans are just those small creations. Instead of making judgments, please

understand and think for each other even more, and for those who are covering your emotions with the fear of being judged, please be strong and be true to your emotions. You will even be able to sympathize and receive sharing from others when you express yourself, and this may make your mental health better. We are humans and we can live in a better society, we can live with truth, love, empathy, righteousness, and good values like gratitude without gender preconception. Let's talk about advertisements now; they're everywhere, you see ads at movie theaters, on YouTube videos. Advertisements are extremely powerful as they leave a lasting impression on us, which is why it is important that ads say all the right things but the truth is most of the times they don't. A UNICEF study has found that Indian advertisements reinforce gender bias and stereotypes. The question arises here is that; how do they do this and what is the way out? Small things cast long shadows and that's advertisements in a nutshell for you.⁹ They make cameos on your television, never more than a few seconds but that's enough to plant an idea to spur change but what if that idea is flawed? The consequences could be serious!

A UNICEF study has found that India is facing this exact problem. One study sought to answer some key questions how prominently do women feature in ads and how are they presented to the audience. This is the raw data they accumulated; 49.6% of characters in ads are women and they make up nearly 60% of the screen time and 56% of speaking time.¹⁰ These are excellent numbers, but put some context into it and the story changes. When women appear in Indian ads, it is mostly to sell domestic and beauty products. So these numbers are a sign of deep-seated stereotypes, not progress! They show women in the kitchen out shopping or fawning over their partners and think about who consumes these ads? It's the Indian youth! So, advertisements are not only consolidating stereotypes they are extending them across generations. Indian ads focus more on looks than messaging and once again it's a different yardstick for women. They are nine times more likely to be presented as stunning or attractive. They are six times more likely to be shown in revealing clothes, four times more likely to be depicted as partially nude and five times more likely to be sexually objectified. The bottom line is this, while men are brand ambassadors women are treated as brand commodities. Advertisers do not realize the impact of their actions.

Sexual objectification has real consequences in society; young girls may grow up to hate their body! This can lead to a cycle of body shaming and depression. A majority of Indian ads depict women as dependents and they show men taking the big calls and women making the household

⁹ <https://www.unicef.org/rosa/reports/gender-bias-inclusion-advertising-india>

¹⁰ <https://www.unicef.org/rosa/media/13816/file/Full%20Report%20-%20Gender%20Bias%20&%20Inclusion%20in%20Advertising%20in%20India%20-%20April%202021.pdf>

decisions. 11% of women in Indian ads are married compared to 8.8% for men.¹¹ They are twice as likely to be shown shopping and cleaning. Such regressive trends extend to skin color as well; two-thirds of all female characters were of light or medium skin tone. This reaffirms the stereotype that light skin is desirable and we are back in the cycle of insecurity and depression. Indian ad makers are in a position of power but they need to be reminded of it because their content shapes minds across the country. Corporate social responsibility isn't just about planting trees and pep talks; it's about responsible advertising, and putting out the right message. An advertisement is the cave art of the 20th century. We are a hundred years wiser today but still stuck with the same old cave art.

Although, by the end of this article we all must be agreeing to the fact that gender stereotyping still exists but now it's time for a world without a Gender. Let us all treat people based on who they are rather than on the form of their genitals.

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¹¹ <https://www.thehindu.com/news/national/indian-ads-further-gender-stereotypes-shows-study/article34379148.ece>