

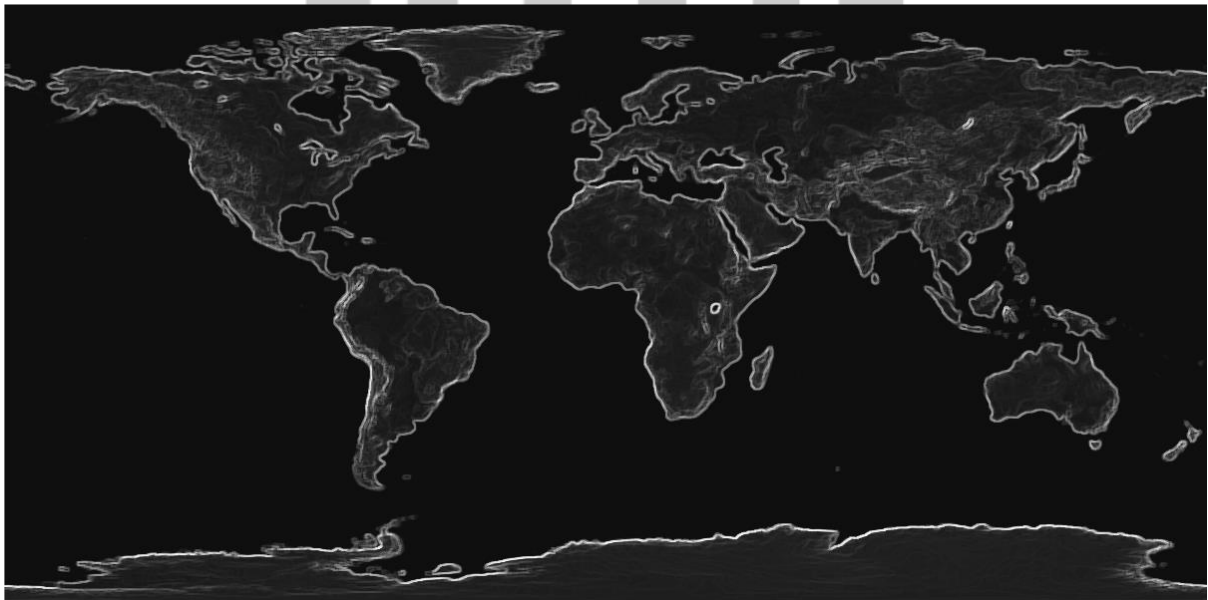


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**MISCONSTRUED IDEAS OF  
GENDER IDENTITIES IN THE  
REAL WORLD**

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*Veritas et Aequitas*



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Ross: “What kind of job is that for a man, a nanny? It’s weird!”

Rachel: “He is smart, qualified and give me one good reason why shouldn’t we hire him?”

Ross: “He is a man!”

The TV series of “Friends” beautifully portrays the internal struggles of how gender stereotypes are deeply entrenched in the society and not adhering to them can have a psychological impact. Therefore, it is essential for the basic concepts to be clear.

The word identity comes from a Latin noun “*Identitas*”, which means “the same”. It refers to a person’s mental image of himself /herself/themselves, thus implying sameness with others in a particular way. (Thomas D. Steensma, 2013) We have often seen words like gender and sex being used synonymously, however, the meaning differs. “Sex” is referred to as the anatomical and biological attributes of men and women which is perceived as uniform over time and space, whereas, “Gender” refers to the socially constructed roles, activities and behaviours that are given by society, which is considered appropriate for men and women. Gender focuses on the aspects of femininity and masculinity, which are the products of cultural, social and physiological factors that the individual acquires in the process of growing up. It can also be identified as non-binary, which lies outside the man-women dichotomy. A person can have multiple gender identities, they can switch between genders (two-spirited), be gender fluid (no fixed gender) in nature, transgenders (whose gender identity is incongruous to the sex assigned at birth) and some people are agender who do not like being identified as any specific gender at all. However, sexual orientation differs from gender identities. Sexual orientation is when an individual is sexually or romantically attracted to specific genders. It lies on a spectrum of Heterosexuals (who are attracted to the opposite gender), Gay (who are attracted to the same gender), bisexual (who are attracted to two or more genders), Pansexual (whose romantic interest is irrelevant of gender and is called gender-blindness) and asexual (who do not have any sexual attraction at all)

The segregation based on gender starts from infancy. Children do not internalize gender roles; as they grow up, a part of their learning is how to adhere to the gendered identities as masculine and feminine. They are expected to observe and gradually incorporate gendered behaviour around them through various sources. In adolescence, gender intensification occurs which means that there is an increased pressure to conform to the culturally sanctioned gender roles. (Hill, 1983) Studies have proven that gender identity development and its effect is a complex phenomenon and many biological, physiological and environmental factors are intertwined. There is a possibility of gender dysphoria occurring amongst children, which is the conflict that arises between physically assigned gender and with which he/she/they may



identify. They may experience significant distress, which could influence behaviour and have an impact on their self-image. There is a possibility of cross-gender behaviour occurring amongst children between 2 to 4, which might or might not continue to adulthood. Moreover, even gender atypical behaviour is normal and might not lead to gender dysphoria. However, individuals or children with less gender dysphoria might not change their gender identity easily and have an established viewpoint.

In society, the biological sexes are represented, valued, defined and channelled into roles which are deemed to be culturally and socially dependent. For instance, the institution of marriage. Gender relations are the ways in which a culture or society defines rights, responsibilities, and the identities of men and women in relation to one another. (Bravo-Baumann, March, 2013) When we consider the social and cultural construction of masculinity and femininity, gender allows us to view the dimensions of personalities and human roles based on social factors, which helps to address many pressing issues like discrimination, subordination, right to equality, privacy, freedom of speech and expression and right to live a dignified life.

Section 377 of the Indian penal code was introduced by the British colonizers in India and it prevailed for around 70 years after India gained independence. Historically, there is evidence that in the Hindu Khajuraho temples homosexuality was not considered immoral. Hinduism also portrays the third gender in a very positive light. For instance, in Mahabharat multiple characters change gender, one of them is Shikhandi, who was born as a female but identifies herself as a male and ends up marrying a woman. In 2018 it was finally scrapped off and homosexual sexual activity between consenting adults became legal. In addition to this, even transgender rights became more prominent and were assigned an identity of third gender. They were legally allowed to change their gender post-sex reassignment surgery. Many welfare benefits and pension schemes have been introduced to protect the rights of the third gender in India. However, the stigmatization of the LGBTQI community still prevails and there is a need to address this issue.

In India, the anti-discriminatory law protects the third gender but does not protect the rights of the LGBTQIA+ community specifically. Many fundamental rights are violated and this malaise needs to be addressed. Notable amongst them are elaborated below:-

1) **Right to Marry**- Only homosexual sex and transgender rights are addressed, but right to get married legally is still permitted. The religious clergy of various prominent religions such as Hinduism, Christianity, Muslims, Sikhs, etc., would not be open to marriage of such individuals. Same-sex couples are not recognized and there is an immediate need to legalize the right to marry as it also infringes upon the right to life and personal liberty.



**2) Right to Employment-** Workplace discrimination laws and maternity benefit laws do not account for LGBTQIA+ people. The HR policies are not inclusive and our judicial provisions do very little when it comes to identifying people and protecting them from any form of harassment. Only seven to eight countries in the world(Canada, France, Australia, Germany, Mexico, Netherlands, Switzerland and the United Kingdom) prohibit discrimination on the basis of gender identity or sexual orientation. As of 2020, around 93% of Fortune 500 companies have non-discrimination policies that include gender identity, and other benefits. (Lesbian, Gay, Bisexual, and Transgender Workplace Issues: Quick Take , June 2020)

**3) Right to adopt and right to surrogacy** seem very far-fetched goals to be achieved. Under family laws, only “unmarried” females can adopt and some pre-requisites are required for males. (Chakrabarti, 2019) Right to surrogacy completely excludes the LGBTQIA+ community and only heterosexual couples who have been married for five years are eligible.

In order to tackle the problem of stigmatization and exclusion of the LGBTQIA+ community, we need to adopt ways and means to be more socially inclusive. There should be a mass campaign on creating awareness and promoting acceptance towards these communities. In the workplace and classrooms there should be themed flyers, posters and publications where the community feels more included and accepted. Few studies (Ragins, 2002) have shown that having policies which protect the rights of the community have great influence in forming a perspective about the community.

Employees should have consistent and ongoing training on how to foster an inclusive workplace and training should also focus on addressing homophobia, transphobia, and educating the employees. (Gassam, 2018) Creating an LGBTQIA+ employee resource group is an effective strategy to support the community and to allow the employees to feel a sense of belonging. (Gassam, 2018). Employees are more accepting and appreciative when LGBTQIA+ group membership when their workplace is supportive. (Ragins B. &, 2007) Around at least 76 countries (44% of the world’s population) continue to criminalise same sex marriage. Sudan, Iraq, Saudi Arabia, Yemen and Iraq still implement death penalty for same sex marriage. Law enforcement authorities also fail to investigate and prosecute crimes against the LGBTQIA+ community.

In regions of Sub-Saharan Africa and the Caribbean, there were anti-homosexuality laws and violence against the community. Recently, the Gambian Police and intelligence agents launched a wave of arrest and torture which was followed by the passage of new anti-LGBTQ laws. It is absolutely evident that there should be more research on laws and policies being formed and a need for the minority community to be constitutionally protected all over the world. An open-minded approach towards these communities would be a great first step



towards changing the indoctrinated ideologies that prevails. Therefore, an open-mind is like an open gateway for acceptance, growth and prosperity for the society as a whole.





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