

## **Should The Women be Treated Equally or Preferentially?**

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### **Abstract**

*The question of whether to treat women equally or preferentially is a complex issue intertwined with principles of justice, human rights, and historical disparities. Equality stands as a fundamental pillar, safeguarding individual rights and fostering societal well-being. Nevertheless, specific contexts demand preferential treatment, such as affirmative action, to rectify deep-rooted gender imbalances. Striking a delicate balance between these approaches is pivotal to ensure fairness and equal opportunities while preventing the perpetuation of discrimination. Achieving gender equality is an ongoing, multifaceted process that involves enacting legal reforms, implementing policies, and instigating cultural shifts. This transformation extends its implications far beyond individual rights, influencing economic development and social progress.*

**Key Words:** Women Rights, Gender Equality, Workplace Balance,

### **Introduction**

The debate regarding the treatment of women, specifically whether they should receive equal treatment or preferential treatment, is a central and contentious topic within the ongoing conversation about gender equality and women's rights. This issue revolves around the intricate interplay of two often conflicting principles: equality and equity. On one side, the principle of equality champions the idea that all individuals, regardless of their gender, should be treated in the same way, with a strong emphasis on eradicating discrimination and creating a level playing field for everyone. Conversely, the principle of preferential treatment argues for the necessity of offering additional support and opportunities to women to redress historical injustices, combat systemic biases, and address gender-based disparities.

This debate extends beyond a mere theoretical discourse; it carries profound implications for societal norms, policies, and individual experiences. It has spurred the creation of a substantial body of literature, encompassing feminist viewpoints, legal reasoning, sociological analyses, and personal stories, all of which add layers of complexity to this matter. To develop a comprehensive grasp of this subject, it is essential to delve into the historical context, cultural variations, and multifaceted aspects that inform the arguments on both ends of the spectrum between equality

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and preferential treatment. This introduction paves the way for a nuanced exploration of the topic, examining various perspectives and critical considerations that underpin the question of how women should be treated in the contemporary world.

## **Gender Equality**

Gender equality, also referred to as sexual equality or equality of the sexes, denotes the condition of ensuring an equitable and unobstructed access to resources and opportunities, regardless of one's gender. This encompasses economic participation and decision-making, as well as recognizing and valuing diverse behaviors, aspirations, and needs on an equal basis, irrespective of gender. Gender equality stands as the overarching objective, while gender neutrality and gender equity are the practices and mindsets that facilitate the achievement of this objective.

Gender equality encompasses the idea of securing identical rights, responsibilities, and opportunities for all individuals, regardless of their gender. It necessitates the questioning and dismantling of societal norms, expectations, and systems that have historically favored one gender, often favoring men over women. Attaining gender equality signifies the assurance that all genders have the same accessibility to education, employment, healthcare, and participation in decision-making processes. Moreover, it entails equal legal protection for all individuals, irrespective of their gender. According to UNICEF, gender equality signifies that "women and men, and girls and boys, enjoy the same rights, resources, opportunities, and protections. It does not require that girls and boys, or women and men, be identical or treated in precisely the same manner."

## **Historical Overview of Gender Equality**

Christine de Pizan, (Italian born, French Poet) an early advocate for gender equality, asserted in her 1405 work, "The Book of the City of Ladies," that women's oppression stemmed from irrational biases. She also highlighted the significant yet overlooked contributions women made to society. The Shakers, an evangelical community renowned for segregating the sexes and practicing strict celibacy, were gender equality pioneers. Originating from a Quaker community in north-western England and later immigrating to America in 1774, the Shakers made remarkable progress toward gender equality. In 1788, the leader of their central ministry, Joseph Meacham, received a revelation advocating for gender equality. Subsequently, he introduced Lucy Wright as his female counterpart, reshaping the society to establish gender-balanced rights. Within Shaker society, women were free from male control or ownership, a model that endured for over two centuries.

The journey towards gender equality began with the late 19th-century suffrage

movement in Western cultures, striving to secure women's voting rights and address property rights, particularly related to marital status. The first wave of the gender equality movement emerged in the late 19th and early 20th centuries, mainly in Europe and North America. It concentrated on securing women's suffrage and rectifying legal disparities. Figures like Mary Wollstonecraft and Susan B. Anthony ardently advocated for women's suffrage and fundamental legal rights, laying the foundation for subsequent waves in the broader gender equality battle. The second wave of the gender equality movement, spanning the 1960s to the 1980s, expanded the feminist agenda to encompass a wide range of social, cultural, and economic concerns. It redefined gender roles, advocated for reproductive rights, fought workplace discrimination, and addressed matters of sexuality. Key texts from this era include Betty Friedan's "The Feminine Mystique" and Simone de Beauvoir's "The Second Sex."

Since World War II, the women's liberation movement and feminism have pushed for women's rights on a global scale. International bodies like the United Nations have embraced conventions to promote gender equality, including the Convention against Discrimination in Education (1960), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), the Vienna Declaration and Programme of Action (1993), and the Declaration on the Elimination of Violence against Women (1993).

The post-World War II history of gender equality demonstrates an increasing recognition of the need to challenge traditional gender roles and norms, striving for a more equitable and just society for all genders, with a specific focus on advancing women's rights.

## **Gender Equality with Reference to Quran**

Gender equality is a fundamental human right that finds its roots in the Quran. This sacred text teaches that men and women are equal in the eyes of God, endowed with the same rights and responsibilities. The Quran emphasizes the complementary nature of men and women, asserting that they require each other to fully realize their potential. It underscores that both men and women share the responsibility of building a just and equitable society. The Quran, as the holy book of Islam, contains verses that highlight the equality of all human beings, regardless of gender. At the same time, it also contains verses outlining distinct roles and responsibilities for men and women.

The Quran is clear in asserting the equal spiritual worth of men and women. In Surah Al-Hujurat (49:13), it is stated that all human beings are equal in the eyes of Allah:

*"O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you."*

The Quran also grants women certain legal rights and protections. For example, in matters of inheritance, the Quran provides women with specific shares (Surah An-Nisa 4:7-12) and prohibits the mistreatment of widows (Surah An-Nisa 4:19).

While emphasizing the spiritual equality of men and women, the Quran also recognizes that men and women may have different roles and responsibilities. For example, it prescribes that men are responsible for the financial maintenance of their families (Surah An-Nisa 4:34), while women are given the right to be supported by their husbands.

In conclusion, the Quran teaches that men and women are created equal in the sight of Allah, and that they have the same rights and responsibilities.

### **Gender Equality Under Constitution Of Pakistan**

The Constitution of Pakistan, 1973 includes provisions that aim to uphold and promote gender equality in the country. Key provisions in the 1973 Constitution related to gender equality include:

1. **Equality Before the Law:** Article 25 of the Constitution guarantees equality of all citizens before the law, regardless of their gender. It states that "all citizens are equal before law and are entitled to equal protection of law."
2. **Non-Discrimination:** Article 25(2) explicitly prohibits discrimination on the basis of sex. It states that "there shall be no discrimination on the basis of sex alone."
3. **Political Participation:** Article 34 of the Constitution grants women the right to participate in political activities, including the right to vote and run for public office.
4. **Protection of Family:** Article 35 of the Constitution ensures that the state shall protect the family, particularly the rights of women and children.

### **What Does Preferential Treatment for Women Entail?**

Preferential treatment to women refers to the practice of granting advantages or special considerations to women in various contexts, such as employment, education, or social programs, to address historical and systemic gender-based inequalities and promote gender equity. It aims to level the playing field and empower women by addressing gender-based disparities.

Preferential treatment to women is a multifaceted concept aimed at rectifying historical and systemic gender disparities. It involves providing women with advantages or special considerations in various spheres of life. The underlying rationale is to counter longstanding discrimination and biases women have faced and to promote gender equity. Such initiatives often seek to increase women's representation in leadership roles and fields where they are underrepresented, fostering a more inclusive and diverse society while dismantling traditional gender

barriers.

Preferential treatment for women, also referred to as positive discrimination or affirmative action, represents a policy or practice designed to grant specific advantages, opportunities, or benefits to women. The primary objective is to address historical or systemic gender-based disparities and advance gender equality. This approach can encompass initiatives such as setting quotas for women in decision-making roles, offering targeted support in education and employment, or implementing specialized programs aimed at empowering women, particularly in fields where they have traditionally faced underrepresentation or disadvantage. The ultimate goal is to create a level playing field, rectify gender-based inequalities, and foster equal opportunities for women across various domains, including education, employment, and leadership roles.

### **Arguments in Favour of Preferential Treatment to Women**

There are several arguments in favor of preferential treatment to women, often rooted in the desire to address historical and ongoing gender-based disparities and promote gender equality. Some of the key arguments include:

1. **Historical Injustices:** One of the primary arguments is that women have historically faced discrimination and have been systematically disadvantaged in various areas, such as education, employment, and political representation. Preferential treatment can help correct these historical injustices.
2. **Gender Equity:** Promoting gender equity is a fundamental goal of preferential treatment. By providing women with additional opportunities and support, society can work towards creating a more balanced and fairer environment where both men and women have an equal chance to succeed.
3. **Diversity and Inclusion:** Encouraging preferential treatment to women contributes to greater diversity and inclusion in various fields, including business, politics, and academia. Diverse perspectives and experiences lead to better decision-making and innovation.
4. **Breaking Stereotypes:** Gender-based preferential treatment can challenge and break down traditional gender stereotypes by demonstrating that women are capable of excelling in fields that have been historically male-dominated.
5. **Political Representation:** Preferential treatment in the form of gender quotas can lead to better political representation of women, which is crucial for addressing women's unique needs and concerns in policymaking.
6. **Societal Benefits:** Empowering women through preferential treatment can lead to positive changes in areas such as healthcare, education, and family welfare, as women often play significant roles in these areas.
7. **Gender Pay Gap:** Women, on average, earn less than men for the same work. Preferential treatment in hiring and promotion can help close the

gender pay gap by giving women more opportunities to access higher-paying positions.

8. **Economic Benefits:** Empowering women through preferential treatment can boost the economy by harnessing the untapped potential of a significant portion of the workforce.
9. **Long-Term Societal Benefits:** Promoting gender equality through preferential treatment to women can lead to a more just and equitable society, where opportunities are available to all, regardless of gender.

### **Arguments in Against of Preferential Treatment to Women**

While preferential treatment to women is advocated for its potential to address gender-based disparities and promote gender equality, there are also arguments against such measures. These arguments reflect concerns about fairness, effectiveness, and unintended consequences. Some of the key arguments against preferential treatment to women include:

1. **Reverse Discrimination:** Critics caution that preferential treatment for women may lead to reverse discrimination, potentially perpetuating unfairness and unequal treatment against men.
2. **Meritocracy:** Critics contend that preferential treatment challenges meritocracy by prioritizing gender over skills, qualifications, and abilities. This may promote less qualified individuals over more deserving candidates.
3. **Stigmatization:** There's concern that women gaining from preferential treatment may face stigma as affirmative action beneficiaries, impacting self-esteem and perceptions of achievements.
4. **Efficiency and Effectiveness:** Critics doubt the efficacy of preferential treatment policies, as they may not consistently achieve desired goals and can introduce inefficiencies by promoting or hiring based on non-merit criteria.
5. **Resentment:** Some argue that preferential treatment can lead to resentment and division between genders, creating a perception of unfairness among men who feel they are disadvantaged.
6. **Infringement on Individual Rights:** Critics argue that preferential treatment may infringe on individual rights by forcing employers or institutions to prioritize one gender over another, potentially limiting the freedom of choice for employers or individuals.
7. **Unintended Consequences:** There is concern that preferential treatment may lead to tokenism, where women are included merely to meet quotas without being given substantive roles or opportunities.
8. **Dependence on Government:** Some argue that preferential treatment policies can create a dependency on government or institutional support, rather than fostering self-reliance and empowerment among women.

9. **Overlooked Systemic Issues:** Critics suggest that preferential treatment can sometimes divert attention from addressing the root causes of gender-based disparities, such as unequal social norms and expectations.

### **Preferential Treatment to Women Initiatives In Pakistan**

In Pakistan, there is a notable disparity in the legal status of women in comparison to men, despite the Constitution's official commitment to gender equality, equal protection under the law, and the prohibition of gender-based discrimination. Paradoxically, the Constitution also incorporates provisions that enable affirmative action in support of women and children, with the intent to rectify historical injustices they have endured. As a result, the Constitution serves as the foundation for affirmative action measures in support of women, with prominent examples found in Articles 25(3) and Article 27(1) of the 1973 Constitution of Pakistan.

In Pakistan, a range of initiatives is dedicated to providing preferential treatment to women, addressing gender disparities, and advancing gender equality. Notable examples include:

1. **Women's Quotas in Politics:** Pakistan has set aside parliamentary seats for women in national and provincial assemblies, allocated through proportional representation, ensuring their active participation in political decision-making.
2. **Affirmative Action in Education:** Numerous educational institutions and scholarship programs prioritize female enrollment, particularly in regions with low female literacy rates, striving to bolster women's access to education.
3. **Workplace Policies:** Some public and private organizations in Pakistan employ affirmative action measures to foster gender diversity and reduce the gender pay gap. This may involve women's quotas in leadership roles and gender-sensitive recruitment practices.
4. **Microfinance Programs:** Specialized microfinance initiatives and small business development schemes target women entrepreneurs, providing financial support and training to enhance their economic empowerment.
5. **Gender-Based Violence Support Centers:** Both governmental and non-governmental entities operate support centers and helplines, offering legal assistance, counseling, and protection for women experiencing gender-based violence.
6. **Awareness and Advocacy Campaigns:** Various NGOs and government bodies conduct campaigns to raise awareness about women's rights, gender equality, and women's participation across societal sectors.

In Pakistan, women also receive preferential treatment through various legal provisions. In the Civil Procedure Code of 1908, Sections 55 and 56 grant women exemptions during the execution of decrees, while Section 132 allows certain

women to be exempt from personal appearance in court. In the Criminal Procedure Code of 1898, Section 497 outlines preferential treatment for women in bail matters. Special legislative acts like The Protection of Women Act, 2006, and the Protection Against Harassment of Women at the Workplace Act, 2010, have been enacted to further safeguard women's rights. Moreover, in employment matters, measures have been put in place to ensure women receive preferential treatment, reflecting Pakistan's commitment to gender equality. Furthermore, in the realm of service matters, measures have been implemented to ensure preferential treatment for women.

## **Conclusion**

The conclusion regarding the treatment of women, whether it should be equal or preferential, hinges on the fundamental principles of justice and fairness. While the overarching aspiration is to attain gender equality, it is imperative to recognize that deep-rooted historical and systemic gender-based injustices have given rise to persistent disparities. In response to these inequities, preferential treatment for women, through strategies like affirmative action and targeted policies, is essential as a transitional mechanism to rectify the imbalances. The ultimate goal is the establishment of a society where every individual, irrespective of gender, enjoys equitable opportunities, rights, and access to resources. Nevertheless, the path to complete gender parity may necessitate a temporary phase of preferential treatment to redress the historical wrongs and level the socio-economic playing field. It is crucial to adapt this approach to the specific context, taking into account evolving societal norms and monitoring progress toward genuine gender equality.

In essence, the question of equal treatment versus preferential treatment is a dynamic one, guided by the broader objective of achieving fairness and justice for all individuals, irrespective of their gender, as we work towards a more equitable and inclusive society.