

THAT AFFIRMATIVE ACTION POLICY AS ANTITHETICAL TO FREEDOM, EQUALITY AND JUSTICE

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Abstract

In contemporary world, there has been gender sensitivists' agitation for women "equality with men"—despite their obvious or obscure physical dissimilarities or uniqueness and natural/social-condition. Gender sensitivism and the consequent affirmative action may count as valid demands under the democratic tradition which thrives on freedom and equality. In fact, certain segments of state policy do reflect the requirements providing for not just compulsory inclusion, but a ceding/reservation of some percentage of positions to women. Historically, the essence of democracy is the opportunity for popular participation in governance and this thought is replete with three major dogmas/idols: one, the ideal of freedom and equality; two, the principle of majority rule); and three, the idea of representative governance. These three vaunted features are the pillars/idols of democracy—a political system predicated on the conviction/theory that society is socially contracted and based on liberalism. Accordingly, neither the basis of the quest/agitation for gender equality nor whether gender equality is possible, necessary or reasonable is of serious concern to this work. Rather, this work is concerned with the principle of affirmative action policy as it relates to the attempt to prioritize the place of women in public participation, as a gender-based governmental drive. Accordingly, the objective of this paper is to argue that humanity is one nature; that it is void and inconsistent any policy requiring discrimination based on gender as affirmative action seeks for women; that such policy is therefore antithetical to the ideals of democracy, freedom and equality of opportunity. It concludes, however, that if discrimination is immoral, then affirmative action on gender superiority equally is immoral. The suggestion is that the only ideal principle for social relations/participation should be ability and suitability.

Keywords: Antithesis, affirmative action, equality, freedom and liberty, sex and gender, public order.

Introduction

Interests on women's rights and privileges have produced many questions about gender-based social/state-interaction, and it is assuming a momentum in the world affairs. The force/pace of gender sensitivism and praxis is palpable; but its ultimate trajectory is imaginable. Ukhun and Asekhauno (2011) point out **that** "...the natural and other supervening features that tend to distinguish man (or male) from woman (or female)...further affirmed and strengthened by cultures...therefore are barriers to gender equality and feminism." Following this view, all forms of gender-based sociopolitical participation could be considered discriminatory. Affirmative action is one of such—even though its objective could be said to be altruistic and positive.

Agreeably, many things happen to a woman: those off her control (physical and natural), and those within her control (cultural and legal). Suitably, men may not do the most significant things women can—conception, gestation, and birth. This is because in any woman is life, and "...blood, no matter how little, constitutes life" in actuality (Imoru, 2008). But, incidentally or unfortunately, these things also inhibit women. Hyperbolically, DeLillo (1982) admonishes one to: "...realize that as long as you have to sit down there and pee, you will never be a dominant force in the world...will never be a convincing technocrat or middle manager..." Unfortunately, as herself a woman, DeLillo's claim may be said to be extreme in the sense that her claim does not cohere with the reality that, today, some women have become heads of state, "dominant forces in the world...and convincing technocrats or middle managers". This is beside the fact that women are still honorable for propagation or regeneration of family group through child birth, efficient child care, and family up-keep. Hence humanity must accept that God created them women, and men, men—both as part of humanity.

Despite the foregoing and in the struggle for women emancipation from purportedly "male contrived servitude", there has been a confrontation of civilization and modernism with cultural accretions. What is essentially wrong is the quest for special protection for women even though Chisholm (surprisingly though) worries that she

...cannot understand why it (special protection for women) should be needed. Women need no protection that men do not need. ...that one sex needs protection

more than the other is male supremacist myth as ridiculous and unworthy of respect... (2007).

Like DeLillio, Chisholm is a woman. The import of both references is that they posit disagreeably about any special protection for any gender—particularly for women. On the other hand, appropriately, if feminists want to disregard their culture-base and natural disablements, they should, first, abandon and retract the present fruitless/futile fight for equality and simply act their roles. Moreover, men engage male chauvinism; nor begin such struggle as Gandhi's (1974): "We want men to be equal with women" (when nature has made such impossible). Feminists' agitation would continue on this battle line which itself is rather distracting and more disabling activity.

Although gender equality could mean that we are all God's children, that we share the same human-divine substance/heritage, that we are all one and equal before the law, it could mean also that the very differences between individuals, men/women, young/old, and which make them so must be respected; that while it is true that we all share the same humanity, it is also true that each one of us is a unique entity, and is a cosmos by itself. Hence Queen Elizabeth I (2007) declares: "I know I have the body but of a weak and feeble woman, but I have the heart and stomach of a king..." (Montefiore, 2007). Thus the Queen may apply the brevity but not the body of a man. And this conviction of the uniqueness of a person as man or woman is irrevocably rooted in human nature and is fortified by culture; it is only expected and expedient that useful energies be expended on finding ways of coping with, not redressing these—if they are truly encumbrances to human gender equal results. Hence it is here described as antithetical—a contradictory condition within a state of affairs in the dialectical process.

The theory of the dialectics was popularized by Hegel, who claimed that history moves dialectically in three stages of *thesis, antithesis and synthesis*. This is the process where an existing state of affair, the *thesis* is negated or countered by a new/emergent idea or contradiction (the *antithesis* there-within) resulting in a form of internal conflict. An example of this process is found Mar/s theory of historical materialism. In either cases, an antithesis negates an existing thesis. Hence this work shall strive to point out that in a society which adulates the place of freedom, equality, rights and justice, any measure taken conscious of some social indices amounts to a contradiction of those ideals.

Methodology of the Study

The method adopted in this work is a content analysis and review of existing theoretical amid evident material; to examine consistency of the principle of “reserved on gender” with the ideals of democracy, freedom and equality. This analysis looks into the extant literature on equality and gender to explain, review, and evaluate the presuppositions of gender sensitivism and equality and examine how or whether or not it warrants expression in statutes; and the law, and attempts to show that such commitment is itself antithetical to freedom. This method relies mainly secondary data and sources of information, i.e. printed material (books, newspapers, magazines, and journals) or soft material (the internet/social media). Its analyticity is qualitative, and essentially critical and normative—not minding, however, the basic tenets of each of the concepts, the clarification of which helps to locate the central claim of this work.

Discussion of Findings

This study discovers a plethora of findings, discussed under the following headings.

Sex and Sexuality *Sexuality*, for many, implies “an expression of those socially constructed qualities, desires, roles and identity that have to do with sexual behavior and activities” (Pierson and Thomas, 2010, p. 479). The term, *sex* can be considered from two standpoints: one, “the peculiarities of structure and function along gender or the elaboration of the biological division...into two major statuses, male and female (sexuality)—in which case it is a mark of identity” (Hogan, 2006, p. 324); and second, it is *carnalis copula* (sexual intercourse)—“the physical sexual activity that may or may not culminate in intercourse (sexual relations) involving the touching of another’s breast, vagina, penis, or anus” (Garner, 2009, p. 1499). This activity usually and historically involves partners of opposite sexuality. Yet, sexuality suggests two characteristics: one, that human sexuality is essentially personal (that the sexual denomination of *male* or *female* is not a quality that pertains merely to one part of the individual person, but that it is something that is said of the whole person—either the whole person is *male* or the whole person is *female*). Sexuality is therefore a fundamental component of personality, one of its modes of being; and, two, that human sexuality is essentially procreative (Gen. 1: 22-28); that God made man and woman in His likeness and image, commanding them to be “Be fertile and multiply...to fill the earth and subdue it... (Holy Bible). It follows that with the introduction of opposing genitalia, God, *ab initio*, has an original design and use of both male and female genitalia. In this way, sexuality is

essentially relational, unitive, and complementary; it defines complementarity in sexual activity and the roles arising therefrom.

Gender and Equality Despite apparent sameness in rationality, women and men are still ostensibly unequal. Thus women and feminists spurious agitation for status equates with men has been on the rise—with stagnant but unimpressive or unenviable degree of success. A synoptic view of the grounds of the agitation shows that some people feel men and women are equal because “they are humans and rational”; or that “is cultures that downplay the status of women”; or that woman is often perceived as negative or ‘the other’”; or that “one is not born but becomes a woman”; or that “the problem with the definition of woman is in relation to man”; and finally that “women and men play complementary roles: no one is superior” (Mama, 1997). Some of these claims are reasonable but illogical. Yes, men and women as humans are rational. But a major deficiency of the argument is that it seem to recognize a conundrum in the central concern or the province of the terms, gender and equality. The conundrum arises when one considers the very essence in instituting the terms, sex and gender, as separately meaningful in the first place; those meanings are ingrained in each of the terms to reflect their respective nature—which cannot be set aside for any social consideration.

On equality: The concept and issues The idea of equality is highly contested. This is because the idea connotes more of socio-politics than material considerations. It is even more contentious to say that women and men are equal, for “when two things are equal, they have the same features or they are identical in all respects or they are uniform and this uniformity is inherent in certain features that these things share” (Irele, 1998). So in what respect are human beings (women and men) equal? Is it because they belong to the same *Homo sapiens*? Or because they both possess rationality, which is “the ability to reason based on the ability to pursue one’s own intentions independently of others” (Roberts, 1997); or they have the same needs as humans? Are adults and children (irrespective of sex) co-equal with mature/active ones? Are men and women possessive of the commensurate degree of physical, psychological/emotional, social, economic, political, and spiritual status? Such is not even tenable among male alone much less between women and men. One must realize that once born, irrespective of gender or sexual characteristics, everyone are equally human though with some intrinsic and extrinsic variation in the body physique and physiology.

The word, *equality* is used in many senses, particularly to make comparism between or among some things/categories—perhaps because they have some

common quality or attribute. Hence, even though we may compare relative sizes, weights or colors of two categories, yet we do not simply refer to such things as the same. But equality, in political theory, is more often prescriptive than descriptive. In this sense, “all men are equal” would imply that not that they (all humans) possess some attributes in the same degree, but that they ought to be treated alike without distinction by class, race, color or sex. The emphatic point is about human nature—that all men have certain basic needs: food, shelter, clothing, security and self-preservation, which must be satisfied if suffering is to be avoided. But is thus such imply sameness or similarity? Is it enough ground of equality by virtue of merely being human or rational? Are humans the same in rationality? Still, is it that humans are rational therefore they have the same needs? Or should we jettison the Aristotelian creed that “equals be treated equally and un-equals should be treated un-equally?” Clearly, such would only exacerbate the issues since it is difficult (if not impossible) to determine what it is that constitutes (social, economic, political, and cultural) equality and the grounds for such.

Nevertheless, it has become feasible and tenable to talk of equality of proportion, equality of opportunity, fairness in distribution, equality of consideration, social equality, and equality before the law. For the need to avoid prolixity, let us say something about equality of opportunity and distributive equality. Equality of opportunity refers to a sub-class of cases under which we have unhindered access to opportunity and services based primarily on certain qualifications. This then speaks of a “level-playing ground/field” where everyone is allowed the opportunity to prove oneself—although equal aspirations does not mean or imply an equal chance of winning or succeeding (equal expectation). The Nigerian Constitution (1999) stipulates that the social objective(s) of “The State social order is founded on ideals of Freedom, Equality and Justice”. Despite this constitutional stipulation, inequalities pervade everywhere. However, take the analogy of numbers, for instance 3, 3, and 6 which are whole numbers respectively. Now, while 3 and 3 could be said to be equal, a single “3” does not equate 6 (only so when added up: $3+3=6$). Thus 6 times 5 would be 3+3 times 5. However quantitatively equal they seem, 3+3 and 6 are qualitatively different. While 6 is a whole, each “3” in the conjunction (3+3) is a conjunct (as propositions 4, 5, and 6 above are). Also, whereas 6 is 6 (a single identity whatsoever), 3 and 3 could be any stuff whatsoever (e.g. 3 malt drinks and 3 gin drinks). Hence not every 3+3 is 6—since the 3 malt+3 gin (split identity) would not produce the 6 (single identity). Consequently, the idea of equality has more to do with quality, sameness, and identity. Similarly, inequality is rife in society and

is the absence or suppression of equality; it is social discrimination (racial, class, economic, political, legal, religious) (Irele, 1998).

On freedom Conceptions of the twin concepts of freedom or liberty are wide and varies. In social and political philosophy, they are construed as the absence of legal or any other mind-dependent or external constraints (physical, social, direct or indirect) to acting or behaving. *Liberty* refers to actions which one has a right to perform (Blackburn, 1996). Mill (1910) was so enthralled by the concept of liberty and he held that the idea is man's most basic moral and political concern, for the delineation of the criteria for the wrongful interference with each other's freedom. This, according to him, is because there are "rules which embody restrictions on freedom and are more vital to the human well-being than any other maxim." If one is to attain full happiness, freedom from unjustified interference or intrusions of others' rights is absolutely essential. But Mill fails to recognize that every human action is social, directly or indirectly, and forgets to recognize that certain constraints to social behavior may be imposed not from the state but from other societal arrangements, practices and expectations. Hence, for Berlin (1977/1983), liberty amounts to the permitted range of individual potential choices. In this sense, *freedom from* (negative freedom) is different from *freedom to* (positive freedom); and we require positive freedom to enhance negative freedom. Rightly, the division that Berlin (1977/1983) makes does sustain what he arrogates to the concept, in that liberty, on the whole, presupposes freedom, unrestrained access, untrammelled process, and unfettered opportunities. Even free-will, the absence of any pre-deterministic tendencies in a person's will to behave or act, depicts freedom. Most basically, in social and political discourse, freedom "is the absence of any constraint which is either imposed by the state or by other groups, organizations, individuals or citizens in the society, whether the constraint is physical or socio-cultural" (Irele, 1998, p. 119). In this way, freedom implies liberty—logically constructed as: A is free to do X in order to be free from Y or Z. Note that liberty is not just the absence of constraints to individual action but that which are permissible under the statutes (national and international); and that, politically, we have used the term freedom in two senses: personal/individual and social/state, as the "condition of liberation from social and cultural forces that are perceived as impeding full self (group) realization" (Blackburn, 1996, p. 146). Still, we, for our purposes in this work, construe freedom in all the sense of society and as interchangeable with state liberty (government and its agencies).

Gender, discrimination and feminism Often, persons are dealt with on the basis of their masculinity (being a male) or femininity (being a female). Common

experience reveals that governmental policies, participation in sports, clothing and textile designs and other forms of social interaction often reflect such considerations. What therefore is gender discrimination? What are the grounds or perceived causes of it and how plausible are they? Generally, discrimination means the ability to judge or recognize identity. The social implication of this definition is also the act or “practice of treating somebody or a particular group in society less fairly than others... on the basis of sex, race/color or age” (Oxford, 2005). The grounds of such treatments range from biological, role, culture, to nature (Roberts, 1997). And the excuses for this practice are hinged on either some tradition or historical reality of the society where they are practiced. What is perplexing is the fact that although many societies discriminate for racial reasons, nearly all societies discriminate on the basis of gender or sex discrimination.

Persuasively, this is why many believe that it is society that, like race and class, establishes the difference between men and women. Gender means “kind or sex” (Coven, 1978/2011). The point however is that discrimination on the basis of sex is based on biological condition. This is what makes the foundation of such practice, though it can exacerbate it. There are only two genders, masculine and feminine. Gender is a basis of identity, and, unlike race and class which are simply social coloration, has a foundation in the biological nature of one’s being. No matter how it is construed, woman is, and will always be woman—and not man; man is, and will always be man—and not woman. And this is the natural unchangeable reality. Gender therefore is natural. Hence “with gender, however, you cannot change your nature, role or move on to another one” (Roberts, 1997, p. 191). Admittedly, the fact of biological difference does not imply inferiority or deficiency, though it is disabling and often is obstacle to some will. Curiously, this condition is internalized as a norm or fact of being.

Consider Shirley Chisholm’s worries: “Why is it acceptable for women to be secretaries, librarians and teachers, but totally unacceptable for them to be managers, administrators, doctors, lawyers and members of Congress? The unspoken assumption is that women are different. They do not have executive ability, orderly minds, stability, leadership skills and they are too emotional... women do not have the opportunities that men do...” (Chisholm, 1969). But a central problem with all the points above and many similar ones is the they obviously fail to trace the root of social and cultural conceptualization of the sexes, that the fact of being a man is no peculiarity—it is the fact of being a woman that needs to be explained; a woman is not an autonomous being, since

she is defined not in herself but in relation to man. The position of this article is that the seemingly insurmountable barrier to gender equality is rooted in nature, and is strengthened by culture. However, On the basis of this, many have called for further legislation and reform to acknowledge and enhance the present status of women, especially in the eye of men and society in areas of politics, marriage, and roles.

Public Order By the phrase, *public order* is meant all forms of social order. It could best be discussed by dismembering it into its two independent concepts—*social* and *order*, and each of which is meaningful independent of the other. On its part, the term, social implies that which relates to a group, society or the general public (Olajide and Omoyibo, 2017). Persons, systems, institutions, and other elements of interaction rely and influence each other in many significant ways in an extended interdependence. Hence, Plato and Aristotle held that man is both social and political animal. Thus, any man is tied to another or others in both symbiotic and non-symbiotic ways. Instrumental to the realization of these is value: the norms, methods and bureaucratic processes established to ensure order in society. This, then, implies the idea of culture—the totality of a people’s ways of life and the progressive activity of learning such ways (Cuber, 1968, p. 76; Asekhauno, 2013). These ways include those of family organization, building, dressing, law, social control and order. Thus, society is maintained at the interpersonal and group levels in an order. In every epoch of its historical development, every society operates in some social order. A social order exists “when an entire community or society, for a significant portion of its history, is characterized by distinctive and interwoven patterns of social organization” (Broom and Selznick, 1973, p. 21; Asekhauno, 2013). Whatever its nature, Any law or public policy is geared towards the maintenance of public (or social) order—“the total complex of the social institutions of a society and their interrelationships” (Hogan, 2006, p. 331; Asekhauno, 2013). For example, European feudalism was a type of society and public order; similarly, traditional African society marked a type of social and public order (incest taboos and disciplined behavior). Similarly, effective affirmative action (whether subtle or blatant) could enhance or endanger public order.

Gender Equality: Affirmative Action and the Statutes Classical literature shows that there remains a lot to learn about both the exceptional qualities of womanhood and feminine strength over their male-folk wherever and whenever opportune; and extended, how she would rule over nature and culture. One of the earliest woman activists, Sojourner Truth (1962) wrote:

I hear so much about colored men getting their rights, but not a word about colored women. ...I want women to have their rights, and while the water is stirring I'll step into the roof. Now that there's a stir about colored men's rights is the time for women to get theirs. ...You never lose anything by asking everything. If you bait this suffrage hook with a woman, you'll surely catch a black man (Pauli, 1962).

By those immortal words and more, Sojourner ignited the woman struggle for equality with men and nature as if it were otherwise. But this agitation is misplaced priority in that it ignores the true essence of humanity—which is, irrespective of whether man or woman, inestimable rationality, unique physicality and sociability, fated to play and accomplish certain roles in the organization of life and society. One would think that, beside culture, feminine physiology and physique, nature and some determinate condition so mark women out in such a definite way that her associated roles inevitably and inextricably put her in natural shackles; but with contemporary realities, such shackles are being resisted, and, in certain respect, have been successfully destroyed.

There is a difference between working for women's emancipation and feminism. While the former refers to mere sensitization of the woman to be alive to her responsibility and take up her role in social engineering, the latter activity focuses on the pursuit to the removal of discriminatory practices, "woman's right to education, professional training, her equal right to equal pay for work as equal value, her right to vote and be voted for at all elections, as well as a woman's right to practice prostitution and lesbianism" (Tsikarta, 1997). So approaches to the concept differ from place to place, and person to person. Some define it "as an object of concern, that is as women" which implies that any one fighting for women's rights is a feminist; or "as a set of ideas about women" (Tsikarta, 1997). It is broadly conceived as an organized political movement or as a variety of conceptions of the relations between men and women in society, the origins of these relations and how they can be changed for the better.

Importantly, the idea of feminism and then struggle for gender equality is a modern one and very recent on the African continent. The emphasis on human rights, need for population control, and the growing concern about inclusion of women in civil and political activity, amidst growing awareness, rise in women education and awareness, widespread support and backings (the UN backed Conference on women in 1985 and the African Charter on human and people's rights) and the very tenets of liberalism and democracy, have all ignited the interests in the enforcement of man-woman equality. These could be summarized as follows: that men and women are equally rational as humans; the existing

relations between the sexes, in which women are subordinated to men, are unsatisfactory and therefore ought to be changed; and that the existing distinctions between the sexes are not only arbitrary but also socially/humanly and culturally contrived, and therefore should be abrogated. The more general point is that everyone, anyone ought to have the opportunity to actualize or fulfill his or her potential.

Towards realizing human potentials, is here referred to as affirmative action, i.e. the struggle for redressing the anomalies in the manner in which a state treats her citizens: as fairly or unfairly, the value of equality/equal opportunity or equal results. Nagel (1990) points out that

...to special efforts to ensure equal opportunity for members or groups that had been subject to discrimination...including public advertisement of positions to be filled, active recruitment of qualified applicants from the formerly excluded groups...drawing close attention to procedures of appointment, and sometimes to the results...with some degree of definite preference for members of these groups in determining access to positions from which they were formerly excluded...usually involves the selection of women or minority member over other candidates who are better qualified for the position (245-251).

Following Nagel, affirmative action could be taken by individuals, group or state: one, to ensure equality of opportunity; are measures taken so that all citizens “(whatever their race, color, sex...) will be given the chance to compete with others on equal terms; *and* each is to be given his or her place at the starting line without advantage or disadvantage;” and two, in contrast, affirmative action also means that “those who participate will arrive at the finish line in prearranged places—places allocated by race or sex (gender)” (Reynolds, 1990). It is this policy of preference that arouses controversy.

Unfortunately in Nigeria, for instance, reflections of gender sensitivity abound in official policy in some segments of societal apparatus such as political party. For example, the constitution of the People’s Democratic Party in Nigeria reserves 30% of all official elective positions/appointments for women. Elsewhere around the world (G20, for instance), leaders debate “equality for women.” Such is the trajectory of affirmative action for women public participation. The emerging woman’s status and dignity could find theoretical backing in Peschke’s claim that the “...sturdy of the nature of beings...moreover gives insights into the rights they can claim (and naturally also into the correlating duties they have). Thus women have the same rights as men, not primarily because this will produce good consequences, but because both possess the same nature”. Being so supportive of women’s rights, it must be added that

“cumulative justice demands equivalence between service and remuneration. And analysis of the finalities and purposes of things permits conclusions as to their inherent needs and purposes. If these inherent needs and purposes are disregarded, the consequences would indeed be damaging and fatal for public order (Peschke, 1986, 162).

However, any woman is not valued without stress on beauty but on strong features and high intelligence amid seriousness; having a sturdy figure and ample waist, broad hips and sturdy wrists; strong hands, solid sturdy limbs and ankles with good-sized feet. But socially, a woman could be valued with highly delicate and beautiful features (even without deep intellect, slim ankles, and tiny feet); vivaciousness and slim figure; tiny waist on small hips; dainty wrists and hands; and slender, soft, and taming lips (Cuber, 1968, p. 182). In fact, women have every reason to be free and bathed in rights. Unfortunately, by their hitherto commitment to the struggle for equality with men, no woman has ever appreciated those values, natural freedoms, and their social potency/capability; if they do, if any does, then they/she would have a chauvinistic (prejudiced) attitude towards men. This is because, if suddenly or magically men were to have those natures and freedoms while women do not, those natures and freedoms would become human resort views and features protected by the law and socially celebrated; feminine sexuality would be supreme! (Asekhauno, 2015).

It could therefore be plausible to claim that gender sensitivism and Affirmative Action is prejudicial and is against public order. Even though male chauvinism has had no agitation/expression as has feminism over the years, gender sensitivism may not be restricted to feminism. Feminism may be defensible and right; but its gender-based agitation leading to affirmative action in quest for equal results may not. This later sense is because it is predicated on some false premises/phantoms I pointed out in the introductory quote—the myth that men and women are equal). Apparently, there are many physical, social, psychological, and even genetic conditions which place men and women in respective statuses. The more obvious are: sexuality and its consequent issues/roles, emotional susceptibility or stability, and nutritive complexities.

Recommendations and Conclusion

There is a difference between working for women’s emancipation and feminism. While the former refers to mere sensitization of the woman to be alive to her responsibility and take up her role in social engineering, the latter activity pursuant to the removal of discriminatory practices, “woman’s right to education, professional training, her equal right to equal pay for work of equal value, her

right to vote and be voted for at all elections, as well as a woman's right to practice prostitution and lesbianism" (Tsikarta, 1997). So, approaches to the concept differ from place to place, person to person. Some define it "as an object of concern, that is as women" which implies that any one fighting for women's rights is a feminist; or as a set of ideas about women. It is broadly conceived as an organized political movement or as a variety of conceptions of the relations between men and women in society, the origins of these relations and how they can change for the better.

Importantly, the idea of feminism and struggle for gender equality is a modern one. It emerged in the West in the 60s and 70s), and very recent on the African continent (Acholonu, 1995). This has followed series of developments around the world, including emphasis on human rights, need for population control, and the growing concern with inclusion of women in civil and political activity, amidst growing awareness, rise in women education (and therefore rationality), widespread statutory backings (the UN backed Conference on women in 1985 and the African Charter on human and people's rights) and the very tenets of liberalism and democracy, etc, have all ignited interests in the enforcement of man-woman equality. So struggle for gender equality has ever since been on the rise.

The issue about gender centers on of freedom and equality—capacity to participate within natural limit for public good. Let us imagine a paradigm, to illustrate that two things, A and B, are being allocated to two individuals, C and D in a way that A is given to C, and B to D. Whether justice is done depends on how A's being given to C compares with B's being given to D; it involves a proportion in which A is to B as C is to D. That being so, justice is comparative, in which case it demands that if C and D are dissimilar, then A and B must be dissimilar. Yet, on ontological consideration, a woman's condition, contrary to De Beauvoir's view, is not "in-itself". If we go by Beauvoir's conceptualization or woman as "for-itself", it follows that either that women are undefined and thus unlimited by any essential nature, or as passive object, waiting for some imposition of meaning by some subject. A woman is determined by the manner in which her body (nature) is and relative to the world (culture) and until a change is brought about (which obviously is impossible) no simple change in women's attitude can guarantee their liberty. And unfortunately or otherwise for Beauvoir, developments in contemporary art-world and general entertainment indicate a show of aesthetics replete with feminine nude motion-pictures/scenes, roles, and other performances depicting women's willingness and complacency. Many a woman herself (often) proclaims: 'treat me like a

lady’! Without regard for decency, women, in their passions, have preferred to become mere brutes and men’s toys! Her conviction is internalized and advertised; it is enhanced/globalized by the social media platform. In this way, women are aware of their freedom, cravings and responsibility, but are in favor of being reduced to an *Order* for other *subjects* (including animals); otherwise, it ultimately leads to ‘inauthentic existence’.

Fortunately for the feminists, expressions of the convictions have found their way into governmental policy statements and statutes. For instance, in Nigeria, a major political group, the Peoples’ Democratic Party (PDP) has 35% party positions reserved for women. Yet, Wiredu (1997, p. 3) points out that “any human arrangement is authoritarian if it entails any person being made to do or suffer something against his or her will”. There are potential and real implications of both the anatomical and socio-political implications conscious or deliberate strides to “equate” women with men in social participation as if men deliberately subjugated women in the first place. Rather, humanity has morphed to appreciate the insuperability of freedom; any attempt to slow-down any of its parts purportedly to “lift” another (against its natural pace) is antithetical to that trajectory. Accordingly, this paper believes that affirmative action for women participation is yet another prejudice in recrudescence, antithetical to vaunted freedom and equality heralded by liberalism.

Moreover, strong affirmative action may lead to administrative inefficiency. Placing one sex over and above another sex more qualified leads to lowering standards/quality which warrants undesirable output and hindering individual and national development. Therefore, preference theory amounts to unfairness—as against *libertarian* and *welfare liberal* justice, since those who lose out do not benefit from their good fortune. Hence this paper concludes that psychologically, strong affirmative action breeds low self-esteem once one acknowledges one’s unfair/selective starting point such that the savor of success would not then be complete.

However, it is suggested that gender sensitivists to lobby government/Congress to fund a *National Institute of Dysmenorrheal* (NID), to help stamp out monthly discomforts. In fact, sanitary supplies should be federally funded. Towards this end, a *Department of Dysmenorrheal Services* (DDS) should be set up under the Ministry of Women Affairs/Health with two branch offices/stores each in every Local Government Council (L.G.C). Health Care and physical/sport shop/centers be set in every high school throughout the federation (SDDS). It might, in fact, be encouraging that female state workers should mark days-off duty during menstruation!

Plausibly, affirmative action for women's socio-political relevance is predicated on freedom for women; then they should be free indeed. It follows that they are free from the bondage of men's unnatural dominance; free from the seemingly inhibiting or limiting feminine delicate physicality vis-à-vis masculinity; free from debilitating emotional depth that hitherto plunge her into superficiality rather than temperance and brevity; free from discriminations and all socio-cultural shackles—in education, politics and governance, religious, sports, and social security services; and free from being flown from where they ought to be to where aren't.

Yet all these freedoms threaten the extant traditional and cultural perception and placement of women. A woman is believed to have been borne out of the *excess* of man, as a helper. So even from creation, a woman is believed to be inferior to man, hence the name woman. If this creationism is true, she then cannot be head of what she was extracted, for it is said that a tree cannot be greater than its planter (just as man can be greater than neither his creator, nor the earth from which he was made). Moreover, in the Qur'an (4:34), it is written that "Men are superior to women on account of the qualities with which God hath gifted the one above the other" (Ukaga, 2003). This approach is theological, meaning that man's superiority to woman is divine, metaphysical-base and deterministic. Family roles are differentiated by sex and there is a very clear cut sex-base division of labor. As also found in the major religions and cultures of the world, such as Christianity, Islam, and the Oriental, domestic roles are ascribed to women—for example, cooking. Seen as a woman, a female is expected to be the keeper of the home while a male strives to provide for the family. In this case, she is domesticated. This also implies that she would not be trained formally, thus she is unexposed, loss of touch with civilization and newer and changing methods. The woman in traditional Africa has limited but guided aspiration. Because she is domesticated and dependent, she is subservient. And since culture stamps this, she has little or no channel open for redress. Affirmative action, in whatever guise, tends to contravene those values, thereby threatening the age-long public order and peace which is ingrained and has endured in traditional Africa.

Hence it is suggested that every citizen ought to be engaged in public service according to her capacity and fitting. The state must ensure social, legal, political equality as well as equality of opportunity for its members; it must protect the rights of one being trampled upon by another's; must as far possible provide equally the conditions under which its members can by their own efforts achieve the best lives of which they are capable, not suppressing one sex for

another sex—doing that is *contra natura* and against the ideals of equality, freedom, justice and public order.

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