

**GENDER DISCRIMINATIONS AS REFLECTED IN THE FILM *ON THE BASIS OF SEX***

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**ABSTRACT**

This journal intends to evaluate Ruth Bader Ginsburg, the major female character in the film *On The Basis of Sex* (2018), who encounters gender prejudice in her daily life. The story is based on the true story of Ruth Bader Ginsburg, who experienced prejudice and stereotype in America about 1950s. This article would like to explore reflections of gender discriminations in the film *On The Basis Of Sex*. To study the subject, gender discrimination theory by Cassie Damewood is used by employing qualitative method. *On The Basis Of Sex* discusses societal beliefs and gender stereotypes that still exist today. Ruth Ginsburg is a successful woman who successfully overcame traditional gender norms and achieved gender equality, which significantly altered her life and society. She struggles to fulfill her dream of becoming a lawyer. She experienced injustice because of her gender. Ruth reflects liberal feminism when she champions equality on education, work, and justice. The conclusion of this study is any gender discrimination should never stop women to fight for equality and to find any uniqueness for them to move forward.

**Keywords:** *Cassie Damewood, feminism, gender discrimination, On The Basis of Sex*

## **A. INTRODUCTION**

Gender equality is a concept developed in connection with two fundamental international instruments in the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women. Both of them indicate matter of being free and equal for all human beings including men and women (Apriliandra & Krisnani, 2021; Damewood, 2010) . The idea also refers to situations in which no person is denied or deprived of access to these rights on the basis of their gender. However, there is still sexism in everyday life. Sexism is the unfair treatment or disadvantage of people because of their gender especially resulting to gender inequality or gender discrimination against women (Apriliandra & Krisnani, 2021; Muchtar & Nurizzati, 2023).

The view that a woman should be at home and a man earns a living outside is still embedded in the minds of society. Taking care of the household and children is not entirely the responsibility of a woman or wife but the responsibility of both husband and wife. Gender discrimination even occurs in most large countries, for example in America. In the 1950s, the image of American women was heavily influenced by popular culture (Damewood, 2010; Eisenhower, 1980). An ideal suburban housewife who does housework and childcare appeared in many women's magazines, movies, and television programs. Most women who entered the labor market during World War II returned to their homes and families in the years that followed, but the trend began to reverse in the 1950s as number of women in local and federal services has increased (Damewood, 2010; Eisenhower, 1980).

This paper discusses the main character who was discriminated *On the Basis of Sex*, a movie released on 2018. This story depicts the main female character named Ruth seen as a housewife who struggles to fight against the injustice of her gender. The movie shows the declining status of women in the workplace, especially in the legal profession (Leder, 2018). Ruth could not get a law job only because she was a woman. There were a large number of acts of discrimination that Ruth experienced. One of them are when she attended Harvard Law School and were underestimated by men. Another example is when she was applying for a job at a law firm but was rejected because she was not a male lawyer (Leder, 2018). She was repeatedly rejected because of his gender even though her skills were outstanding in that field of law. This article focuses on understanding of gender discrimination in the film *On The Basis of Sex*. The main point is experience of Ruth Ginsburg in her environment. Ruth fought for her rights in three areas, namely education, work, and justice. Though she must face abundant discriminations, she was successful to overcome any of those obstacles. It brings in idea that any discrimination will never totally hinder women beings to move forward (FindLaw's Team, 2017; Koalisi Perempuan Indonesia, 2018).

## **B. METHOD**

This study uses qualitative method by applying Cassie Damewood's concept of sexism through referring to the practice of granting or denying rights or privileges to individuals based on gender. The steps of research are done through watching the movies, reading the theories and concepts, comparing the film and

the theories, and writing them down in the article alongside with its references. The main data is taken from dialogues in the film of *On The Basis of Sex*, while the theories and concepts are mostly derived from online and offline sources such as books and journals.

### C. FINDINGS AND DISCUSSIONS

#### Ruth Bader Ginsburg's Experience on Gender Discrimination

Definitely, talking about American women could not be separated from feminism that seeks to improve the status of women in society. The movement was triggered by the perception that the position of women in society is not equal to that of men (Apriliandra & Krisnani, 2021; Retpitasari & Amaludin, 2023). Women and girls are most vulnerable to sexism. Low wages for women and girls also mean they are exposed to widespread levels of violence and harassment. Gender equality is essential to address the injustices faced by women and benefit society as a whole (Apriliandra & Krisnani, 2021; Retpitasari & Amaludin, 2023). Therefore, improving gender equality will boost economic growth and create much-needed jobs.

The film *On the Basis of Sex* begins with the story of Ruth Bader Ginsburg in 1956 (Leder, 2018). To be precise, the setting of the film is when she was a student at Harvard University. Ruth was listed as one of the first nine women to enter Harvard Law School. The year of 1956 was the sixth year that this well-known campus opened its doors for women to study there. For recent situation, it may feel strange for well-known university to just open education based on gender. However, even so, that is the picture that happened in America at that time. Many universities only allow men to study there, including Harvard Law School (Damewood, 2010; Leder, 2018). The school is very prestigious but dominated by men. The idea is seen in the quotation below:

[06:43 – 06:48]

*Professor in Harvard Law: "Why you are occupying a place at Harvard that could have gone to a man."* (Leder, 2018)

Then, when Ruth told the reason why she chose Harvard Law, everyone laughed to Ruth's reason. People think that even Ruth could never stay away from matter of woman's place in domestic works. The quotation is stated here;

[08:12 – 08:22]

*Ruth: My husband Marty is in the second year class. I'm at Harvard to learn more about his work, so I can be more patient and understanding wife.*

*Everyone: Hahaha (Laugh)* (Leder, 2018)

*On the Basis of Sex* clearly shows how racial and gender discrimination occurred in America at that time. For example, during college, it was difficult for Ruth to be actively involved in class because she was ignored by her lecturers. Most of them were reluctant to give a chance to a female student to express her thoughts. When first day class started, there was a discuss about Hawkins versus McGee case. Professor Brown asked students to state the case. He looked Ruth

raising her hand first but Professor Brown chose to skip her. It is seen in the dialogue below;

*[10:26 – 11:01]*

*(Professor Brown sees all name of students)*

*Professor Brown: Can someone help him, please?*

*Ruth: (Raise hands)*

*Professor Brown skips Ruth and chooses someone behind Ruth to answer.*

*Professor Brown: Mr. Fitzpatrick. (Leder, 2018)*

Ruth repeatedly got gender discrimination from her colleagues. One time, everyone laughed at her statement when Ruth got her turn to deny other's idea. the mockery is seen below;

*[11:41 – 11:52]*

*Ruth: McGee grafted skin from Hawkin's chest. Not only did this fail to fix the scarring, he had chest hair growing on his palm.*

*Mr. Fitzpatrick: Proving that a hand with a burn is worth two with a bush.*

*(Everyone laughs at class) (Leder, 2018)*

Unfortunately, not only the students were seen laughing at Ruth's statement, Professor Brown was also laughing at Ruth's statement. Both lecturers and the students got together to undermine Ruth's idea. It is seen below;

*[12:00 – 12:25]*

*Ruth: Hawkins was denied damages for pain and suffering. The New Hampshire Supreme Court ruled he was entitled to damages only based on the contract being fulfilled. So, if dr. McGee had set realistic expectations instead of making grand promises, Hawkins' award likely would have been less.*

*Professor Brown: Was that an answer, Mrs. Ginsburg or a filibuster? (Laugh)*

*Everyone: (Laugh) (Leder, 2018)*

Days passed by and one day Marty was diagnosed with testicular cancer. Ruth asked permission to the Dean to transfer herself to Cambridge University because Martin needed to do therapy in there. However, the permission is made to be complicated by Professor Dean Griswold. Interestingly, Ruth could give a reasonable point as she is the smartest one in her class. The dialogue below did not only show gender discrimination, but also Ruth's firm statements to hold her own position;

*[23:51 – 25:22]*

*Professor Dean Griswold: You want a Harvard law degree, though you plan to finish your coursework at Columbia? You would do well, Mrs. Ginsburg, to remember how fortunate you are to be here.*

*Ruth: Dean Griswold, between the first and third year of law school which is the more substantive, the more critical?*

*Professor Dean Griswold: The first, of course.*

*Ruth: Yet when someone transfers in as a second year student, having taken those more important classes elsewhere, he's allowed degree.*

*Professor Dean Griswold: That's irrelevant*

*Ruth: I've been here two years. I'm first in my class.*

*Professor Dean Griswold: There is no reason your husband cannot provide for you while you and the child remain in Cambridge.*

*Ruth: Last year John Sumner was allowed to finish his coursework at Baltimore, three years ago, Roy Paxton ...*

*Professor Dean Griswold: Very different cases.*

*Ruth: How are they different?*

*Professor Dean Griswold: Mrs. Ginsburg you have no compelling need to transfer*

*Ruth: Marty could relapse. He beat the odds, but the doctors say it could happen at any time. Dean Griswold, this is my family.*

*Professor Dean Griswold: Nonetheless, we each have our responsibilities, and mine is to protect the distinction of a Harvard law degree. I can't force you to stay but I won't reward you for leaving, either. (Leder, 2018)*

In addition, when looking for work, Ruth Bader Ginsburg, who is of Jewish descent, is also often harassed. Starting from her being asked about time for her next children to why a Jewish girl like her dared to apply for a job there. All the questions are not really important since those have nothing to do with academic abilities. The dialogues are down below;

*[27:00 – 28:48]*

*The Firm: How many have you been to? They all turned you down, right? How many? Maybe ten?*

*Ruth: Twelve.*

*The Firm: A woman, a mother and a Jew to boot. I'm surprised that many let you through the door. One sent me to interview for the secretarial pool. Another told me I'd be too busy at bake sales to be effective. One partner closes his clients in the locker room at his club, so he said I'd be out of the loop. Last week, I was told women are too emotional to be lawyers. Then that same afternoon, that a woman graduating top of her class must be a real ballbuster and wouldn't make a good colleague. I was asked when I'd have my next baby. And whether I keep Shabbat. One interviewer told me I had a sterling resume, but they hired a woman last year, and what in the world would they want with two of us?*

*The Firm: You must be livid*

*Ruth: Well, my mother told me not to give way to emotions.*

*The Firm: Bullshit. You're angry. Good. Use it. I have to say Mrs. Ginsburg, I'm very impressed.*

*Ruth: Mr. Greene, I want to be a lawyer. I want to represent clients before the court in pursuit of justice. You can see I worked hard through school. I did everything I*

*was supposed to, and I excelled. I swear it, I'll do the same for you.*

*The Firm: The fact is that you know, we're a close-knit firm, almost like family, and the wives, they get jealous.*  
(Leder, 2018)

Even so, fortunately, these obstacles did not make Ruth to give up. She continued to attend college until she graduated from law school. Moreover, her husband is also supportive to her. Martin Ginsburg is indeed the ideal male figure and he, who is a lawyer in the field of tax law, is very proud of Ruth. Because, besides being beautiful, the wife is also smart. Without Martin's support, as a husband, perhaps, Ruth would have found it difficult to finish law school. Because, apart from going to college, she also has to take care of her child, Jane who was still a baby at that time.

Long story short, after graduating from college, Ruth became a lawyer. However, she did not immediately go to work in a law firm. Because of abundant discriminations as her main obstacles to go on, Ruth decided to teach at law school. In law school, her ambitions to become a lawyer is still burning. One time, she had a discussion with her students about a law case of sex discrimination and the law. The case is Hoyt versus Florida about being cheated and murder. A jury convicted Hoyt of second-degree murder as indicated in dialogues below;

[33:51 – 34:54]

*Ruth: A great civil rights lawyer took up Hoyt's appeal.*  
*Dorothy Kenyon*

*Female Student: The Florida's juries violated the U.S. Constitution, cause there were only men on them. Kenyon said that if there were women on it, Hoyt may have been convicted of a lesser crime, like manslaughter.*

*Male students: That law makes sense, though. Women can't take care of their kids if they're on some sequestered jury.*

*Female Student: What about women who don't have children? Or they are out of the house? Let the man stay home and take care of his children.*

*Ruth: She's got two jobs which she can be fired from just for marrying you. The law allows it. There are laws that say women can't work overtime and that a woman's social security benefits, unlike her husband's don't provide for her family after death.* (Leder, 2018)

[34:58 – 35:19]

*Ruth: Ten years ago, Dorothy Kenyon asked a Question if the law differentiates on the basis of sex, then how will women and men ever become equals? And the supreme court answered They won't Hoyt lost her appeal. The decision was unanimous. Discrimination on the basis of sex is Legal.* (Leder, 2018)

In 1970, her own daughter, Jane, who at that time was already a teenager, criticized Ruth. According to Jane, who is very liberal, changes must be made with real action, not by teaching in the classroom. It seems that Ruth has succeeded to raise such a bright girl. The utterance of Jane is seen below;

[37:25 – 37:36]

*Jane: If you want to sit around with your students and talk about how shitty it is to be a girl, but don't pretend it's a movement if everyone's just sitting. That's a support group.*  
(Leder, 2018)

The criticism from her daughter immediately woke Ruth up that finally made up her mind to fight in the legal field. Ruth began to act, especially to make real changes to the legal system in America. She wanted to struggle against what she considered very discriminatory. She started with Charles Moritz's case in which the IRS denied a petitioner a tax deduction to hire nurse to take care of an invalid mother because the petitioner is a man. The case made it case of sex discrimination against a man. The idea is listed below;

[41:50 – 42:25]

*Ruth: Marty...*

*Ruth: Section 214 of the tax code assumes a caregiver has to be a woman. This is sex based discrimination against a man.*

*Marty: Poor guy*

*Ruth: If a federal court ruled that this law is unconstitutional, then it could become the precedent others refer to and build on. Men and women both it could topple the whole damn system of discrimination.* (Leder, 2018)

Ruth started her case by collecting some evidences and American laws and regulations that contained stereotypes. She also looked for an article that could harm one party between women and men. She started his action by asking his friend Mel for help, but apparently, Mel did not welcome her struggle in good voices. The dialogues between Mel and Ruth are involved below;

[45:23 – 46:11]

*Mel: You think the judges are gonna be sympathetic just 'cause they all have prostates? Men and women all eat at the same lunch counters, they drink at the same water fountains, they go to the same schools...*

*Ruth: Women can't attend Dartmouth. Men can't go to Smith. Women police officers can't patrol New York City streets. We have to get credit cards in our husbands' names.*

*Mel: You're not a minority. You're 51% of the population! And it's been tried. Muller, Goesaert. Uh... what's the other one? The one with the woman with the baseball bat.*

*Ruth: Gwendolyn Hoyt.*

*Mel: Gwendolyn Hoyt. Exactly.*

*Ruth: Yeah, and morally, they were right.*

*Mel: Yet they lost. Ruth... morality does not win the day. Look around you. Dorothy Kenyon could not get women*

*equality by arguing a case with sex, murder and prison time on the line. You and Marty think you're gonna do it with this guy and his taxes?* (Leder, 2018)

Ruth tried to contact Charles Moritz to talk about his case. After they met and communicated everything, Ruth was even more convinced that the law was wrong because the law was written as;

*"The 14th Amendment to the United States Constitution says all people must be treated equally under the law."* (Leder, 2018)

Knowing the Amendment as the peak of American Law, Ruth wanted to convince the federal courts and showed that those opposite laws below the Amendment are unconstitutional.

Ruth did not just give up on trying the case and of course Marty supported Ruth's actions. He convinced his boss to take this case even though at first Marty's superior strongly refused the case. Marty's boss reminded him that the case will not be won. However, Marty kept insisting that they would win this. In the end, Marty's boss agreed to get involved in the case. The dialogues are below;

[52:00 – 52:53]

*Boss Marty: I've invested a lot of my own reputation to building up your career and now you're on track to be the youngest partner in the history of the firm. And you want to risk that for some cockamamie case?*

*Marty: Tom, I'm contractually obligated to ask to take outside work and I'm asking, but...*

*Boss Marty: Okay, for God sakes, you're traipsing into this for what? So your wife can feel like a real lawyer?*

*Marty: She is a real lawyer, Tom.*

*Boss Marty: You want to support Ruth, tell her the truth.*

*Marty: Which is?*

*Boss Marty: The case is unwinnable. Congress can write whatever taxes it wants. That's not open to constitutional attack.*

*Marty: Or maybe you just say that because no one's been able to successfully do it before.*

*Boss Marty: Oh, Marty. Fine. Try, but... when you lose and you embarrass our firm, just be ready for your career to come crashing back to earth.*

*Marty: Okay, noted, noted. And thank you, Tom. Thank you. Thank you.*

*Boss Marty: Yeah, yeah, yeah.* (Leder, 2018)

After all parties agreed, an appeal was filed and the court accepted the appeal. The opposing party was also heard and began to prepare arguments against Ruth's case, but again Ruth was underestimated as if she could not win the case. Those are indicated below;



[1:08:52 – 1:11:22]

*Mr. Brown: Where did these people go to law school? You can't make a constitutional challenge to the tax laws, can you? And who's ever heard of gender discrimination? It's a stretch.*

*Bozarth: These folks are running at hell with a bucket of water.*

*Mr. Brown: Case law is filled with challenges that could not be made... till they were. I'm putting Murphy on writing our response brief.*

*Bozarth: With due respect, Mr. Brown...*

*Mr. Brown: Not personal, Bozarth.*

*Mr. Brown: But if we're not careful, this appeal could cast a... cloud of unconstitutionality over every federal law that differentiates between men and women. I need someone more seasoned on this. Could you get me the solicitor general, please?*

*Bozarth: I pulled the file. I deserve the chance. Murphy's a weak sister. I know how to win this case, sir. Better than Murphy. Better than anyone. You need me on this appeal.*

*Mr. Brown: This is Brown. I need to see him. Okay. Tell me.*

*Mr. Greene: Gender equality as a civil right? When everyone's aggrieved and everyone's a victim. It's what the ACLU does: divide the country into smaller and smaller subgroups. Ginsburg. Cancer, right?*

*Mr. Brown: Mm-hmm.*

*Mr. Greene: And the wife, very demanding. But smart. Ten years. Ten years I fought to enroll women at Harvard Law. The faculty, the university, my wife warned me against it. Now I'm solicitor general, it comes back to haunt me.*

*Mr. Brown: Erwin, we could settle. Martin Ginsburg was one of my best students, a practical young man... we can call him, tell him we'll give the man his money and go our separate ways.*

*Mr. Greene: No. No. We settle now, it's open season. Let's put this idea of gender discrimination to bed once and for all. They handed us a winnable case. Then we'll win it. You think he's up to it?*

*Mr. Brown: Oh, Mr. Bozarth is a fine litigator. Tell him your idea.*

*Bozarth: We list the laws.*

*Mr. Greene: What laws?*

*Bozarth: All of them. Every federal law that treats men and women differently. We show the court exactly what kind of can of worms these folks are trying to open.*

*Mr. Greene: But, son, the last anyone checked, the U.S. Code was 20,000 pages long. Who's going to read it? You?*

*Bozarth: I can get it done, sir. I just need an introduction.*

*Mr. Greene: To whom?*

*Bozarth: The Secretary of Defense. (Leder, 2018)*

Again, Ruth was being underestimated by Mel. If she did not win the case then it would only embarrass herself. Then, Mel accepted the offer from the court without asking Ruth first. It became conflict between them as listed below;

*[1:23:44 – 1:26:05]*

*Mel: What a schmuck.*

*Ruth: Let me argue Reed in court.*

*Mel: Oh, give me a break.*

*Ruth: I have no less experience than Allen Derr in federal court.*

*Mel: You have zero experience.*

*Ruth: If you're gonna use my arguments...*

*Mel: He's been Sally Reed's lawyer for three years; she trusts him. She wouldn't even let me argue the case. Now, listen to me for a second... we have someone else to discuss. Ernie Brown called this morning. In light of Reed going to the Supreme Court, the government wants to settle the Moritz case for a dollar.*

*Ruth: Reed ups the profile of our case. Th-They're getting nervous.*

*Mel: I told them you'd be in D.C. on Monday to sign the paperwork.*

*Ruth: Why would you say that? Charlie won't want to settle.*

*Mel: Well, convince him.*

*Ruth: I will not. First, you took half the argument away from me...*

*Mel: Nobody took anything away from you, Ruth. You weren't robbed in the middle of the night. All right? I was giving you this opportunity for the good of the cause.*

*Ruth: You think you gave this to me?*

*Mel: In fact, I did. And get your emotions in check.*

*Ruth: You first.*

*Mel: Allen is gonna be arguing in the Supreme Court that times have changed. We can't afford the Tenth Circuit saying that they haven't.*

*Ruth: Nothing would strengthen the argument more than the appeals court deciding for Charlie.*

*Mel: Yes, that would be very nice, but here in the real world, with working lawyers...*

*Ruth: You think I can't be persuasive?*

*Mel: Oh, I've never been more certain about anything in my life, Ruth.*

*Ruth: You don't get to tell me when to quit.*

*Mel: You couldn't even make it through moot court without embarrassing yourself. You will lose, Ruth. And when you do, you will set the women's movement back ten years. More. We are dodging a bullet here. Are you the only one that can't see that?*

*Mel: These are Allen's briefs from the previous appeals. Tie them into the framework of the Moritz brief. I'll review it when you're done. It's a Supreme Court brief. I can assign it to someone else if that's what you'd prefer.*

*Mel: Oh, and-and, Ruth. Uh, the sooner you call Charlie, the better. (Leder, 2018)*

*[1.27.45 – 1.27.51]*

*Jane: Daddy told me about the case. Why is Mel Wulf being such a dick?*

*Ruth: He thinks I'm gonna lose. (Leder, 2018)*

Ruth met Ernie Brown to discuss the Charlie Moritz's case agreement. However, Ruth put forward several conditions in which the opposing party objected to accepting these terms. So both parties took this case to court and will meet in court as indicated below;

*[1:38:15 – 1:40:13]*

*Ruth: Your Honors, and may it please the court. Section 214 denies Mr. Moritz a caregiver tax deduction available to similarly situated women...*

*Judge: Yes, yes, we've...*

*we've been through all that. (CHUCKLES) Uh, Mrs. Ginsburg, you are aware that the government has three coequal branches? Mrs. Ginsburg?*

*Ruth: Yes, of course, Your Honor.*

*Judge: And that it is the Congress's role to write law?*

*Ruth: Your Honor, I understand how government works.*

*People in court: (people being chuckles and laugh to Ruth)*

*Judge: Well, uh, sometimes a law, even a good law, even a law that is legal under the Constitution, may not be good for every individual it affects.*

*Judge: I have a question. If I understand correctly, you're concerned about men and women being pigeonholed into certain roles based on gender.*

*Ruth: Yes, that's correct. Because...*

*Judge: Excuse me. Uh, that wasn't my question. It strikes me that the caregiver deduction does the opposite. It helps*

women be able to work outside the home. Isn't that a good thing?

Ruth: But the law assumes it must be the woman who is supposed to be at home in the first place.

Judge Holloway: Well, that is the case in every family I know.

Judge Doyle: So it's the assumption, that's the problem.

Judge: Then when can a law differentiate on the basis of sex? Never?

Ruth: When the classification rationally relates to the law.

Judge Holloway: Keeping women out of combat, for example.

Ruth: I'm not sure whether I agree with that example...

Judge: Oh, so you think women belong on the front lines now, too?

Ruth: No, that's not what... Gender, like race, is a biological, unalterable trait. There is nothing that women are inherently better at than men, nor vice versa.

Judge Holloway: Growing a beard?

People in court: (LAUGHTER)

Ruth: Well, that's...

Judge: Lactation.

People in court: (LAUGHTER)

Ruth: No thinking person could possibly imagine that Charles Moritz's gender relates to his ability... (Leder, 2018)

The dialogue above shows that Ruth was a little under pressure from Judge. Some of the judges laughed at Ruth and made jokes of her, including the people in court. It made Ruth a bit chaotic. The court was still running with a little tension. Until in the end, Mr. Bozarth conveyed his statement as if it were a lawyer from Mr. Charles Moritz (Ruth), used his case for her own ends. Bozarth's accusation is listed below;

[1:43:30 – 1:43:44]

Mr. Bozarth: Personally, I don't believe that. I believe that Charles Moritz is a victim. Not of his government, but of the lawyer who have used his case to achieve their own ends. Radical social change. (Leder, 2018)

Tirelessly, Ruth struggled to open people's minds especially about how dangerous discrimination on the basis of sex is. Until finally an opportunity came for Ruth to present her statement and to convince the judges that discrimination against gender had a major impact on future generations. The Ruth's firm and magnificent ideas are included below;

[1:44:55 – 1:50:48]

Ruth: "Radical social change." When I was in law school, there was no women's bathroom.

*Everyone: (LAUGHTER)*

*Ruth: It's amazing to me now that we never complained. Not because we were timid; we were just astounded to be in law school at all. A hundred years ago, Myra Bradwell wanted to be a lawyer. She had fulfilled the requirements for the Illinois bar, but she wasn't allowed to practice because she was a woman. An injustice she asked the Supreme Court to correct. Illinois was so confident of victory, they didn't even send a lawyer to argue their side. They were right. She lost. That was the first time someone went to court to challenge his or her prescribed gender role. A hundred years ago.*

*Ruth: "Radical... social... change." 65 years ago, when women in Oregon wanted to work overtime and make more money, as men could, the court looked to the precedent in Bradwell and said no. So then there were two precedents. Then three, then four, and on and on, and you can draw a direct line from Myra Bradwell to Gwendolyn Hoyt, told ten years ago she was not entitled to a jury of her peers.*

*Ruth: That is the legacy the government asks you to uphold today. You are being urged to protect the culture and traditions and morality of an America that no longer exists. A generation ago, my students would have been arrested for indecency for wearing the clothes that they do.*

*Everyone in Court: (LAUGHTER)*

*Ruth: 65 years ago, it would have been unimaginable that my daughter would aspire to a career. And a hundred years ago... I would not have the right to stand before you. There are 178 laws that differentiate on the basis of sex. Count them. The government did the favor of compiling them for you. And while you're at it... I urge you to read them. They're obstacles to our children's aspirations.*

*Judge Doyle: You're asking us to overturn nearly a century of precedent.*

*Ruth: I'm asking you to set a new precedent, as courts have done before when the law is outdated.*

*Judge Doyle: But in those cases, the courts had a clear constitutional handle. The word "woman" does not appear even once in the U.S. Constitution.*

*Ruth: Nor does the word "freedom," Your Honor.*

*Judge Holloway: Go on, ... Professor Ginsburg.*

*Ruth: The principal purpose of Section 214 is not to protect women nor to discriminate against men. It is to provide caregivers the opportunity to work outside the home. Therefore, as the Supreme Court did in *Levy v. Louisiana*, this court should fix the law most in line with the legislative*

*intent. Extend the deduction to never-married men. Help all caregivers equally.*

*Ruth: Charles Moritz was well-raised to be the sort of man we should all hope our sons will become. Charlie deserves our admiration. Not only has he taken on the burden of caring for his very strong-willed mother when no one would expect it of him, but in doing so, he has surpassed the limitations the rest of us and our laws seek to force upon him.*

*Ruth: We're not asking you to change the country. That's already happened without any court's permission. We're asking you to protect the right of the country to change. Our sons and daughters are barred by law from opportunities based on assumptions about their abilities. How will they ever disprove these assumptions if laws like Section 214 are allowed to stand? We all must take these laws on, one by one, for as long as it takes, for their sakes.*

*Ruth: You have the power to set the precedent that will get us started. You can right this wrong. We rest our case on our briefs and argument, and ask... that you reverse the tax court's decision. (Leder, 2018)*

Ruth successfully has won the case and broke old tradition. At the same time, she became a role model for women, especially for those who are studying in the field of law. Ruth's extraordinary career achievements, up to becoming a Supreme Court Justice, is clear evidence that, like women in general, a feminist is also capable of being a good wife and mother to her children (Leder, 2018). It would be much better too if she is supported by a good husband too who likes to help his wife with household chores.

### **Gender Discrimination Theory and Its Continuance**

Gender discrimination refers to the practice of granting or denying rights or privileges to a person on the basis of their sex (Damewood, 2010; Sugiyanti, 2018). In some societies, this practice has long been common and accepted by both sexes. Some religious groups even accept sexism as part of their teachings. However, in most developed countries it is illegal or generally considered inappropriate (Damewood, 2010; Setiyaningsih, 2022). Sexism against women is a global phenomenon as old as human history. Women's rights are women's freedom and human rights without discrimination. Furthermore, women's rights, sexism, and violence are as old as mankind and are part of many religious and cultural traditions.

In discussions about gender, patriarchy is the main root of the problem for women. In that case, women are placed in second position after men, their status places women as victims of male domination, and that forces them to be discriminated. It is important to see more of patriarchy as a structural phenomenon maintained by individual exploitative humans (Aryani & Putri, 2023; Sugiyanti, 2018; Sylvia, 2001). The concept of patriarchy grew out of women's struggles around the world. This embraces all structures of domination

and exploitation. It affects the position of women in society. Obviously, this system establishes male to dominate and control women in society (Setiyaningsih, 2022; Sylvia, 2001)

Men and women are seen as different, both physically and socially. Physically, they differ in their physical appearance (FindLaw'sTeam, 2017; Syafa & Hamid, 2023; Undiknas, 2022). Women are fatter and less muscular than men. Men are stronger than women. In fact, they are often considered different in social tasks. Women are considered not necessary to have a higher education because in the end they only take care of household chores (Mughtar & Nurizzati, 2023; Setiyaningsih, 2022; Sugiyanti, 2018). Women should not have a higher position than men in the workplace. For this reason, gender equality in all fields is needed to change women's lives and environments.

Gender discrimination is a difference in treatment based on the gender of a person, especially to women. The women will feel very limited in their abilities and potential due to that unequal treatment (Aryani & Putri, 2023; Fahy, 2022; Natasha, 2013). Sexism is inequality in behavior or behavior based on a person's gender. It puts people, especially women, in subordinate roles. They feel very limited in their abilities and opportunities. Discrimination against women ranks lower than discrimination against men in industry, government, and the workplace (Fahy, 2022; Natasha, 2013). For this time, they have to live among stereotypes of being underestimated. The history also showed discrimination since Roman era. According to Roman law, women were objects under the control of men. All women's idea belong to male relativity and women are entitled to fathers and husbands. Women are also not classified as citizens, and punishments for women are given in flogging, crucifixion, and diminishing rights of citizenship (Setiyaningsih, 2022; Sugiyanti, 2018).

Discrimination against women continued after the fall of Rome. In the 18th and early 19<sup>th</sup> centuries, patriarchal ideas colored Europe and America and pushed resistance in the women's movement to come to surface. Women were treated unfairly by the legal controls of society in the name of tradition. Women are not allowed to enter public places or even go out to fulfill civil responsibility such as voting and testifying in court (Fahy, 2022; Setiyaningsih, 2022). It is well-known today that the world is male dominated across cultures. Moreover, male dominance also seems to be pervasive as a legacy from a system dominated by capitalism (FindLaw'sTeam, 2017; Undiknas, 2022). Social levels between men and women make a difference and show sexism and inequality. Gender inequality is a critical issue that requires urgent attention. Gender equality is an important sustainability goal. The term means in the fields of politics, education, economy and society. Women and men should always have equal rights and statuses (Haryadi, 2020; Setiyaningsih, 2022).

One main cause of gender inequality is unequal application of the law. Sexism is a common violation of civil rights that takes many forms, including sexual harassment, discrimination during pregnancy, and unequal pay for women doing the same work as men (Damewood, 2010; FindLaw'sTeam, 2017). Gender equality is not only a fundamental human right, but also a necessary foundation for a peaceful, prosperous and sustainable future. The end of gender equality

means a world where women and men, including girls and boys, could enjoy equal rights, resources, opportunities and protections (Haryadi, 2020; SaveTheChildren, 2023). One main way to eradicate gender discrimination is educating the children and teenagers. Empowering girls from the start has been shown to have lasting and powerful benefits over a lifetime. Abuse, neglect, violence against women, and exploitations reflect and reinforce gender inequalities (SaveTheChildren, 2023; Undiknas, 2022). Promoting gender equality is therefore also important to ensure the protection and realization of children's rights.

Gender bias and gender discrimination could begin in childhood. From birth, girls and boys face gender and social norm inequalities in terms of expectations and access to resources and opportunities in the home, school and community, with lifelong consequences (Haryadi, 2020; Setiyaningsih, 2022). For example, boys around the world are often encouraged to prepare for school, while girls have more domestic responsibilities, are unable to attend school, marry, and are more likely to become pregnant (Haryadi, 2020; SaveTheChildren, 2023). Public and private terms are also related to notions of gender stereotypes that have created inequalities and injustices. The most obvious consequences of those different treatments are marginalization and exclusion of women from formal political life (Haryadi, 2020; KoalisiPerempuanIndonesia, 2018; Undiknas, 2022). The presence of women in formal political life should always be urged to reflect equal opportunities to represent such societies beyond any inhibition of patriarchal culture.

Gender inequality can also lead to education in which boys are favored to go to school than girls. Somehow, matter of inequalities are prolonged since the idea is always considered as normal. Therefore, further ideas to unbox myth of inequality between men and women should always be pushed forward to enhance women's opportunities to go forward. Even in the world of work, there are still many obstacles that must be faced by women. There are still sexist values as a form of patriarchal culture, such as the double standard of women (KoalisiPerempuanIndonesia, 2018; Natasha, 2013). As a result, women have more barriers to a career or rise to a higher position than men. Women are used to be considered by her gender rather than her own capabilities to be creative and to solve further abundant problems. The role of women is solely considered as a reproductive function. The existence of womb actually should be women's uniqueness. However, that organ becomes main reason why women should only do domestic works and stay at home. If they go out, they will surely get sexual insults in the workplace by their superiors or co-workers. So many women are unemployed and find it difficult to get a job. The many barriers to women in the world of work make women required to be gentle slaves (FindLaw'sTeam, 2017; KoalisiPerempuanIndonesia, 2018). Women who are married and have children are often considered unprofessional at work because they are considered to be more focused on the family. Moreover, democracy that should be free, inclusive and equal. Unfortunately, it has now become a threat to women's freedom to express themselves politically. The impact in the world of politics itself is that many women find it difficult to gain access to politics in their country



(FindLaw's Team, 2017; Koalisi Perempuan Indonesia, 2018). Violence against women in politics includes all forms of aggression, coercion, and intimidation to limit women's political participation

### **The Widened Understandings of Gender Discrimination in *On The Basis Of Sex***

In *On The Basis Of Sex*, Ruth as the main female character faced so many problems with her gender. She is discriminated by education, work, and laws in her country. The American government seems to make women not to go to school (Damewood, 2010; Eisenhower, 1980). Besides, men also dominate working in a legal firm. The government also makes laws that are used to discriminate women. Ruth tried to break this discriminatory view, starting with the Charles Moritz case, in which that case was considered to have discriminated against a man.

Ruth was a new student at Harvard University and was taking law courses where that place was dominated by men. From the first day Ruth went to college, there were strange gazes that looked at Ruth strangely because of the presence of a woman in the class (Leder, 2018). At the dinner banquet to welcome the new students, that Professor Griswold asked a question as satire towards women who chose to enter law at Harvard University, such as "*Why you are occupying a place at Harvard that could have gone to a man*" (Firdausy, 2021; Leder, 2018).

Days passed but the acts of discrimination that Ruth received became clearer, such as being ignored in class, not given permission to be transferred to other university easily, being refused to work at a law firm and all of those happened to Ruth since she is a woman. Then, Ruth worked as a law professor at one of the campuses (Leder, 2018). Ruth's concern for the next generation made her want to change state law and people's views on women so that the next generation could participate in the public sphere. Ruth's identity as a married woman, as well as being a mother, and as a Jew is what causes the various discriminations based on gender that Ruth experiences (Firdausy, 2021; Leder, 2018). At that time, American society still believed that women must take care of children and families at home rather than go to higher education and work. There is not much space that is wide enough for a woman to participate in the world of law and politics. Therefore, that condition made it a little difficult for Ruth to become a lawyer at a law firm, though she is the best graduate student on her college (Firdausy, 2021; Leder, 2018).

In the case of *Moritz vs Commissioner* himself, Charles Moritz claimed a tax deduction that he would use for the costs of caring for his elderly mother and very poor condition, but unfortunately the application was rejected by the state (Leder, 2018). As known in the film, the withholding tax has been specifically regulated in the law and allows withholding taxes but only for widowed women, and men who have been married. Indeed, it discriminates against Moritz who is still single without marital status (Firdausy, 2021; Leder, 2018). The law is considered sexist, because it only gives men the option to work and earn a living, but does not give men option to take on the role of caregiver because it is considered a woman's job.

The painful experiences of discrimination that Ruth experienced when she was at school which later made her anxious and wanted to fight back. Ruth

thought about what future generations would get and experience if there were 178 laws that differentiate on the basis of sex (Leder, 2018). Ruth asked the judge to re-read and study state law again because the 178 laws were obstacles to the aspirations of future generations of children. The judges are Ruth's only hope since they have the power to set precedents that can change the effect and correct legal wrongdoings (Leder, 2018). The impact of discrimination that is quite painful for gender in this film starts from Ruth feeling discouraged to the impact on future generations which is so clearly illustrated. It is seen especially in how discrimination laws even prevent women from being empowered (FindLaw'sTeam, 2017; Syafa & Hamid, 2023). Ruth believes that the absence of laws that favor gender discrimination will make both men and women achieve the same dreams, social strata, division of roles, and freedom.

#### **D. CONCLUSION**

Gender discrimination occurs because of the existence of a state regulation and the assumptions of society not only against women but also men. Ruth as the main female character experienced various anxiety because of her gender starting from her study at Harvard Law, being refused to work at law firms, and other practice of law that she did in defending some cases. Those experience made her want to destroy these stereotypes. Ruth is worried about how the next generation can progress and develop if discriminatory laws are still in effect. From several existing laws, Ruth thinks that the law that approves states that women must be at home and it is women's main task. Several scenes in the scene show Ruth's resistance movement to demand comfort for women's rights in the fields of education, employment, and political law in society, and in men's groups. The film *On The Basis Of Sex* also depicts Ruth's struggle to destroy stereotypes of American society which at that time were still confined to the tradition that women were only allowed to take care of the children and the home. In addition, Ruth did all this solely to manifest social change in the form of changes to laws and regulations including assumptions from societies about women beings.

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