

# The theory of positivism sociology essay



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As what Beauvoir had said, ' Representation of the world, like the world itself, is the work of men; they describe it from their point of view, which they confuse with the absolute truth

Men dominates the legal system, has created law and theories about law. The law is made in how they see the world. It becomes their representation of reality and it is held to be the absolute truth. Based on such arguments, the law is thus gendered. This is due to a patriarchy world where men rules over women. A patriarchy world where an unjust social system which is oppressive towards women exists. It looks at them not as an individual capable of the same reasoning as men and not on equal standing with men.

Liberal feminism challenges male domination by showing that there are no difference between men and women. Both men and women are equal and capable of the same social role without any form discrimination. However, Catharine Mackinnon does not agree with liberal feminism. She believes and argues that sex and sexuality are the main reason, the fundamental reason why women are being dominated and discriminate. Sexual domination is the main reason for sexism.

To understand deeply on Catharine Mackinnon's argument of sexual domination, we need to first understand on how the law objectifies, how sexual domination occurs in the reality and other counter arguments.

Mackinnon pointed out that the whole problem with this unjust system is the dominance of men over women[2]. This domination is deeply embedded in the system, in the Rule of Law. It is not a matter of rights or being equal with

men as what the Liberal feminists see. It is the domination of women by men by the law/the State which is male in nature.

The domination occurred due to the objectification of women by men. Men objectify women. As the legal system is dominated by men, the law thus objectify women. Thus sexism was born. Liberal feminist see it as an illusion or myth that need to be dispelled but Mackinnon views it as a male power that creates the world in its own image and how male desires it to be. This is quite true as the law is legislated by male and thus it does not take into account of the point of view of women. Nor does it drafts based on a women's experience of everyday life by women and for women. It was after all drafted by white upper class men to be exact and their opinions which they held to be the absolute truth.

The irony is that despite being excluded from the legislating process, women are bound by the rules. The law was not create for the benefit of women as what women think they ought to be but merely it was create by what men thinks benefit the women. By not taking into account the point of view of women and their everyday life and experience, the law is thus ineffective and oppressive.

This is why objectivity epistemology is the law of law. Objectivity is just a conception of the society by men. Men legitimizes itself by reflecting their beliefs and view of existing society, a society men made and makes by so seeing it and calling that view and that relation practical rationality and objective. Thus the law shows men rules and dominates over women and in

a male way. To put it more simply, objectification is the primary process of the subordination of women.

How does objectification occur? How does it affect women as what the radical feminist preaches?

Mackinnon in her works examined the law regarding rape and how the law had objectified it. She stated that, “ where the legal system has seen the intercourse in rape, victims see the rape in intercourse[3]“. The legal system describes rape as violence and failed to see the effects of rape toward women. For all the law could see was the intercourse in rape but the victims see rape in intercourse. The law failed to see from the point of view of women and imposed their view, the view of upper class white men and the law was legislated according to their views.

Rape law is one of the many laws which were objectified. According to s1 (1) (a) Sexual Offences Act 2003, rape is defined by the penetration of penis. The law is fixed upon the act of penetration. It shows oppression toward women by defining the element of rape from the point of view of male.

What Mackinnon try to point out from her analysis of rape law is that the law is based on a male point of view and incapable of understanding or even comprehend the perspective from a woman point of view. It renders the law to be distant and unable to understand rape from the experience of a victim.

The rape law is only concern with penetration of the vagina, it reflects upon a loss defined in a male term. It favours male sexuality rather than female sexuality. It does not understand what loses the female went through but

what male loses instead. Mackinnon described rape as a crime against female monogamy than against female sexuality[4]. This is very true with such phallus-centric definition of rape. It acts as a protection for men more than a female. The female sexuality was ignored; their experience and resentment of rape were not taken into account. The rape law is to protect the property of men which is women. Women are thus objectified. They are not considered to be equal with men; they are sadly, regarded as property. This is oppression on the ground of sex.

Sex is defined by men and on what they believe to be. It is the masculine form of sex that was incorporated into the law. The law was imposed onto women and male domination occurred. The projection of a patriarchal belief and vision of female sexuality occur and imposed onto the body of women.

Consent is the line that governs between what is rape and intercourse. Intercourse without consent is rape. This show how the law governed and defined the sexuality of women. Rape in the eyes of women is not prohibited but it is in reality regulated. When a woman is rape and the prosecution failed on the ground of consent, the women is not considered to have suffers any loss. Because it is sex and it is not a violation and thus it could not be an injury. The law governed from the point of view of men. When women described rape, men could only see sex for they see it as sex. Thus the law objectified from a male point of view and dominated over women who are forced into subordination. It fails to deal with the more important issue, how the law going to reduce the rate of women being rape.

While it is very true that the law is male and phallogentric in nature, radical feminism focuses too much on the issue of sex and sexuality. It does not take into account of other types of oppression and other school of feminism. It is criticised for being essentialist, oppositional, and utopian[5].

Mackinnon presented her argument as the universal truth and essentialises the experience that women faced. She sees sexual division as the foundational division at the heart of social life. This is because according to her oppression of women occurred because male dominates women over sex and reproductive rights. Due to this sex domination, women are thus oppressed and discriminated.

However radical feminist reduces everything to sex and emphasise everything to sex. Mackinnon stated, ' Sex makes a woman a woman. Sex is what women are for[6]'. This shows that sexual oppression happens due to what men perceive women to be. Mackinnon turned her theory into the ultimate truth and failed to take into account of other cultures or other oppressed groups. What she did was the same as what white upper class men did. Objectified the world according to what they believe. Thus by adopting the method men had used, did she not ended up being the same as men and render her argument against liberal feminism's aspiration to be like men to be nothing.

Mackinnon and her sexual objectification had victimised women. It had in a sense betrayed the goal of feminism of overturning and restructuring this patriarchy world. It reduces women into victim and to be subjected into sexual violence instead of empowering them. She creates a specific voice for

women and assumes that all women have the same experience. All women undergo the same sexual oppression whether they are lesbians, non-white women and for other non-privileged women which is not true.

- Sexism occurs in a variety way and sex is not the only cause for it. There is after all a variety different cause of sexism that happens in the world. In America, it may be due to sex as what Mackinnon had argued but what about those from Islamic nations where sexism occurs due to religious or cultural reasons. For example, women are not allowed to drive in Saudi Arabia and Chinese women used to practise foot binding during the 19th century A. D. It is not due to sexual domination but due to religious belief and, for the latter, cultural traditions. While it is truth that men objectified women and thus a patriarchy world was born but it is not sex that is the only cause. Gender stereotypes, social reproduction, cultural are only a few examples of how sexism occurs.

Cultural feminist, Carol Gilligan[7]stated that boys and girls reason differently to resolve problems. Their ways to react and deal with problems differ from one another. Boys tend to focus on individual entitlement and generate rules to solve problems or conflicts. Girls tend to emphasise on personal relationship and seek compromise so that everyone interests are taken into account.

What happen is that gender stereotypes occur since young and children are brought up in such scenarios. This creates a social reproduction.

Discrimination happen to women is not just due to sex domination. It is due

to gender stereotype that was installed into children since they are young. They grew up and they acted the way they thought they ought to be.

Davies asks, how can we disentangle ourselves from the social environment which has made us what we are[8]? This question is responded towards Mackinnon's feminism which focuses too much on sex subordination. Men and women are different and this is a naturally self-evident attribute.

Clearly Mackinnon did not agree with Gilligan in regards the differences between men and women. But it is impossible to think of such a world where there is no difference between men and women. It is clearly beyond our comprehension and clearly too utopic in nature. This is due to us being brought up in a patriarchy world and socialised according to the order of such world.

Radical feminists strive to eliminate sex subordination and by doing so eliminate the way the law looks and objectified women due to her sex. Nevertheless the question remains, how it is possible for women to be defined in an alternative legal way when the difference between men and women are not just sex but naturally and self-evident attribute. It is too utopic that it is absurd and incomprehensible.

I do agree with most feminists that the law is male in nature. It is phallogocentric and it objectifies women the way we men see women and think women ought to be and imposes it to be the law. Nevertheless, I could not endorse or agree with Mackinnon's view that sex and sexual subordination are the fundamental reason for women to be discriminated against. It is too simplistic. For in my opinion, there are other valid reasons why the law



objectifies women as men see it. One of them is Gilligan's point of view that women and men have different voices and ethics. We are brought up in this patriarchy world and our points of views are being shaped by what society thinks we ought to behave based on our gender. Radical feminism pretends that their point of view to be the ultimate truth without taking into account of other groups such as black women or lesbian. Lastly, it forgets that other part of the Earth have different reasons for sexism to occur, be it cultural or even religion.