

- **Lucy Nichols***
The University of Newcastle, Australia

Smashing the Patriarchy: the Political Possibilities in #MeToo and Feminist Political Theory

The subjugation of women by the state has transcended all periods of time and international boundaries. This subjugation can be linked to patriarchal notions of the state, through which the edifice of the state has been constructed to reflect masculine interests and norms. The notion of the patriarchal state is all the more pertinent today given the important questions and issues that have arisen out of the #MeToo movement. The movement is fundamentally concerned with the intersections of sex, power and justice within the state and seeks to expose the persuasiveness of masculine power within these domains. This paper analyses whether the modern state is irredeemably masculine, even misogynist by its very nature. It will do so by examining feminist political approaches to the state, before embarking on a case study of the indoctrinated patriarchal principles within structures including the workplace and the legal system. This essay will delve deeper into practices and norms of the patriarchal system that in fact normalises sexual harassment, and utilising connotations from the #MeToo movement to argue that the state is irredeemably masculinist.

Keywords: feminism, #MeToo, patriarchy, power, political theory, masculinist

Introduction

The #MeToo hashtag was first launched into the realm of social media in 2006 by Tarana Burke, an African American woman in response to the lack of state action to victims of abuse. The hashtag was intended to 'to offer direct support to women when statutory and other support from the state was non-existent, providing empowerment through empathy' (Hester, 2017, p.141).

Fast-forward to today, the phrase has been reinvigorated as a slogan representing the anti-sexual harassment movement, with the objective to highlight the magnitude of abuse against women but also to give women a platform to become empowered through empathy. The #MeToo movement endeavours to bring the everyday subjugation of women to the forefront and to then break down the shields of masculine power within the patriarchal state, which is a system of institutions and practices controlled by men, in the interests of men.

* Corresponding author. Email: Lucy.Nichols@uon.edu.au

Perspectives of the State

As prominent feminist scholar Catherine MacKinnon (1989, p.157), has noted, 'feminism has no theory of the state.' Therefore, in order to analyse the historical patriarchal nature of the state one must delve deeper into the theoretical conceptions from various feminist perspectives. The view held by many liberal feminists is that the state, is not 'inherently' masculine nor patriarchal but rather a structure that represents the interests of a dominant group (Eisenstein, 1981, p.38). In this respect the state is, or ought to act as a 'neutral arbiter' between the conflicting interests of the genders, but since men happen to be the dominant group, it is evident that the state acts as an agent for their interests, and their interests alone (Connell, 1990, p.511).

The second stance, represented by radical feminism, depicts the state as an irredeemably patriarchal structure. From this perspective the state 'not only serves the interests of men at the expense of women but is itself inherently gendered' and can be seen as masculine (Calasanti and Zajicek, 1998, p.506). Radical Feminist Kate Millet, in her classical radical feminist text *Sexual Politics*, (1970, p.25), expands this point by arguing that the state is a 'patriarchy, a form of societal organisation whereby half of the populace which is female is controlled by that half which is male.'

The third, fundamental perspective examines the economic conditions of the 'genderless' state, which systematically leads to divisions along race, class and gender lines. It is through this notion that socialist feminists 'focus on the importance of economic factors in shaping male dominance' within the state (Calasanti and Zajicek, 1998, p.507). These scholars hold that it is at the cross-road of production and reproduction and in particular the division between paid employment and unpaid household labour that the patriarchal, capitalist state continues (Calasanti and Zajicek, 1998, p.507).

It is due to this diversification of feminist analyses of the state that Connell stresses the importance to 'explore the role of ideological differences and power struggles between patriarchal institutions in shaping specific state practices towards women' (Calasanti and Zajicek, 1998, p.508). This is due to the fact that the state encapsulates a number of institutions, contributing to a multifaceted ensemble of power relations which interreact with one another, which have historically and currently in the 21st century subordinated women (Miliband, 1973). Therefore, the state as an institution acts as an 'unbounded terrain of powers and techniques, an ensemble of discourses of rules and practices.' (Brown, 1992, p.12). This correlates with the Foucauldian analysis of power in which power is relational and something to be exercised, in this case by men, rather than possessed by women (Foucault, 1980).

One example of how the state institutionalises masculinist power is by granting positions of influence within the public sphere predominately to men or masculine embodiment practices. This is evident through the reality that the 'top personnel of the state, in every country around the world, without exception are overwhelming men' (Franzway et al., 1989, p.12). This is contrasted to the fact

that women were traditionally and more predominantly located in what is understood as the private realm, or private sphere, and here in cannot possess an equivalent sense of autonomy or power. It is through this dichotomisation that the state is masculine in character, as it acts as an agent for reproducing masculine power and dominance by protecting the unequal gendered status quo (Messerschmidt, 1993, p.155). In examining the state as a 'messenger boy of patriarchy, and as an agent for the social interests of men' (Connell, 1990, p.516), the state is focused on the maintenance of rigid binary gendered relations.

The #MeToo Movement

It is this underlying uneven power relation that subjects women to patriarchy, and that the #MeToo movement endeavours to break through, to 'get men's feet off our necks' (MacKinnon, 1987, p.45). This is linked to Foucault's emphasis on the 'rational character of power' through which women can only possess power through resistance (Foucault, 1980, p.95). Foucault's theory of resistance for example can show how the #MeToo movement is both an act of spontaneous reaction against and a strategic reaction resistance to exiting power relations. The movement openly endeavours to 'deconstruct power relations', and to expose how the state, 'built on divisions created according to discursive categories of differences' fundamentally subordinates women' (Faith, 1994, p.47). Therefore, resistance movements like #MeToo seek to give power to women to disrupt patriarchal truths.

The Fraternal Social Contract

Another way the state can be exposed as patriarchal is by expressing how the state functions as a 'patriarch' and how the interests of men are embodied or institutionalised within it (Franzway et al., 1989, p.28). The masculine nature of the state is multidimensional, holding women subject to hegemonic-patriarchal authority in multiple ways. The subordination of women through patriarchal practices can be seen in civil society through the implementation of the social contract. For feminist and political scholar Carole Pateman, 'the social contract is a fraternal pact that constitutes civil society or masculine order' (1989, p.33). This notion remains deeply entrenched within the civil society of the modern state as the contract 'constitutes patriarchal society and modern, ascriptive rule of men over women' (Pateman, 1989, p.43). This fraternal contract then bonds men with men, as they 'share a common interest in upholding the contract which legitimises their masculine patriarchal right, allowing them to benefit from women's subjection' (Pateman, 1989, p.43). Thus, the contact expresses gender biases and the division of the sexes in society as the fraternal social contract stands for everything that women are not and everything that they do not possess.

Across the institutions of civil society, women continue to face the obstacles of the fraternal social contract. This is made evident by women's shift from the private to the public sphere as workers. However, as Louise Chappell (2000, p.248) has theorised, this transition is not a sign of emancipation or liberation but rather an indication what women are now controlled by yet another dimension of masculinist power. This is evident though the sexual division of labour at the workplace which leads to complex problems for equality and

participation. The workplace represents a patriarchal structure, formulated on the foundations of the fraternal contract through which men are concentrated at the top. It is due to this disproportionate share of power in the work place that men have historically been able to enforce the law of the male sex right, exposed upon them by the social contract. By experiencing this dichotomisation of power in 2018 and in light of the #MeToo Movement it is clear that the ramification of Pateman's fraternal social contract continues to plague and perpetuate the structures of the modern state.

Thus, what lies at the crossroad of the fraternal social contract, civil society, law and women and our bodies within the state is sexual harassment. For Pateman (1988, p.142), sexual harassment helps to maintain the patriarchal right and ability to control the public sphere. MacKinnon for example defined the term 'sexual harassment' in 1979 to refer to the 'unwanted imposition of sexual requirements in the context of a relationship of unequal power (1979, p.83). It is through sexual harassment that women have remained at the bottom of the labour market which in turn maintains the sexual hierarchy of the state. Women workers are frequently subjected to persistent and unwelcome sexual advances from men of power in the workplace. This is expanded by the notion that a woman's promotion or continued employment has been made conditional upon sexual access. This highlights two forces that perpetuates the state, 'men's control over women's sexuality and capitals' control of the employees' work lives (MacKinnon, 1979, p.88).

By looking at sexual harassment from an inequality standpoint, sexual harassment undermines women's potential for equality in the social contract, civil society and in the state as a whole. This is performed by utilising a woman's employment position to coerce her sexually, while using her sexual position to 'coerce her economically' (MacKinnon, 1979, p.9). In this light the workplace fundamentally represents a situation of the state in which masculine power accentuates the powerlessness of women. On this note the #MeToo movement has highlighted that harassment has less to do with sex and more to do with power.

In many ways the state institutionalises patriarchal connotations and male interests through law and the legal system. According to MacKinnon, 'either the law is applied to women's lives to their detriment or it is not applied at all' (2005, p.34). In democracies, the judicial-legislative dimension of the state has been theoretically been formulated on the basis of 'objectivity and neutrality', yet it is here where patriarchy resides in one of the states key architectural institutions. Take for example the courts in relation to crimes of a sexual nature including rape and sexual harassment, where they will examine the nature and cause of the crime by employing an 'objectivity test.' However, as the judicial and legal domains in the state are patriarchal in form due to male power in society, the objective test is fundamentally impossible. This is due to the fact that it is state which acts with regards to the best interests of men, and in this setting this will be against the interests of women.

The objective test then becomes an institutionalisation of men's interests (Connell, 1990, p.518), through which women are belittled as the masculine

nature of the court and legal proceedings probe through their sexual history and discredit their testimony. On this note, MacKinnon argues that there is 'no escaping the fact the state always institutionalises male power over women through institutionalising the male point of view in law' (1989, p.169). As legal institutions of the state form a male standpoint, there is fundamental reasoning behind the fact that women who charge a man of sexual assault, 'say that they are raped twice, the second time in court' (MacKinnon, 1989, p.645). This pertains to the patriarchal nature of the state.

Within the broader notion of 'objectivity' and the legal system comes the notion of consent. The notion of consent is presented as a means for both men and women to exercise choice in sexual relations. The law of consent has historically ascribed a 'Hobbesian' theory of consent that holds that submission to a sexual act is the threshold to warrant that the individual freely participated in the act. However, MacKinnon argues that consent is only a meaningful and viable option if the parties in the relationship are equal (MacKinnon, 1983, p.644). However, women are found within the state, not to be of equal stature or hold equal power and are therefore dependent on or fear men. Yet, it is this very notion of consent that underpins judicial responses in regards to matters of a sexual nature. Thereby, the fact the women are not free and equal individuals vis-à-vis men in the state denies the true practice that the law of consent proclaims.

Culminating in the presidency of the 'Pussy Grabber in Chief,' the #MeToo movement represents the notion that women are frustrated with the fact that men have historically been able to negate claims of sexual harassment and assault through the law. The United States, President Donald Trump has had numerous sexual harassment allegations made against him, some allegations come from women who have entered into nondisclosure agreements with the President. In light of the Harvey Weinstein allegations, these images of women being silenced by powerful men expresses the sheer masculine nature of the law and legal practices (Gerson, 2018). The existence of nondisclosure agreements express how state practices are pursued by state actors, and in this case the 'Leader of the Free World' who are located in positions of power (Calasanti and Zajicek, 1998, p.509). These agreements serve as evidence of the lingering consequences of the fraternal social contract that hide the extent of harassment and subordination, by men who are in the position to extract this demand of silence from victims. This in turn endorses the notion of the patriarchal nature of the state.

It is currently the #MeToo movement which is said to be sparking a conversation surrounding the masculine norms of legal practices throughout the world. Culminating in the state's gender hierarchy these legal norms increasingly have led to women hiding the extent of sexual abuse and harassment and forced victims into isolation for fear that they would not be believed in relation to the masculine nature of 'objectivity' (MacKinnon, 2018). The normalization of sexual harassment and assault in society itself pertains to the embodiment of patriarchal and masculine preconditions in the state.

Conclusion

By the very nature that women need to turn to movements including #MeToo and revolt against the state expressly shows that patriarchy will be smashed. The state has historically been a site for feminist mobilisation, but it is the lop-sided nature of this mobilisation that raises salient questions in regards to the institutionalisation of masculine power and the patriarchal nature of the state. Men have rarely mobilised as through identity politics, or indeed needed to mobilise in order to gain access to the state (Messerschmidt, 1993, p.155). This is due to the fact that the state is constituted by masculinity and therefore acts in the interests of men. In contrast, the mobilisation of women in order to capture a share of state power has become a historical reality, evident with the suffrage movements of the 19th and 20th centuries, to the #MeToo movement of today. Accordingly, this absence of mobilization 'from above' or from men indicates the state is inherently masculine. Connell explains this contrast by arguing that, 'the patriarchy is so firmly entrenched in existing political institutions such that the form of the state including the bureaucracy, the press and the major political parties, that in the normal run of things no more is needed, the state and media substitute for a mobilisation of men (1990).

Therefore, it is evident that the state is masculinist on two fronts. Firstly, structures within the domain of the state including the workplace and the legal system are inherently patriarchal as they act as platforms for the interests of men to be pursued and maintained. Women within these structures are subjugated by the prerogatives of masculinity and masculine power, thus highlighting the role of the gender hierarchy within the state. Furthermore, the practices and norms of the state including the normalisation of sexual harassment and the sheer need for women to revolt against the state highlights that not only the structures of the state are masculinist in nature, but the practices of the state also express male dominance. The #MeToo movement fundamentally highlights these patriarchal factors within the state by bringing to the forefront these modes of masculine power that have historically pervaded the state. In essence the #MeToo movement endeavors to stimulate a more 'woke' society to break down the shields of masculine power that define the masculine state in order to smash the patriarchy at its core.

References

- Brown, W. (1992). Finding the Man in the State. *Feminist Studies*, 18(1), 7-34.
- Chappell, L. (2000). Interacting with the State: Feminist Strategies and Political Opportunities. *International Feminist Journal of Politics*, 2(2), 244-275.
- Codrea-Rado, A. (2017, October 16). #MeToo floods social media with stories of harassment and assault. *The New York Times*. Retrieved from <https://www.nytimes.com/2017/10/16/technology/metoo-twitter-facebook.html>
- Connell, R. W. (1990). The State, Gender and Sexual Politics. *Theory and Society*, 19(5), 507-544.
- Crabb, A. (2018, September 15). The #MeToo movement took the world by storm. Then it met French Resistance. *ABC News*. Retrieved from <http://www.abc.net.au/news/2018-09-04/metoo-took-the-world-by-storm-then-it-met-french-resistance/10195830>
- Eisenstein, Z. R. (1981). *The Radical Future of Liberal Feminism*. New York: Longman.

- Faith, K. (1994). Resistance Lessons from Foucault and Feminism. In H. L. Radtke & H.J. Stam (Eds.), *Power/Gender: Social Relations in Theory and Practice*. London: SAGE Publications.
- Foucault, M. (1980). *The History of Sexuality (Vol. 1), An Introduction*. New York: Vintage Books.
- Franzway, S., Court, D., & Connell, R. (1989). *Staking a claim: Feminism, Bureaucracy and the State*. Sydney: Allen & Unwin.
- Gersen, J. S. (2018, March 30). Trump's Affairs and the future of the nondisclosure agreement. *The New Yorker*. Retrieved from <https://www.newyorker.com/news/news-desk/trumps-affairs-and-the-future-of-the-nondisclosure-agreement>
- Hester, M. (2017). Editorial. *Journal of Gender-Based Violence*, 1(2), 141-146.
- Hlavka, H. R. (2014). Normalizing Sexual Violence: Young Women Account for Harassment and Abuse. *Gender & Society*, 28(3), 337-358.
- MacKinnon, C. (1979). *Sexual Harassment of Working Women*. New Haven: Yale University Press.
- MacKinnon, C. (1983). Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence. *Signs: Journal of Women in Culture & Society*, 8(4), 635-658.
- MacKinnon C. (1987). *Feminism unmodified: Discourses of Life and Law*. Cambridge: Harvard University Press.
- MacKinnon, C. (1989). *Towards a Feminist Theory of the State*. Cambridge: Harvard University Press.
- MacKinnon, C. (2005). *Women's Lives, Men's Laws*. Boston: Harvard University Press.
- MacKinnon, C. (2018, February 4). #MeToo has done what the law could not. *The New York Times* Retrieved from <https://www.nytimes.com/2018/02/04/opinion/metoo-law-legal-system.html>
- Messerschmidt, J. W. (1993). *Masculinities and Crime: Critique and Reconceptualization of Theory*. Maryland: Rowman & Littlefield Publishers.
- Miliband, R. (1973). *The State in Capitalist Society*. London: Quartlet Books.
- Millet, K. (1970). *Sexual Politics*. New York: Doublebay.
- Pateman, C. (1988). *The Sexual Contract*. Redwood city: Stanford University Press.
- Pateman, C. (1989). *The Disorder of Women: Democracy, Feminism and Political Theory*. Cambridge: Polity Press.
- Zajicek, A. M. & Calasanti, T. M. (1998). Patriarchal Struggles and State Practices: A Feminist, Political-Economic View. *Gender & Society*, 12(5), 505-527.



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