Two Conceptions of Inequality and Natural Difference

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I. Introduction

Catharine MacKinnon has argued, philosophically and legally, in support of certain changes to the law that, she believes, would materially improve the situation of women—most famously, she has called for laws that would make the production and consumption of pornography actionable under certain circumstances. Underlying these proposals for legal change is an analysis of sexual inequality, according to which sexual difference is determined by, rather than the source of, differences in power between men and women. MacKinnon claims that the ways in which women and men seem different to us, and indeed are different, result from men's exercise of power over women. She contrasts this with the view that men exercise power over women *because* of the ways in which women are different from men. Implicit in this analysis is a criticism of any analysis of sexual inequality that treats sex differences as well as gender differences as natural, or accepts them as a given.

My project is to uncover certain similarities between MacKinnon, on the one hand, and Mary Wollstonecraft and Jean Jacques Rousseau, on the other, in the conception of inequality and its origins. My interest is in contrasting two ways of arguing for equality, one which denies natural differences, and one which acknowledges natural differences. I argue that there are marked similarities in the structure of MacKinnon's reasoning in the analysis of sexual inequality and the structure of Wollstonecraft's reasoning on the same subject, as well as the structure of Rousseau's reasoning in his analysis of social inequalities more generally. My aim is to show that all three make two important claims that characterize their accounts of inequality: first, that inequality is not natural, and second, that the differences which are alleged to justify inequality are in fact produced by that very inequality. These two claims

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distinguish one way of arguing for equality. I contrast this way with another, according to which equality need not be founded on sameness. In this other view, differences need not be hierarchical: there is some natural difference between men and women, which, while it cannot justify the inequality between men and women, should be recognized. J. S. Mill, and, more recently, Toril Moi, have expressed a variation of this view.

My aim is to demonstrate a philosophical as much as an historical connection between the radical feminist argument for equality and earlier arguments for equality of persons, which take as their foundation the claim that there are no (or no important) natural differences between individuals. My interest in doing so is to suggest that we ought to take seriously, as a matter of political debate, MacKinnon's claim that sexual difference is an effect rather than a cause (however unjust) of political inequality. While that claim may seem prima facie implausible, placing it in the historical and philosophical context in which it belongs lends the claim greater credibility. At the same time, this paper offers only a cursory overview of the criticisms posed by other feminists in response to MacKinnon's conception of equality. My aim is not to demonstrate that MacKinnon is right, but rather to argue that her views are worthy of consideration by anyone already persuaded of certain points by Wollstonecraft or Rousseau.

What connects MacKinnon with Wollstonecraft and Rousseau, I argue, is an unwillingness to turn to natural differences to explain inequality, and an acceptance of the implication this carries—that inequality is arbitrary, socially produced and hence alterable. According to this view, nature is not the final source for, and justification of, inequality. MacKinnon shares with Wollstonecraft and Rousseau (at least in Rousseau's *Discours sur l'origine et les fondements de l'inégalité*) the view that if one tries to discover satisfactory historical explanations for any given set of inequalities, one will find only historical accidents and arbitrary events; and that the very quest for such historical explanations rests on the mistaken presupposition that political inequalities must somehow be founded on natural inequalities. In connecting MacKinnon's claims with earlier arguments for equality, my aim is to show that those claims (at least in some form) are not unique to radical feminist theory.

II. MacKinnon's Radical Equality

To support her argument that sex differences are caused by inequality, MacKinnon suggests that standard ways of understanding equality for women are wrong-headed, insofar as they take sex and gender differences to be brute facts that make social and political equality difficult to obtain for women.[1] MacKinnon analyzes the inequality of sex using what

Abstract. I argue in this paper that there are certain similarities between Catharine MacKinnon, on the one hand, and Mary Wollstonecraft and Jean Jacques Rousseau, on the other, in the conception of inequality and its origins. All three make two important claims that characterize their accounts of inequality: first, that inequality is not natural, and second, that the differences which are alleged to justify inequality are in fact produced by the inequality. These two claims distinguish one way of arguing for equality. I contrast this with another way of arguing for equality, one which acknowledges natural differences.

Résumé. Dans ce texte, je soutiens qu'il y a des similarités entre les conceptions de l'inégalité et de ses origines de Catharine MacKinnon d'une part et de Rousseau et Wollstonecraft d'autre part. Tous trois soutiennent deux thèses importantes qui caractérisent leur conception de l'inégalité : premièrement, l'inégalité n'est pas naturelle; deuxièmement, les différences qui sont invoquées pour justifier l'inégalité sont en fait le produit de cette inégalité. Ces deux positions sont distinctives d'une ligne d'argumentation défendant l'égalité. Je contraste cette ligne d'argumentation avec une seconde façon de défendre l'égalité qui diffère de la première en ce qu'elle reconnaît les différences naturelles.

she calls "the dominance approach," which she opposes to "the difference approach" (1989). Both approaches are, on the one hand, philosophical accounts of the origin of gender inequalities and, on the other hand, legal strategies for obtaining equality. MacKinnon's claims for the dominance approach have to be situated in their opposition to the difference approach, which is comprised of two branches that MacKinnon calls "the single standard" and "the double standard." Both branches of the difference approach treat gender as fundamentally consisting of a difference, and equality as fundamentally consisting of a relation of sameness. The problem is then that, if gender is characterized by difference, and equality requires sameness, we cannot hope to obtain gender equality. MacKinnon wants therefore to re-examine both the understanding of gender as difference, and the understanding of equality as requiring sameness. She argues that both gender and equality should be understood as questions of power, rather than questions of difference and sameness. Gender is not in her view primarily a relation of difference, but rather a relation of dominance (and submission) that generates difference. On this view, we ought not to require sameness as a necessary condition for equal treatment, but to create sameness by means of equal treatment. It is this understanding of equality and of social differences (gender differences among others) that finds support in Wollstonecraft and Rousseau. This is a view explicitly opposed, according to MacKinnon, to a certain kind of liberalism's understanding of what it is to treat citizens as equals: namely that to treat citizens as equals the government must not devote unequal resources to different lives (she cites Dworkin, 1985: 206). MacKinnon argues that in devoting equal resources to different lives, the government, rather than ensuring justice, is perpetuating the injustice of gender inequality (1989: 215-16).

Let me begin with MacKinnon's account of the difference approach. The single standard branch of the difference approach bases the claim to

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equal treatment for women on relevant empirical similarity to men: "For differential treatment to be discriminatory, the sexes must first be 'similarly situated' by legislation, qualifications, circumstance, or physical endowment" (MacKinnon, 1989: 217). In other words, differential treatment of women and men is legally permissible, unless one can demonstrate that women and men are "similarly situated" in one of these respects. Since MacKinnon believes that women and not men suffer systemic discrimination, she takes this to mean that men set the standard for sameness, and women must demonstrate conformity to this standard in order to be entitled to equal treatment. She traces this conception of equality to Aristotle, referring to his "empiricist notion that equality means treating likes alike and unlikes unlike" (1989: 225).

MacKinnon objects to the assumption that men set the standard for women. She also claims that the social and legal systems which require that women demonstrate that they are the same as men as a condition for equal treatment simultaneously make it difficult for women in fact to be the same as men. Her point is that the single standard approach to gender inequality can only adequately address inequalities of treatment in cases where two people actually are the same but appear, through prejudice or ill will, to be different. The single standard approach cannot, in her view, satisfactorily address cases where two people really are different, not because they are in some sense naturally so, but because systematic social inequality has made them so.

The double standard branch of the difference approach recognizes and acknowledges differences—natural or socially constructed—between men and women and allows for different treatment of men and women. It recognizes that the ways in which women differ with respect to men make it difficult for women to obtain equal treatment, and attempts to compensate (or sometimes to deprive) women in virtue of the ways in which they differ from men. Because the double standard approach treats the ways in which women differ from men either as special, natural capacities, or as special, natural incapacities, it has been used, for example, both to gain maternity leave for women and to keep women from obtaining higher-paid jobs which might compromise their fertility (MacKinnon, 1989: 225-6). In recognizing that there are social as well as biological reasons why women are not simply the same as men, the double standard strand of the difference approach might seem to be an improvement on the single standard strand, from MacKinnon's perspective. But MacKinnon argues that the double standard branch also takes men to be the standard from which women deviate, insofar as it identifies what is "special" about women in terms of the ways in which women differ from men. She also believes that it places positive value on those tasks and dispositions that men have relegated to women, and hence that it encourages women to cherish powerlessness. In so doing, the double standard branch of the

difference approach, like the single standard, does not recognize what MacKinnon takes to be damage (which leads to inferiority) as such, and hence denies the reality of the inequalities brought about by sexual hierarchy.

The dominance approach to sexual equality understands gender to be a hierarchy first and foremost, one in which women are at the bottom. MacKinnon's approach to sexual equality is thus to attempt to dismantle the hierarchy by "giving women what they need," that is, by treating them "equally" with men, who already get what they need. She does not require that women demonstrate their sameness with men as a condition for establishing their entitlement to what they need, but neither does she take for granted that the ways in which women differ from men are in any sense natural or positive. Rather, she asserts that women's differences from men are just manifestations of the ways in which women are damaged by their subordination to men—in other words, material instances of women's powerlessness.

The dominance approach claims that gender hierarchy gives rise to gender differences, whereas the difference approach claims that gender differences give rise to gender hierarchy (MacKinnon, 1989: 232). Thus, the dominance approach assumes that the ways in which women are different from men make it difficult for them to demonstrate their sameness, because women are subordinated to men; the difference approach assumes that women are subordinated to men because—rationally or irrationally—the differences between men and women create gender inequality. So, for example, according to MacKinnon's analysis, women typically are the primary caretakers of children not because women are naturally more nurturing than men, or more concerned with children, or because they bear and nurse children, but rather because men have more power than women and choose to relegate child rearing to women. According to the difference approach, women are typically the primary caretakers of children because of some innate disposition on their part to care for children; men exploit this disposition in relegating child rearing to the category of unpaid, or badly paid, socially unrewarded work.

Let me now turn to two concerns that could be raised regarding MacKinnon's dominance approach (these are not, of course, the only objections, but two of the most pertinent for this project). The first is that in claiming that inequality causes differences between women and men, MacKinnon must be saying something either false or tautologous. False, if she means that inequality causes biological sex differences, and tautologous if she means that inequality causes those non-biological differences (differences of attitude or behaviour) that constitute the inequality of men and women. Such an objection, however, rests on a misunderstanding of MacKinnon's position. In saying that inequality causes difference MacKinnon means, on the one hand, that the unequal

treatment of women and men causes us to attribute undue significance to the biological differences between men and women. She means, on the other hand, that the unequal treatment of women and men causes women and men to differ, in fact, in certain non-biological respects. The first of these claims is epistemological, but not metaphysical; the second is metaphysical. Neither is a tautology, and neither is self-evidently false.

A second worry one might have concerns MacKinnon's use of the notion of damage, a concept she does not analyze. If the ways in which women are different from men are manifestations of the damage they have suffered through inequality, then the attributes that are understood to be peculiar to women (e.g., a disposition to nurture) are instances of damage. The problem for MacKinnon is this: to say that these differences constitute damage is to suggest that there is some set of human capacities or attributes which have been suppressed or distorted in the creation of the attributes peculiar to women. But MacKinnon does not tell us what that set of capacities is, and it would be difficult for her to do so without relying on men as the measure of human capacities, since it is men who in her view are undamaged, at least relative to women. To take men as the measure of human capacity is to commit just the error that she accuses those who espouse the single or the double standard of committing. Another way to put this is to say that MacKinnon, in identifying the ways in which women differ from men as manifestations of damage, is embracing traditionally masculine values, and assuming, without argument, that whatever capacities men have developed for themselves, and whatever activities they have appropriated for themselves, are the most valuable.[2] It is interesting to note that Wollstonecraft and Rousseau are not susceptible to this objection precisely because they are willing to formulate an account of human nature as constituted by certain core capacities (for rational activity or self-perfection).

MacKinnon can neither assert that the capacities attributed traditionally to men are the standard of human possibility, nor can she deny her claim that the capacities attributed traditionally to women are evidence of the inequality from which women suffer. The only defense she can offer to this objection is to emphasize the agnosticism she adopts (as does Wollstonecraft) with respect to the question of what differences might remain to distinguish men and women, should perfect equality obtain. Her point is that in a situation of inequality we have to assume that the capacities and dispositions women are allowed and encouraged to develop are evidence of that inequality, and so evidence of damage. The same capacities and dispositions, were they developed in a context of equality, would not be manifestations of damage. This seems to be what she means in saying, "… I am critical of affirming what we have been, which necessarily is what we have been permitted, as if it is women's, ours, possessive. As if equality, in spite of everything, already ineluctably exists" (1987: 39).

There are, then, two claims important to radical feminist political theory on equality: first, that differences between men and women are real, and not merely perceived differences; second, that such differences, while real, are not natural but are rather the product of sexual hierarchy. These claims together imply that the differences between men and women constitute ways in which women are damaged, ways in which they are, in fact although not by necessity, inferior to men. Wollstonecraft, I shall argue, is of great historical importance for feminist theory because she is the only person arguing explicitly, before the feminist theory that began with Simone de Beauvoir's *Le Deuxième Sexe*, that unequal treatment has *produced* the differences that exist between men and women, differences which constitute inferiorities, and which are then used to justify unequal treatment. At the same time, prior to Wollstonecraft we find Rousseau arguing that political hierarchy, and the unequal treatment of persons in these hierarchies, produces differences which are not natural but are said to be natural, for the political ends of those higher up on the hierarchy. What is new with Wollstonecraft is the extension of the argument to the case of women.[3]

III. Wollstonecraft

The Vindication of the Rights of Woman provides the clearest evidence that Mary Wollstonecraft believed both that women are in fact inferior in certain respects to men, and that their inferiority is unnatural and produced by social circumstances. In the Introduction to the *Vindication* Wollstonecraft speaks of her "melancholy emotions of sorrowful indignation" at the realization that "either nature has made a great difference between man and man, or that the civilization which has hitherto taken place in the world has been very partial" (1989a: 73; 1989b: 10). She recognizes that there are enormous differences between people, differences which benefit some but are a source of misery for others, and suggests that only two explanations are possible: either these differences are natural in origin or they are the product of "partial," i.e., incomplete civilization. Social inequalities must then have as their source either natural inequalities, or our (imperfect) social arrangements. Wollstonecraft argues that the acknowledged misery of European civilization is attributable to the partiality of that civilization or to the lingering vestiges of barbarism, and denies that the miseries that constitute inequalities are natural (1989a: 82, 84-5).

In the *Vindication*, Wollstonecraft is interested in the distinction between natural and socially produced differences largely insofar as these differences are manifested between men and women. Among the vestiges of barbarism to which Wollstonecraft objects is the failure to edu-

cate women, and the consequent ignorance and vice produced in women, who cannot but be miserable in such a degraded state. In other words, she believes that one significant difference between "man and man" is that found between men and women, which she attributes (along with most other differences) to the incompleteness of civilization, and not to nature.

How does Wollstonecraft demonstrate that the differences between men and women are socially produced? Her general strategy is to show that the relations between men and women are simply an instance of hierarchical social relations, which invariably produce and sustain inferiorities. She takes as given that "man's pre-eminence over the brute creation" consists in reason, and that this faculty is what distinguishes a person from an animal. She also assumes that knowledge and virtue flow from reason, apparently because reason is a necessary condition for knowledge, and knowledge a necessary condition for virtue (1989a: 81; 1989b: 31). These two assumptions ground her argument that an imposition of hierarchy is at the root of immorality, and the cause of social inequalities that appear to be natural.

The argument that hierarchy is the cause of inequalities includes two related arguments, the first of which shows that education is necessary for the development of virtue in persons, the second of which characterizes hierarchy as an obstacle to education. The first argument unfolds as follows:

(1) Reason is a capacity natural to men and women.
(2) Reason, when educated, produces knowledge (1989a: 90).
(3) Knowledge is necessary for the development of virtue in men and women (1989a: 90).[4]
(4) So, the education of reason is necessary for the development of virtue in men and women.

Why should we accept the first premise, that women as well as men naturally have reason? Wollstonecraft offers two reasons: First, she points out that the only evidence for women's lack of reason is their evident foolishness. She argues that this is insufficient evidence, since it is compatible with the possession of a reason left undeveloped, and indeed perverted, by education (1989a: 92). Moreover, Wollstonecraft implies that the very folly and cunning of women might perversely be evidence of the possession of reason: they are the manifestations of reason gone wrong, reason untreated by education. Second, she offers two reasons to accept that women do naturally possess reason. The first is that if women do not have reason, then they cannot have immortal souls, which are associated (again because of the peculiarity of reason to persons) with reason. But women must have immortal souls, without which we cannot hope to persuade them to be virtuous (1989a: 88). So women, as well as

men, must have the natural capacity for reason. The second is that if women did not have reason, we would not count as persons, since it is reason that distinguishes persons from "the brutes." No man, when it comes down to it, wishes to deny personhood to women, since it is with women that men must have children.[5]

The second argument sets out the objection to hierarchy:

(1) Knowledge is necessary for the development of virtue in men and women (1989a: 90).
(2) Hierarchy precludes the education of reason and the acquisition of knowledge (1989a: 86-7; 1989b: 42).
(3) So, hierarchy precludes the development of virtue.

The attack on hierarchy is very general, although it does not include class hierarchy. Wollstonecraft deplores political, military and clerical hierarchies, as well as sexual hierarchy, all for the same reasons: hierarchy makes impossible that exercise of reason and knowledge which permits the acquisition of virtue. So long as one must, as part of one's profession, act unreflectively on the commands of another person, one cannot be virtuous. This is because virtue depends on the use of one's reason and knowledge. Moreover, so long as one has the power to require other people to act on one's commands, one is unlikely to engage in the kind of reflection that will lead to knowledge and virtue. So whether one is at the top or the bottom, hierarchy diminishes one's virtue (1989a: 85, 87; 1989b: 16). The situation of women is an exaggerated instance of the situation of soldiers, minor clerics and the subjects of monarchs—exaggerated because a woman's profession is of course her whole life. Hence women appear to be foolish and vicious because they are indeed foolish and vicious, as is anyone at the bottom of a hierarchy. They display such traits not because that is their nature, but rather because their nature has been thwarted rather than developed through education.

By arguing that hierarchy precludes the development of virtue, Wollstonecraft can show that the hierarchy which structures the relations between men and women causes rather than mirrors the moral inferiorities that women exhibit with respect to men. I have suggested that it is characteristic of radical feminist theory to argue that insofar as women are different from men in ways that are often construed to signal inferiority, women have been damaged by the structure of gender relations. Why, then, is Wollstonecraft not usually viewed as a precursor of radical feminist theory?

The emphasis on reason as the criterion of personhood and as the fundamental nature of persons is one reason that Wollstonecraft is generally considered to be a kind of liberal or proto-liberal feminist. The other reason has to do with her stated aim: to contribute to the progress of knowledge and virtue through the education of women (1989a, 66). If

one thinks that the liberal's commitment to the value of the neutrality of government with respect to the nature of the good life for each person is founded on the assumption that what defines personhood is the capacity to choose and pursue certain things as good—and that this capacity depends on reason—then Wollstonecraft looks like a liberal (Dworkin, 1985: 191-2). And it is true that her proposals to educate women along with men would not remove women from the realm of family, but rather would make them better able to carry out the duties of a respectable wife and mother (Wollstonecraft, 1989a: 95, 103). Moreover, Wollstonecraft at least allows for the possibility that—were women to be educated properly—they might nonetheless remain ignorant and lacking in virtue, and allows that if this were to happen one might have to concede that women were not fundamentally rational creatures like men, but something closer to brutes, although she herself believes that women would have to have the same kind if not the same degree of virtue as men (1989a: 104-6). If this emphasis on reason and the importance of an education aimed at allowing each individual's reason to flourish makes the *Vindication of the Rights of Woman* a useful source for liberal feminist arguments, Wollstonecraft's radical egalitarianism is interpreted by some not as the egalitarianism of liberalism, but as something closer to socialism.[6] The issue is complicated, and the evidence subject to divergent interpretations. Some recent commentators have suggested that there are two lines of reasoning that support an understanding of Wollstonecraft as a liberal rather than as, say, a proto-socialist. First, Wollstonecraft's conception of reason is one that seems to correspond to a model of the reason associated with men in classical liberal theory: it is universalizing, utilitarian and impartial. In these respects it is opposed to particular experience, to emotions, and to the partialities of human connection. Second, some have pointed out that despite her radicalism, in some respects Wollstonecraft is firmly liberal both in her economics and in her conception of social relations, particularly in her understanding of women as wives and mothers.[7]

My aim here is not to argue that Wollstonecraft is really a liberal, or a socialist, or a radical feminist. It is, rather, to suggest that Wollstonecraft, in clearly distinguishing between natural and socially constructed differences, and in arguing that we will be unable legitimately to claim that women are naturally different from men at least until women share the social conditions of men, provides a precedent for a philosophical move of primary importance to the radical feminist: the claim that women are not socially and politically unequal to men because they are biologically or psychologically different from men, but rather that women are different from men (and perceived to be different from men) because they are socially and politically unequal to men. The distinction between natural and socially acquired inequalities is mentioned not only in the Author's

Introduction to the *Vindication*; it also plays a part more generally in Wollstonecraft's argument. Since education is a social institution and practice, and since Wollstonecraft traces the origins of sexual inequality, and other social inequalities, to the lack or the direction of education, she clearly wants to insist on the social construction of differences between men and women.

In claiming that inequality produces difference rather than difference producing inequality, the radical feminist must allow, indeed insist, that women are genuinely, although not innately, damaged and hence inferior to (and different from) men, a position that the liberal feminist is loath to accept. The liberal feminist prefers to say that women are mistakenly perceived to be inferior or damaged. MacKinnon speaks of this damage and the way in which it gives rise to real differences as well as the appearance of differences (1989: 230). Wollstonecraft, for her part, also points out inferior characteristics, which arise from unequal treatment: "Men complain, *and with reason*, of the follies and caprices of our sex …" (1989a: 88, emphasis added).[8]

This acknowledgment of inferiority, where the inferiority is attributed to unequal treatment, is one mark of the radical feminist. Wollstonecraft's systematic criticism of hierarchy in the *Vindication* is the feature which most clearly links her writing to radical conceptions of equality. Although, as I pointed out earlier, Wollstonecraft sometimes denies in her writing that her proposals would radically rearrange social relations, it is difficult to see how a society could dismantle hierarchies—not only the gender hierarchy, but also military, clerical and political hierarchies—without altering not just the virtue of people, but also the structure of society. Importantly, the claim that social inequalities are not based on natural inequalities is connected to the criticism of hierarchy insofar as the claim is that hierarchies produce social inequalities that seem to be founded on natural inequalities, but only because hierarchies can distort the very nature of persons. Hierarchies damage those who are subject to the illegitimate power of others by rendering them inferior (of course they also, in her view, damage those who exercise illegitimate power but society at large does not see those effects as constituting damage); this inferiority is then used to justify the subordination of those who have been made inferior by inequality; and the inferiority is said to be natural, rather than acknowledged as socially constructed by inequality. Both MacKinnon and Wollstonecraft complain that the greatest injustice is to use the damage of unequal treatment as evidence for the rightness of that treatment. We see, then, that Wollstonecraft makes both of the claims that characterize the radical feminist's analysis of inequality: that inequality is unnatural and that the allegedly natural differences between men and women are produced by unequal treatment.

Wollstonecraft's most obvious philosophical debt is to Rousseau, although her criticisms of his views on women dominate the *Vindication*.[9] She particularly deplores his arguments in *Émile* for the different education of boys and girls, since his proposals for the education of girls include everything which she thinks most likely to render girls physically weak and to curtail the development of reason, and are hence liable to make them, and keep them, ignorant, and therefore weak in virtue (1989a: 93-4, 147-162). She attacks Rousseau for the suggestion that individual women are not independent moral agents. She ascribes to him the "sensualism" that she compares to the self-interest of the monarch, and which she seems willing to blame on his nationality.[10] At the same time, the egalitarianism she espouses—which I have claimed is a radical egalitarianism in its thoroughgoing critique of hierarchy and its denial of important natural differences between man and man or men and women—is most like that put forth by Rousseau, particularly as it is expressed in the *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*.

IV. Rousseau

In the *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, we can identify the two claims that I have argued characterize the radical feminist analysis of inequality, but in a form that could be seen to restrict the discussion to inequalities between men. There is, however, evidence, I will argue, that Rousseau intended the analysis to extend to those inequalities found between women and men. The question Rousseau addresses in the *Discours* (the question proposed by l'Academie de Dijon) is, "Quelle est l'origine de l'inégalité parmi les hommes, et si elle est autorisée par la Loy naturelle?" Rousseau distinguishes between "natural" and "political" inequality. Examples of the former are differences of age, health, strength and qualities of mind; examples of the latter are "privileges enjoyed by some at the expense of others," privileges of wealth, honour or power (1965: 43). Rousseau begins with a scathing remark: there is no point, he says, in asking whether there is an essential connection between the two kinds of inequality, since that would amount to asking whether strength of body or mind, wisdom or virtue are always found in the same individuals in proportion to power or wealth, a suggestion he clearly finds absurd (1965: 44). Having stated that reasonable and free men will not bother with the question, Rousseau devotes the rest of the *Discours* to discussing the topic under the guise of a different project, namely, "d'expliquer par quel enchaînement de prodiges le fort put se resoudre à servir le faible, et le Peuple à acheter un repos en idée, au prix d'une félicité réelle" (1965: 44).

Rousseau argues that political inequalities cannot be explained by or traced back to natural inequalities, because in nature men would in fact have been equal. This amounts to arguing that the distinction with which he began, between natural and political inequalities, is misleading at best because most of what we now consider to be natural inequalities are in fact political inequalities, produced by social conventions. He considers both "physical Man" and "metaphysical Man." Physically, "savage" men, in the state of nature, would have been equal, because most differences of health and strength are produced not by nature, but by social conditions of wealth or poverty (1965: 47-56). Rousseau tells us that "La nature en use précisement avec eux [les enfants] comme la Loi de Sparte avec les Enfans des Citoyens; Elle rend forts, et robustes ceux qui sont bien constitués et fait périr tous les autres …" (1965: 49). The result is that strength and health are shared by everyone, creating physical equality.

Metaphysically, men are distinguished from beasts by freedom, the process of exercising one's will and choosing, and not by reason or understanding, some form of which Rousseau is prepared to grant animals (1965: 57).[11] In claiming that we develop our understanding in proportion to the needs we perceive, whether those needs are natural or not, Rousseau is insisting that differences in our intellectual abilities are more likely to result from different physical or social circumstances than from anything innate to the individual (1965: 59). He provides a long, explicitly non-historical anthropological narrative about the transition from solitude and equality in Nature to community and inequality in civilization, the point of which, he says, is to show "… dans le tableau du veritable état de Nature combien l'inégalité, même naturelle, est loin d'avoir dans cet état autant de réalité et d'influence que le prétendent nos Écrivains" (1965: 82).

Two aspects of Rousseau's *Discours* are of interest in connection with our discussion of MacKinnon. One is the way in which he introduces the distinction between natural and political inequality, only to collapse it again, into political inequality. This is exactly what MacKinnon wants from the dominance approach to inequality: an acknowledgment that while there may be "natural" differences between us, they are enormously exaggerated by political inequalities, and probably insignificant in fact until magnified by political inequalities. And just as Wollstonecraft as well as MacKinnon insist that any demonstrations of natural equality can only be achieved if they are preceded by equality of treatment, so too Rousseau suggests that were we to dismantle political privileges of all sorts, we would discover that we are in fact all equal. In other words, Rousseau makes the claim that allegedly natural differences invoked to justify social hierarchy are not in fact natural at all.[12]

Importantly, Rousseau seems to extend this point to women—that is, to suppose that in the state of nature women as well as men would

have been solitary, without extended attachments, and substantially equal, physically and metaphysically, to other solitary individuals.[13] Moreover, Rousseau acknowledges that until women set up domestic establishments with men, the two genders did not live their lives differently (1965: 92). This suggests an acknowledgment that the alleged natural differences between women and men, like such differences between man and man, are created by social and political arrangements, and hence are in fact "moral or political" rather than "natural or physical" differences.

The second aspect of the *Discours* that illuminates MacKinnon's position is the elaboration of inequality as the imposition of hierarchy on difference. Rousseau, like Wollstonecraft and MacKinnon, recognizes that the differences which are supposed to justify social hierarchy are actually the product of social hierarchy. That is, Rousseau views differences as interesting only when they are ranked for social or political reasons. The first step toward inequality, he argues, is the emergence of public displays of skill and the consequent social judgments. It is significant that Rousseau believes that such comparisons and the ensuing hierarchies will only emerge once people establish communities of families, and that they will not emerge *within* the family. That is, while allowing that the differences between men and women are social rather than natural, he does not attribute them to the effects of hierarchy (as he does almost all other differences). This is crucial for understanding the relationship between the *Discours* and *Émile*.

At the beginning of Livre Cinquième of *Émile* Rousseau writes, revealingly, "En tout ce qui ne tient pas au sexe, la femme est homme …" (1961: 445). The question, of course, is just how much, and what, Rousseau believes should not be attributed to sex. Rousseau insists on natural differences between the sexes of the same species, but he tries to avoid the question of equality: "En ce qu'ils ont de commun ils sont égaux; en ce qu'ils ont de différent ils ne sont pas comparables" (1961: 446). This makes sense if one wants to maintain that inequalities, if not all differences, are produced by social and political hierarchies. To establish that sex differences are natural, Rousseau has to suggest not only that they are not produced by hierarchy, but that they do not generate hierarchy, since he himself in the *Discours* has argued that what we take to be natural differences, which justify hierarchical relations, are not natural differences but differences produced by the hierarchical relation. In all that he attributes to girls and women he is careful to avoid saying that the ways in which they differ from boys and men constitute inferiorities. Rousseau does not want to acknowledge the fact of gender inequality, nor does he want to argue for justice on this issue. He claims that in fact men and women exercise equal power, although in different ways or domains, and insists that these differences are natural (that is, not produced by social or political arrangements, in this case the family).[14] Only

by denying the fact of gender inequality can he maintain that the differences between men and women are natural rather than political, given his own claims that inequalities (although not differences) are the product of unjust hierarchies, and that the family does not constitute such a hierarchy.

V. The contrast

So far I have been tracing the history of arguments for equality that proceed by denying that differences or inequalities are natural. Of course, one can argue for the equality of women with men without denying the naturalness of differences between men and women. Some turn to this line of reasoning because they find unpalatable one implication of the argument that sex and gender differences are caused by hierarchy—namely, that insofar as women differ from men they are damaged. To acknowledge the damage might be seen to justify the inequality. On the other hand, failing to acknowledge the damage might be seen to undermine any possibility for change; if unequal treatment in no way damages women, then it is more difficult to argue that equal treatment will substantially benefit women. To emphasize this point, and to provide a contrast to the type of argument for women's equality put forward by MacKinnon and Wollstonecraft, I illustrate the tension in the arguments of those who claim that, while the inequality between the sexes is deplorable, the differences between men and women are either natural, or traceable to natural sources, or that the differences do not invariably constitute damage to women.

Many of those who have argued for the equality of men and women have denied one or the other of the two claims that characterize the radical feminist account of sex difference and inequality, asserting either that the differences between men and women are merely perceived differences, or asserting that the differences, while real, are not produced by hierarchy and hence are neutral with respect to value, or even that the differences constitute manifestations of superiority on the part of women.[15] In the arguments of Mill, for example, we find the claim that women are not by nature inferior to men, but at the same time a reluctance to allow that women are inferior at all, despite unequal treatment.

Mill argues that the system of inequality between the sexes is not natural, and hence that women are not naturally unequal to men. He makes two important observations with respect to the alleged naturalness of sex inequality. First, he points out that to the uncritical glance whatever we are used to seems natural: "So true is it that unnatural generally means only uncustomary, and that everything which is usual appears natural. The subjection of women to men being a universal custom, any depar-

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ture from it quite naturally appears unnatural. But how entirely, even in this case, the feeling is dependent on custom, appears by ample experience" (1994: 316). The experience in question is historical, as Mill cites examples of women with political or physical power. The second important point he makes is that the apparent naturalness of the inequality between men and women is false; in fact, the inequality is determined by the interests of men: "But was there ever any domination which did not appear natural to those who possessed it?" (1994: 315). Mill then clearly denies both that the inequality of men and women is natural, and that the differences that appear to justify that inequality are natural. And he goes so far as to suggest that the mental differences which many believe to exist between men and women are the result of circumstances and education, and that they "indicate no radical difference, far less radical inferiority, of nature" (1994: 354). As the final phrase implies, Mill wants to argue not only that there are no radical inferiorities in the nature of women, but also that in certain respects the mental differences between men and women are evidence of the superiority of women over men. He tries to show that women have a "capacity of intuitive perception," which he characterizes as "a rapid and correct insight into present fact" (1994: 358). Moreover, he argues that the "nervous susceptibility" of women, most often seen as a mental failing, gives women greater "mobility of thought," "the capacity of passing promptly from one subject of consideration to another, without letting the active spring of the intellect run down between the two," a characteristic which he judges to be valuable (1994: 361-4). Mill is careful in this discussion to avoid claiming that these differences, which constitute superiorities on the part of women, are bestowed either by nature or by the very education and circumstances to which he attributes the differences he acknowledges as inferiorities. This produces a certain tension. If women are superior to men in certain respects, those superiorities must be either natural—in which case it is odd that women's social, political and economic status does not reflect that superiority—or produced by education and circumstance—in which case the very ways in which Mill acknowledges women are made inferior in certain respects are also ways in which women are made superior.

Since contemporary feminist theorists do not claim that women are superior in any respect to men, we might suppose that the tension in Mill's discussion might be avoided, while still allowing that there are natural differences between men and women. But a tension emerges even when the claim about natural differences is cast in neutral terms. Consider Toril Moi's argument that we ought to acknowledge certain biological differences, and differences in the subjectivity of embodiment, between men and women, and argue for equality on the grounds that these differences do not justify political inequality (1999: 2-120). If the differences are natural but incidental to political status and innocent of political effects,

then we need to ask not only why the differences have come to assume such importance in political life, but also why it is important for feminists to acknowledge them. That is, if these differences are not politically important, then why must feminist theory, as Moi insists, incorporate some understanding of embodiment as a woman?

While it is certainly possible to believe that there are natural differences between men and women which do not justify political inequality between the sexes, the suggestion that there are natural differences undermines the claim that it is the differences in political power and social circumstances which create the alleged natural differences. This clarifies why both MacKinnon and Rousseau deny the possibility of tracing political inequalities to some natural difference as such: to do so is to invest that difference with a significance that cannot be justified independently.

I have here only sketched the views of some of the scholars who have tried to argue for the equality of women with men without adopting the two tenets of the radical view I examined in MacKinnon, Wollstonecraft and Rousseau: that differences between men and are real (and not merely perceived differences), and that such differences are not natural, but only appear to be natural. My aim has been to illustrate the tensions inherent in arguments for equality which hesitate to acknowledge the implications of inequality, and hence to offer some motivation and some support for the kind of argument that MacKinnon, Wollstonecraft, and Rousseau make.

VI. Some problems

Let me anticipate a couple of objections. The first is specific to MacKinnon, the second concerns Rousseau and Wollstonecraft as well as MacKinnon. The objection specific to MacKinnon calls into question the plausibility of the claim that sex differences, like gender differences, are caused by gender hierarchy rather than the foundation of gender hierarchy. We might agree that various gendered behaviours and psychological states are produced by, rather than productive of, gender hierarchy, but object that sex differences are matters of biology, not social construction. Once again, MacKinnon does not deny the existence of natural sex differences; she does, however, deny that these sex differences distinguish us neatly into two sexes. She suggests that sex differences occur on a continuum, allowing that some of us are more one than another, but not that all of us are either one or the other: "To define the reality of gender as difference and the warrant of equality as sameness not only guarantees that sex equality will never be achieved; it is wrong on both counts. Sex in nature is not a bipolarity, it is a continuum; society makes it into a bipolarity" (1989: 233). If, however, the male and female are

differentiated primarily by the production of ova or sperm, and being a producer of ova or a producer of sperm are not attributes that occur on a continuum, but are, precisely, bipolar attributes, then MacKinnon is mistaken.[16] MacKinnon might grant the bipolarity of the fundamental sex difference (notice, however, that on this conceptualization of sex differences some people will be neither male nor female, since some people will produce neither ova nor sperm), and allow that this is the fundamental biological difference, while denying that this is the natural difference we appeal to in distinguishing individuals as men or women. That is, in determining the gender of a person we do often appeal to natural sex differences (typically secondary sex characteristics), but not to the less observable, although more fundamental sex differences. If the sex differences we take into consideration in determining gender are not bipolar attributes, but are indeed attributes that occur on a continuum, then MacKinnon's claim—that inequality causes sex differences—ought to be interpreted to mean that sex differences which occur naturally on a continuum are caused to be understood as bipolar attributes when gender hierarchy and sexual inequality are the social norm.

The second objection involves a question that arises for anyone who denies that political and social inequalities are grounded in natural inequalities, namely, "How then did the inequalities arise?" The only possible answer is: historical accident. MacKinnon does not deny that there are natural differences between women and men, although, as we have seen, she insists that sex difference occurs on a continuum. Wollstonecraft's attack on monarchy and what she calls "male aristocracy" is precisely a denial of the natural foundation of inequalities of political power, but she certainly allows that there may be natural differences; indeed she sometimes says as much. Rousseau, for his part, does not deny that there are natural differences between man and man (in singing, dancing, eloquence, strength), although he too stresses that these abilities differ along a continuum. What all three consistently deny is that the differences in question are in any sense, just or unjust, the *foundation* for inequalities.[17] In other words, they will not grant that differences entail hierarchies; rather, they insist that the inequalities are produced by the organization of such minor and intrinsically uninteresting differences into a hierarchy. Were one to press the point and say that such differences could not have been organized hierarchically without some justification, MacKinnon, Wollstonecraft and Rousseau would claim that any incidental difference might equally well have been used by those desirous of privilege to serve as a pretext for inequality.

According to this view, then, instead of the dominance of men over women we might have had a social system in which red-haired people exercised illegitimate power over everyone else, until we came to believe that this power must in some sense be legitimate, or it could not be

exercised so successfully. One might object that sex differences are more significant than such trivial differences as hair colour (or, say, blood type) because they determine reproductive functions. This objection assumes that reproductive functions are themselves significant in some way. While MacKinnon simply denies that reproductive functions are significant, Wollstonecraft more explicitly addresses the objection in asserting that we could only discover such significance by structuring our social and economic relations on the assumption that such functions are not significant. If it were to turn out that women and men did not, under those circumstances, resemble one another too closely to warrant granting significance to reproductive functions, then we would know that the assumption was legitimate (1989, 104). Without first presuming that reproductive functions have no significance, we cannot discover that they do.

This is an epistemological point, but one that supports certain routes of political change. If we cannot know whether inequalities are explained, much less justified, by differences so long as we treat those differences as natural, we have a reason to try treating differences as non-natural in order to see whether such treatment effectively eliminates inequalities.

Notes

1 MacKinnon does not herself cite any particular authors as proponents of what she calls "the difference approach." The single standard seems to correspond to liberal feminist approaches to equality (perhaps best represented by Janet Radcliffe Richards [1982] or Susan Moller Okin [1990]), and the double standard to socialist feminist approaches to equality (examples of which would be Iris Marion Young [1986 or Alison Jaggar [1983]).

2 Some feminist political theorists have argued that we need to rethink the value we attribute to various capacities and practices, rather than assuming that they constitute inferiorities or examples of damage. See for example Iris Marion Young, *Justice and the Politics of Difference*. In discussing and criticizing the ideal of impartiality, she writes, "The standpoint of the privileged, their particular experience and standards, is constructed as normal and neutral. If some groups' experience differs from this neutral experience, or they do not measure up to those standards, their difference is constructed as deviance and inferiority. Not only are the experience and values of the oppressed thereby ignored and silenced, but they become disadvantaged by their situated identities" (1990: 116). See also Nancy J. Hirschmann, who, in offering an extended criticism of the very notion of consent and obligation as founded on consent, argues that "[r]ather than trying to create a situation in which women meet the criteria for obligation defined by consent, what theorists need to do is redefine obligation to articulate and accommodate women's experience as well as men's" (1992: 238). In this view, the experience that is peculiar to women is not necessarily to be construed as a manifestation of damage.

3 Two points: First, Wollstonecraft is often said to have extended the case for equality from the possession of reason to the status of women, which is true, but not the whole story; what I am pointing to here is one of the claims she makes that has its roots in radical theory. Second, Rousseau does sometimes acknowledge the point with reference to women, but only implicitly.

4 It is significant that Wollstonecraft, after arguing that "… it is a farce to call any being virtuous whose virtues do not result from the exercise of its own reason," goes on to declare that "[t]his was Rousseau's opinion respecting men" (1989a: 90).

5 This argument is hinted at, rather than clearly stated, in the combination of the claim that "man's pre-eminence over the brute creation" consists in reason (Wollstonecraft, 1989a: 81) and the suggestion that if women are not persons, then they are "the link which unites man with brutes" (1989a: 104). See also *The Vindication of the Rights of Man* (1989b: 25), where Wollstonecraft comments on Burke's claim that "[o]n this scheme of things a king *is* but a man; a queen *is* but a woman; a woman *is* but an animal, and an animal not of the highest order."

6 See, for example, Barbara Taylor, 1993. See also Penny A. Weiss, who writes, "… there are traditions besides those of feminism and liberalism into which Wollstonecraft's writings can properly and profitably be placed. She was a passionate voice for Enlightenment radicalism, a forerunner of nineteenth-century socialist attacks on property and class domination, an influential figure in the early development of romanticism" (1996: 26).

7 See Susan Ferguson, "The Radical Ideas of Mary Wollstonecraft." Ferguson argues that Wollstonecraft was not opposed to class hierarchy. She notes that Wollstonecraft's liberal positions on the issues of family and political economy co-exist with a kind of radicalism (1999: 433).

8 There is another striking passage in the *Vindication*: "… after surveying the history of woman, I cannot help agreeing with the severest satirist, considering the sex as the weakest as well as the most oppressed half of the species. What does history disclose but marks of inferiority …" (Wollstonecraft, 1989a: 103).

9 Wollstonecraft acknowledges this debt, saying, for example, "… warmly as I admire the genius of that able writer [Rousseau], whose opinions I shall often have occasion to cite, indignation always takes place of admiration" (1989a: 93). Sapiro discusses Wollstonecraft's arguments concerning natural differences between men and women (1992: 117-65). She does not, however, address the similarities between Rousseau and Wollstonecraft in their analysis of inequality, the topic that interests me here. She remarks, "It is certain [Wollstonecraft] had read *La Nouvelle Héloïse*, *Emile*, *The Confessions*, and *The Reveries of the Solitary Walker*. She probably read *A Discourse on Inequality* and the *Letter to D'Alembert*. I am not certain she read the *Social Contract* …" (1992: 323, n. 5). Wollstonecraft herself speaks of the influence of the *Discours* and the *Contrat Social* (1989c: 61). My argument may serve as some evidence that Wollstonecraft was familiar with the *Discourse on Inequality* (see also Sapiro and Weiss, 1996: 179-207, of particular interest is the section "On Inequality," pp. 201-5).

10 Wollstonecraft says, "Rousseau's observations [in *Émile*], it is proper to remark, were made in a country where the art of pleasing was refined only to extract the grossness of vice" (1989a: 157).

11 This is of course one respect in which Wollstonecraft differs from Rousseau. At the same time, the difference should not be exaggerated: Rousseau claims that what distinguishes man from the beasts is "sa qualité d'agent libre" (1965: 57); Wollstonecraft might perhaps agree that what is most characteristic of man is something like moral agency, a capacity for virtue (or vice), given her views about the relation of Reason to knowledge and virtue. This seems especially true since Rousseau links the "qualité d'agent libre" to "la faculté de se perfectionner," which, although not conceived in explicitly moral terms, lends itself to interpretation as a capacity for virtue and vice.

12 We can trace these claims as far back as Étienne de la Boétie. See Paul Bonnefon, who writes, "L'influence du *Contr'un* ne fut pas aussi notable qu'on aurait pu l'attendre

… il serait intéressant de rapprocher, par exemple, le *Contrat social* de la *Servitude volontaire*, de comparer Jean-Jacques avec La Boétie" (1898: 169). Bonnefon refers to Reinhold Dezeimeris (1864: 42, n. 2). More recently, Nannerl O. Keohane has argued for certain parallels between the *Servitude volontaire* and the *Discours de l'inégalité*. Keohane (1980: 95) points to the similarity in the questions posed by Rousseau and de la Boétie: If we are naturally free why are we everywhere enslaved? She also remarks on the similarity in their accounts of "the process of denaturing in which men lose even the memory of their freedom" (1980: 96-7). The similarities between the second *Discours* and the *De la servitude volontaire* that interest us here are the elision of the distinction between natural and political inequalities, and the attribution of inequalities to the effects of subjection to arbitrary power. In *De la servitude volontaire ou Contr'un* de la Boétie argues that the complicity of those subjected to a tyrant is not conscious; people tolerate tyrants because they are unaware of the damage that is done to them under tyranny, and hence agree to serve those whose power comes precisely from those who are being subjected (1992: 51-2). We find in de la Boétie the two claims fundamental to radical feminist arguments for equality: that inequality produces damage, and that damage is taken to be natural difference, which it is not (1992: 57-8, 64-5).

13 So, for example, Rousseau writes, "Le besoin [de perpetuer son espèce] satisfait, les deux sexes ne se reconnoissoient plus, et l'enfant même n'étoit plus rien à la Mère sitôt qu'il pouvoit se passer d'elle" (1965: 88). One might wonder how quickly Rousseau supposes children can make do without an adult, but the point is made as an elaboration of the claim that people live solitary lives, and not as a qualification to that, so one must conclude that Rousseau believes the period of dependency to be naturally quite short.

14 For a discussion of the shifting senses of "nature" in Rousseau's work, see Canovan, 1987 and Deutscher, 1997.

15 For an example in contemporary feminist theory of the argument that while there are natural differences between men and women, these need not serve as the foundation or justification of inequality, see Toril Moi, 1999.

16 I choose this example to make the point that there is a gap between the attributes that we believe determine someone to be a woman or a man, and the attributes that we rely on in picking out women and men.

17 Wollstonecraft asserts, "As to the argument respecting the subjection in which the sex has ever been held, it retorts on man. The many have always been enthralled by the few; and monsters, who scarcely have shown any discernment of human excellence, have tyrannized over thousands of their fellow-creatures. Why have men of superior endowments submitted to such degradation?" (1989a: 122). MacKinnon says, "To the extent that the biology of one sex is a social disadvantage, while the biology of the other is not, or is a social advantage, the sexes are equally different but not equally powerful. The issue becomes the social meaning of biology, not any facticity or object quality of biology itself…. The relevant issue is the social meaning of the sexuality and gender of women and men, not their sexuality or gender 'itself'—if such a distinction can be made" (1989: 232-3). Also, "Distinctions of body or mind or behavior are pointed to as cause rather than effect, with no realization that they are so deeply effect rather than cause that pointing to them at all is an effect. Inequality comes first; difference comes after" (1989: 219). And Rousseau (1965: 44) says that we cannot ask what the relation between natural and political inequalities is, because that would be like asking whether those who command are necessarily worth more than those who obey and whether strength of body or of mind, wisdom or virtue, are found always in the same individuals, in proportion to their power or their wealth—questions he obviously finds ridiculous.

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