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EQUALITY AND THE RIGHTS OF WOMEN. By *Elizabeth H. Wolgast*. Ithaca, N.Y.: Cornell University Press. 1980. Pp. 176. \$12.50.

Equality is a strong value in the American political tradition. As a result, Elizabeth Wolgast points out, it is not surprising that current arguments for women's rights frequently rely on equality principles. She asserts, however, that because principles of justice are not always consistent with complete equality of treatment, equality principles by themselves cannot furnish an adequate conceptual basis for an appropriate program of women's rights. Justice requires that men and women be treated alike with respect to some rights (such as the right to vote), but it also requires that men and women be treated differently with respect to other rights (such as the right to maternity care benefits).¹ Thus, Wolgast contends, it is a mistake to focus exclusively on the ideal of equality in arguing for women's rights.

In her opening chapter, Wolgast considers the claim that the right to equal treatment is based on similarity or sameness. She finds that while this assertion succeeds for race, it fails for sex. In her view, although the races are alike in all important respects, men and women are not: that women bear children and men do not creates a significant difference between the sexes. While a just society should ignore differences in skin color, it should respectfully accept differences of sex. Wolgast argues that an "assimilationist" society — one which seeks to ignore totally differences of sex — would be a kind of Procrustean bed. It would require massive conditioning to make its members think like androgynous creatures with identical sex roles.

Having found sameness unsatisfactory as a principle for developing just relations between men and women, Wolgast next examines and rejects two other models of equality: equality of ordinary things and equality of social peers. First, she explains that to say that two things are unequal implies that they must differ in some feature that is subject to comparison. In other words, some common measure is required. When two things measure the same, they are equal, but a judgment of equality presupposes the possibility that the two things might have been unequal in the measured respect. When a measure is lacking — as between, say, a rainbow and a Wordsworth ode — then equality is a meaningless concept. Because our morality will not acknowledge the possibility of a measure according to which

1. The author acknowledges that special rights which depend on the particular needs of individuals might more properly be termed benefits or privileges rather than rights. She uses the terminology of rights, however, because when people commonly speak of "women's rights," they mean to include benefits such as maternity leave.

some humans are equal and others unequal, one cannot apply this principle of equality to human beings. Indeed, Wolgast argues, the real egalitarian thesis is precisely that human worth stands beyond measure — an insight which the rhetoric of equality tends to obscure.

Wolgast similarly finds that the equality of social peers is an inappropriate model for just relations between the sexes. She defines peers as independent individuals who share a common interest; she gives as examples fellow travelers and comrades-at-arms. She contends that while men and women function as peers in some contexts, peership does not accurately describe the relationship between husband and wife during the phase of marriage which involves child-bearing and rearing.

Although her discussion of equality models seems far from exhaustive, Wolgast apparently concludes that any general equality model will break down in some respect when applied to relations between the sexes. This breakdown, she observes, is evident in attempts to use equality principles to settle legal disputes. In her review of recent Supreme Court cases on women's rights,² she finds that sometimes women's legal rights rest on women's similarity to men: a law is unconstitutional, for example, if it prefers a male as the administrator of an estate when a male and a female candidate have comparable claims. In other cases, women's rights depend on their differences from men: only women enjoy the right to have an abortion since only women can bear children. In law as in philosophy, the author argues, some of the rights needed by women, especially those connected with jobs and promotions, are equal rights, while others, particularly relating to women who care for a family, are special rights.

Despite the impossibility of developing a model for just relations between men and women that is based entirely on equality principles and ignores differences between men and women, Wolgast observes that we persist in viewing humans as sexless. She offers two explanations for this inclination: first, our view of human nature as spiritual and rational rather than merely animal or physical, and second, the atomistic model of society which dominates social science, economics, and philosophy. These two conceptual traditions, she explains,

2. The book discusses the following cases: *Los Angeles Dept. of Water & Power v. Manhart*, 435 U.S. 702 (1978); *Taylor v. Louisiana*, 419 U.S. 522 (1975); *Geduldig v. Aiello*, 417 U.S. 484 (1974); *Kahn v. Shevin*, 416 U.S. 351 (1974); *Reed v. Reed*, 404 U.S. 71 (1971); and *Diaz v. Pan American World Airways, Inc.*, 442 F.2d 385 (5th Cir. 1971), *cert. denied*, 404 U.S. 950 (1971).

create difficulties for the advance of women's rights. As an alternative to our view of human nature as androgynous, Wolgast advocates a "bivalent" form of thinking that distinguishes between the interests of men and women. She also believes that we should replace the atomistic model of society with one that emphasizes human connections and interdependence:

Many important facts should be taken into account: that a baby needs someone's time-consuming love and care; that elderly persons are unable to compete for their sustenance; that child-bearing and child-nurturing are not primarily ways to satisfy self-oriented desires; that families are not associations of individuals who join together for their mutual benefit. [Pp. 16-17.]

A model that cannot reasonably represent these facts, she says, is not an acceptable model of human society.

Wolgast concludes that the concept of equality has become a convenient but dangerous oversimplification in arguments for women's rights. The ideal of equality threatens to force women to identify their interests with those of men and to conform to a masculine norm. As Wolgast herself admits, however, merely to recognize that justice between men and women requires a combination of equal and special rights does not solve the difficult task of specifying the appropriate mixture. *Equality and the Rights of Women* does not attempt this task. The value of Wolgast's book lies in her eloquent argument that we cannot begin to solve this problem until we discard that "all-purpose" ideal of equality and replace it with a more sophisticated conception that recognizes the differences between men and women.