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Freedom and Equality: Beyond Egalitarianism and Anti-Egalitarianism

Philosophy, as we know, is an abstract expression of worries, sentiments and longings that move people and societies. Philosophical debates are often innovative, but sometimes we have reason to ask ourselves why they develop at all and what general social trends they follow. An example of such a philosophical discussion—one that seems bewildering to many—is the current dispute between egalitarians and anti-egalitarians, which has also reached German-speaking countries and which divides philosophers into opposing camps.

Given feminist arguments against egalitarianism that seem initially to have the potential to erode the social responsibilities of societies, the debate must seem especially strange to those feminist philosophers who have considered the European welfare state as a reasonable normative standard. The political shifts of the last decade, especially the change in former communist countries and the globalization of markets, provide the general social background for these challenges to egalitarian thinking.

Yet a look at these causal factors does not answer compelling questions such as, Are the normative demands of a strict egalitarianism really binding? Are these demands morally compelling? Are the arguments with which we justify people's access to certain social and economic goods in fact egalitarian? Do we have to base an acceptable conception of society and its fundamental institutions on the ideal of equality at all?

In this talk I shall not address in detail the debate between egalitarians and anti-egalitarians. Instead I shall argue for an autonomy-based political theory that defines a specific structure among basic political values like universal respect, freedom, and equality. My claim is that such a theory integrates the value of equality in a form that allows us to leave behind the dispute between egalitarianism and anti-egalitarianism. Finally I shall try to show that an autonomy-oriented political theory is attractive from a feminist point of view.

Freedom and Equality: Two Weighty Concepts

It is not an easy task to define the concepts “freedom” and “equality,” since both ideas are ambiguous and complex. I want to start with a basic concept of freedom or autonomy that seems adequate to the private and to the public sphere. I therefore propose that “freedom” be understood as the ability to determine autonomously the form of life that one wants to lead as long as this is compatible with the equal freedom of others. Defined in this way, the concept of freedom includes aspects of negative and positive freedom: one is free from (unjustified) restrictions x to do y .¹

This definition articulates a basic conception of social freedom and autonomy. To be autonomous means to have an attitude of critical reflection toward one’s immediate desires and wishes. Social freedom and autonomy as just defined are the basis for other forms of autonomy or freedom. Social freedom is, for example, the basis for moral autonomy. For persons to think of themselves as moral subjects, to give themselves a moral identity, it is necessary that they be able to autonomously live their conception of the good. Social autonomy is also necessary for political freedom—the freedom to participate in processes of public deliberation and choice. The idea that individuals should be able to participate as political subjects in the processes of public political deliberation is only meaningful in a context where people are able to choose their personal projects, goals, and values.

Recognition of the basic importance of social freedom and autonomy allows us, further, to justify freedom of religion and freedom of speech. To choose one’s conception of life freely entails the ability to choose individual conceptions of the good that deviate substantially from the prevailing conventional doctrines of a society. Freedom of conscience and freedom of speech are necessary for the protection of these minority attitudes. Equally, a democratic society must leave to its members the choice of whether to adopt a religious or a nonreligious form of life. Freedom of religion is therefore just as necessary as are the freedoms of conscience and speech.

To sum up: social freedom in the sense defined above is the basis of freedom of conscience, freedom of speech, freedom of sexual orientation, freedom of religion, and freedom of public assembly. Some of these freedoms require for their protection the guarantee of rights, e.g., personal rights, political rights, and social rights.

Aside from freedom, equality is the other basic value of democratic political theory. The idea that people are equal is normatively axiomatic in democracies; a principle of equality (*Gleichheitsgrundsatz*) is found in most constitutions. But “equality” is a complex notion. Often the realization of the ideal of equality includes moral arguments that are not

¹ This is MacCallum’s definition of freedom. Cf. MacCallum, Gerald C. Jr., “Negative and Positive Freedom,” in David Miller, (ed.), *Liberty*, Oxford 1991, p. 101.

specifically egalitarian. By egalitarian arguments I mean considerations that are relational: any judgment about what goods a person should get is dependent on weighing the claims of each person in relation to the entire amount of goods available for distribution. However, if there are vast differences in wealth that allow some people to live in luxury and condemn others to hunger, then our striving for equality means improving the living conditions of the poor—an activity that in itself is not dependent on specifically egalitarian considerations.

In a first step, we could identify equality with a formal principle of equal treatment that reads:

Persons should be treated equally in regard to a parameter x as long as there exist no reasons for unequal treatment so powerful that no reasonable person could reject them.

To get from this principle to a substantive notion of equality we have to specify the parameters in regard to which equality is relevant. A first parameter is the common humanity of people. People have equal basic needs and as vulnerable beings they equally need protection. This fact of shared humanity is a starting point for postulating a principle of universal respect (*Prinzip universeller Achtung*). Very often this principle of universal respect is understood as a basic principle of equality, and the frequent claim that equality is an intrinsic value refers to the notion of equality as universal respect.

It seems to me misleading to interpret the principle of universal respect as a principle of equality. The decisive element in this principle is not the idea of equality but the idea of recognition. The principle of universal respect expresses the demand that all persons be recognized as persons, but it does not refer to any specifically egalitarian considerations. In the context of emancipatory social movements the claim of equality can be easily translated into a claim of recognition. When members of ethnic minorities or other socially disadvantaged people appeal to the idea of equality, their appeal is motivated by a longing for recognition, for respect. This includes the right to be treated not merely as a means, but as an end, not to be instrumentalized but to be treated as persons who are valuable as such.

It is possible to read the principle of equal respect as a principle of equality. But then one has to consider that this principle does not without further argument support an egalitarian liberalism where equality is the paramount value. That the principle does not suffice to justify a strong egalitarian position in regard to social and economic goods can be seen by reflecting on libertarian conceptions, which also embrace the principle but are not sympathetic to the idea of egalitarian distributions. In libertarian political theories, the principle of equal respect

corresponds to the idea that all people equally have a strong right to their own person and the results of their labor and achievements.²

I regard the principle of universal respect as an overriding value but I do not understand it as a genuine principle of equality. Genuine egalitarian principles involve relational considerations. That is to say, what one person gets depends on what goods are given to others in relation to the amount of goods available. Then we see that the normative ideal that we owe all people respect qua their humanity does not rest on relational considerations. Humanity is an absolute standard, not open to gradation. With regard to absolute standards of this kind, the principle of equal respect is simply a condition of impartiality, in the sense that one person cannot have a moral status which is refused to other beings who are equally human persons.

The overriding principle of equal respect and equal recognition does not, then, amount to a genuine principle of equality. “Equality” in this context only means “universality,” that people equally deserve respect means simply that all people deserve respect. All people deserve recognition qua being human. Each person has a right to be respected in her dignity. But in justifying why persons deserve equal respect only the single fact of their being human is decisive. Relational considerations do not play a role.

Yet there exists another concept of equality, namely, the idea of distributive equality, where the parameters of equality refer to social or economic goods. This principle reads:

Social and economic goods should be distributed equally, as long as there do not exist good reasons, i.e., reasons that no one can reasonably reject, that justify an unequal distribution.

Distributive equality is a genuine principle of equality, as the distribution of goods involves considering how the claims of some people should be weighed in relation to the claims of others. Genuinely egalitarian principles are relational in that what one person gets depends on the legitimacy of the claims of others and the amount of goods available. Answering the question how we should distribute goods in accordance with criteria like need, desert, and merit involves relational considerations.

The principle of distributive equality can be interpreted as a principle of strict equality or as a principle of equal chances. It seems more congruent with our notions of justice to read the distributive equality principle as a principle of equal chances to get social or economic

² This principle goes back to the political philosophy of John Locke.

goods. Here the principle is decisive in directing us to ensure that individuals have an equal amount of goods, as long as there are no weighty reasons that justify an unequal distribution. Such reasons could be different amounts of time worked, different amounts of effort, or different talents indispensable to certain careers.

The reason why distributive equality should not be associated with strict equality is that people should be held responsible for those inequalities that are the direct result of their free decisions for a certain way of life. While all people have a right to basic help and support in emergency situations, individuals should not be compensated for those inequalities for which they are responsible.³ Considerations of efficiency that are indispensable in market-oriented societies make it impossible to read the principle of distributive equality as requiring a strictly egalitarian distribution of goods.

So it seems more plausible to connect the idea of distributive equality to a principle of equal chances. The members of society should have at least an equal chance to enjoy the goods available. In relation to one set of social goods, namely, that of human rights and basic political rights, the idea of distributive equality amounts to strict equality. All people do have a claim to basic rights like the freedom of religion, of conscience, and of free speech. But the standard of strict equality does not hold for rights that people have acquired in connection with specific positions and specific contracts with others.

The principle of equal respect states that all human beings deserve respect and recognition, and that we should consider equally the basic moral claims that human beings are entitled to make just in virtue of their being human. What exactly does it mean to respect human beings qua being human? The meaning of this abstract form of respect and recognition can be determined negatively. Then it means that instrumentalization and humiliation are forbidden on the level of personal interactions but also on the level of the institutional design of societies.

Yet respect and recognition also include a positive dimension which is somehow harder to define. In Kant's practical philosophy "respect" means treating persons as ends. This may be cast positively as a duty to help others to realize their ends. Here we must carefully distinguish between individual ethics and political morality, as only political morality can serve as the basis for an acceptable political theory. In the domain of individual ethics, the principle of equal respect directs us positively to share the ends of others; we see this

³ For a critique of an extensive egalitarian reading of the principle that people should be held responsible for inequalities that are not the result of brute bad luck but of people's decisions see Anderson, Elizabeth, What is the Point of Equality? In: *Ethics* 109, 1999, S. 287-337.

explicitly in Kant's Humanity formulation of the Categorical Imperative, which demands that we act according to maxims whose ends others can share.⁴

But in the context of political morality we have to search for another positive interpretation of "respect." In this context, I believe, "respect" means guaranteeing people the freedom to pursue their conception of a good life, but it is also a positive demand for the means to realize their basic projects. The ideal of universal respect finds expression in the guarantee of people's basic social autonomy to pursue their conception of a good life. "Respect" here presupposes that people have basic personal and political rights, and it implies, moreover, that people have social rights that guarantee them at least a minimum of social and economic goods. Without these positive rights, our appeals to freedom would remain an empty way of talking.

The Relationship between Freedom and Equality

How should we conceive the relationship between freedom and equality? I want to put forward the following thesis: Freedom in the form of basic social autonomy to pursue one's conception of a life is a value in itself. Distributive equality, which I regard as the only genuine principle of equality, is an instrumental value, necessary to the attainment of freedom and autonomy. The justification for regarding freedom and equality as values follows from the overriding status of the principle of universal respect.

That all people deserve respect simply because they are human beings implies that they are entitled to freedom and autonomy, as well as to the social and economic means that permit them to realize these values. But the principle of universal respect, which I regard as an intrinsic value, is not a principle of equality.

So here we have three important values: universal respect as an intrinsic value of overriding status, freedom as a value in itself, and equality as an instrumental value. This needs explanation. It seems reasonable to consider values under two aspects: their modality and their source.

Seen from the aspect of modality, an intrinsic value is a value in itself that also has its source in itself. The justification for regarding a value *x* as an intrinsic value cannot be found in another value; the justification has in a way come to an end. Both that a certain value is an intrinsic value and why it has this status can be shown by a regressive argument that reveals the normative idea expressed in the construction of a value as simply the end point in our

⁴ Kant, Immanuel, *Grundlegung zur Metaphysik der Sitten*, Frankfurt/M.: Suhrkamp 1974, p. 58 (= Suhrkamp-Werkausgabe Band VII).

analysis of the normative presuppositions underlying a moral or political theory. And I think that our reflections about what basic values we assume in an acceptable political conception show us that the idea that people are important as people and do have dignity is the motivating inspiration for all other normative constructions.

An extrinsic value has its source in something else. An instrumental value is a value that has value only as a means to some end. Most instrumental values are extrinsic values, but there are some extrinsic values that are values in themselves, as when a person cherishes a present and the value of the present derives from the relationship of respect and friendship one entertains for the person who gave one the present.⁵

Universal respect counts as an intrinsic political value; freedom is a value in itself, but not an intrinsic value; and distributive equality is an instrumental value, necessary to preserve freedom for all. The value inhering in freedom and distributive equality is derived from the principle of universal respect, hence freedom and equality are extrinsic values.

Egalitarianism is often associated with the thesis that equality is an intrinsic value. But usually when philosophers regard equality as an intrinsic value they are thinking of equality as universal respect. Equality in the form of an equal distribution of goods is not an intrinsic value—it is not even a value in itself, mainly for two reasons. First, we can hardly justify a strict egalitarianism regarding goods as a plausible social ideal, as it conflicts with our intuition that not all forms of inequality are morally problematic. Second, even a moderate egalitarianism in the form of equal chances for certain goods does not declare equality to be an intrinsic value, as in this case the axiological status of equality depends on other values, e.g., its contribution to autonomy. And this functional role in regard to autonomy renders equality, understood as a differentiated form of egalitarianism, an instrumental value.

If one conceives of distributive equality as an instrumental value, as I do, then one does not necessarily marginalize the idea of equality and one is not an anti-egalitarian. The instrumental role of distributive equality does not undermine the importance of such regulations as affirmative action rules, such as quotas for women that seem to be a direct result of a constitutional principle of equality. One can understand these regulations as a means of securing the basic freedom and autonomy of women to pursue a conception of life that might include a specific way to make a living.

The position I defend does not exclude egalitarian considerations altogether, but it is far from defending egalitarianism as an intrinsic value. An autonomy-based political theory involves a principle of distributive equality which is egalitarian in the sense that it relies on

⁵ Cf. Anderson, Elizabeth, *Value in Ethics and Economics*, Cambridge MA: Harvard University Press 1993, p. 19f.

relational considerations. The autonomy-based position defended here develops a very differentiated form of egalitarianism, an egalitarianism that finds expression in the notion that autonomy needs to be supported by a complex form of egalitarian distributions of goods.

This differentiated form of egalitarianism, which to some might be too much of a move away from old egalitarian ambitions, faces the following objection by anti-egalitarians. They might argue that it remains unclear why reducing the principle of equality to the notion of universality as we defended it in the case of the overriding principle of equal respect should not also be adequate in the case of the principle of distributive equality. This move would make the concept of equality superfluous altogether.

According to anti-egalitarians who relativize the normative meaning of the idea of equality, one can justify the claim that people have a moral right to access to certain goods by appealing to nonrelational evaluative standards. If the situation of individuals, considered in itself, does not fulfill the minimal conditions for a good life, then people simply deserve more goods. All this is justified by nonrelational normative considerations: people should not be hungry and should not starve, people should not live marginalized, people should not live in poverty, sick people have a right to medical care, and people should have adequate living space.

Anti-egalitarians hold that the claim of people to an adequate amount of basic goods can be justified independently of the situation of other people, without considering, for example, whether they have more goods and if so, how many more goods. The only relevant question for anti-egalitarians is whether each person has a sufficient amount. In Harry Frankfurt's words: "The fundamental error of egalitarianism lies in supposing that it is morally important whether one person has less than another regardless of how much either of them has."⁶ It is important to ensure that people have enough goods to survive or—on a higher level—that they live a good life.

Frankfurt's principle of sufficiency states that it is irrelevant whether some people have more than others if all have enough to lead a decent life. Frankfurt sees the principle of sufficiency as an alternative to egalitarianism. But the problem remains that we have reason to ask whether inequalities in income and wealth beyond the level of sufficiency are justified and whether these inequalities violate basic notions of equality.

The anti-egalitarian position seems wrong to me. The concept of distributive equality cannot be replaced altogether by nonrelational standards that grant people certain goods. The problem of distributive equality is a genuine problem, since we can decide the question

⁶ Frankfurt, Harry, *Equality as a Moral Ideal*, in: Louis P. Pojman und Robert Westmoreland (eds.), *Equality. Selected Readings*, New York/Oxford: Oxford University Press 1967, p. 269.

whether and to what extent people have a claim to certain goods only if we take relational considerations into account. The trivial example of dividing a cake shows us the connection between claims to goods and genuinely egalitarian, i.e., relational, arguments. The equal division of a cake among children seems *prima facie* morally justified and we need good reasons for an unequal distribution: the child has already had a piece of cake, it is the child's birthday, etc.

The cake example is important in two respects: On the one hand it emphasizes that inequalities have to be justified; on the other hand—and this is more important—it demonstrates that the amount of cake given to a particular child depends on the well-grounded claims of the other children in relation to the size of the cake overall. Of course we can give the whole cake to one child, but the morally adequate justification for doing this cannot simply be found in the absolute standard of humanness of this child if there are other children present who seem equally human. Perhaps the others do not want any cake, perhaps they already had more of another cake than was good for them, but all this makes clear that nonrelational standards of value cannot answer the question to what extent we should grant people goods. A nonrelational justification for providing people with goods is an open and unspecific standard—we do not know the range from smallest amount to largest amount that the standard includes. Two criteria for a specification seem possible: first, the standard of fulfilling the basic needs of people, second, the idea that people should have the goods not only to survive, but to lead a good life.

The first criterion seems too minimal. If societies can afford it, then they have to do more than just enable people to survive. The second criterion seems too vague. The idea that people should have a good life is problematic if it divorces individuals from the context in which they live. The difficulty is that the continual effort to improve the lives of some people can use up the resources needed to improve the situation of other people or other groups of people. Under conditions of scarce resources—ad these conditions hold for relatively wealthy countries—we cannot answer the question how much people deserve independently of the question how much others should get.

My position distinguishes two levels: an absolute standard (namely, universal respect) and a relational standard of distribution. This circumvents the equality problem, since I have made it clear that universal respect is not a principle of equality. The step from an absolute standard of recognition to a relational standard of distribution is legitimate, as the complexities of the social world make it morally necessary to allow differences in regard to distributions. Some goods we distribute strictly equally in democratic political systems, like the right to freedom of conscience, the political right to vote, and the opportunity to be a

candidate for political office. Other goods are not distributed equally, and often this is perfectly acceptable, as it does not diminish our status as human beings. It is of course not a violation of the condition of universal respect that Olympic gold medals are given to some but not to others.

I defend a rather modest version of egalitarianism that associates it with the thesis that relational considerations are indispensable. Someone might object that the way the argument proceeds, from a strong notion of real freedom to goods as the means to preserve that freedom, can also be made by nonegalitarian considerations. That is, the normative goal of granting persons freedom and autonomy tells us the particular goods and economic means to which persons are entitled. So the entitlement can be justified by reasons that do not appeal to a principle of equality. But this is not sufficient. In a world of scarce resources, it is necessary to weigh the claims of persons to goods in relation to the claims of others and in relation to the entire amount of goods available for distribution. Goods cannot be distributed by absolutist moral standards, as this might lead to unacceptable consequences. Perhaps your absolutist standard is to make a certain person as happy and well off as possible, and so you tend to give this person all the things available. This might be fine in a world of endless resources, but it is not adequate in a world of limited resources. A political theory must fulfill minimal conditions of moral adequacy and in this case that means taking account of the fact that all questions of granting people goods invite relational considerations—namely, how many people have claims and how much we can give them in relation to the entire amount of goods and the equal claims of others.

The autonomy-based conception offered here, though it is clearly not libertarian, seems at first sight very different from the egalitarian forms of political liberalism defended, for example, by Rawls and Dworkin. But I think a closer look at Rawls's theory reveals that there are strong tendencies to a freedom-based conception, though he defines his position as egalitarian liberalism. I note, for example, that Rawls's first principle of justice, the liberty principle, is given priority over both the principle of equality of opportunity and the difference principle. His distinction between freedom and the value of freedom seems quite close to the thesis that the function of the principle of equality of opportunity is to secure freedom. But Rawls does not speak that way and he cannot, as he considers equality to be an intrinsic value. However, we can read his theory differently.

Rawls does not declare freedom to be an overriding political value. If he understood the principle of equal freedom as central, in the way Kant considered it as central, then the structure of his theory would change. The difference principle would then only refer to the conditions for realizing freedom and would be part of the first principle of justice—the idea of

an adequate system of equal freedoms for all. Similarly, the principle of equality of opportunity would also be part of the idea of equal freedom; it would spell out this idea in terms of positions in society.⁷

Dworkin seems the most eloquent defender of an egalitarian liberalism. He considers equality in the form of “equal respect and equal consideration” to be the basic ideal of his political philosophy. The goal of this liberalism is to achieve egalitarian structures and conditions for granting people equality of resources. Freedom is a necessary condition for formulating Dworkin’s conception of equality of resources, as “freedom” means “greatest possible autonomy in decisions about the allocation of resources.” So equality, both on the abstract level of universal respect and on the level of distributive equality, seems the dominant value.

But a closer look reveals a different picture of this strong and dominant form of egalitarianism. Equality has such a central position in Dworkin’s theory because he reads the principle of universal respect as a principle of equality, which, as I have argued, is simply implausible. And the impression that freedom seems to have a functional role in the context of equality of resources is hardly tenable, since Dworkin of course also extends the idea of freedom to cover all those basic rights of freedom (political freedom, freedom of expression, freedom of religion) that cannot be regarded as instrumental in realizing equality of resources. So it seems more reasonable to give freedom a different status and interpret equality of resources as a necessary condition for helping people to real freedom. This shows that on one plausible reading, Dworkin’s liberalism is not so far from an autonomy-based conception of political theory.

If we look back on the development of political liberalism, beginning with Locke and Kant, we see that in their political philosophies freedom has a strong and central position. The function of the state is to protect the negative freedom of people—their freedom as a “natural human right,” as Kant says. The versions of egalitarian liberalism we meet in the second half of the twentieth century clearly undermine this dominant status of freedom and emphasize the notion of equality.⁸

The principal reasons for this shift away from freedom to equality can be found in the rather problematic status of property rights in the liberalism of Locke and Kant. According to Locke, the state must protect the property rights that people already held in the state of nature. This provokes the obvious objection that such a political conception simply conserves those

⁷ Cf. Höffe, Otfried, “Is Rawls’s Theory of Justice Really Kantian?” In: *Ratio* XXVI, 1984, pp. 118, 119.

⁸ For a comparison between the „Old“ and the „New Liberalism“ see Korsgaard, Christine M., Commentary (on G.A. Cohen: Equality of What? On Welfare, Goods and Capabilities, Amartya Sen: Capability and Well-Being), in: Martha C. Nussbaum und Amartya Sen (eds.), *The Quality of Life*, Oxford: Clarendon Press 1993, pp. 54-61.

dramatic and unjustified inequalities which are the result of contingent and arbitrary appropriation of uninhabited areas of land in the state of nature.

Kant's liberalism is not equally vulnerable to that criticism. Kant's principle of right, which demands that the freedom of one person is compatible with the equal freedom of all others, seems to block unacceptable consequences arising from the initial assumption of property. But Kant himself did not consider the dimension of distributive equality. Equality in his political philosophy remains nothing more than "equality under the law," *Gleichheit vor dem Gesetz*, „der Gleichheit der Menschen im gemeinen Wesen als Untertanen“.⁹ But basically Kant's theory has the potential to be rewritten as a freedom-based political theory open to considerations of distributive equality, especially if one moves from Kant's clearly negative concept of freedom to a more substantial notion of real freedom.

The autonomy-based conception I defend is individualistic. Central to it is the freedom of each person to be able to realize her conception of a good life, which entails the guarantee of political and social rights. This amounts to a difference from other freedom-based theories. In Habermas's theory of democracy, a general discourse principle, according to which the legitimacy of norms are dependent on the consent of those for whom the norms are relevant, is equally the source of private and public autonomy, i.e., autonomy in the public-political sphere. This means that for Habermas private and public autonomy are on the same level.

In my conception the private autonomy of individuals is paramount because we can only construct a decisive argument for public autonomy if we presuppose that private autonomy is a central value. An autonomy-centered political theory avoids the greatest danger of a crude and unreflective interpretation of egalitarianism, namely, violating the individual freedom of people in an overambitious impulse to make people equal.

Feminist Perspectives on Freedom and Equality

I think that the autonomy-based conception outlined here can also receive endorsement from a feminist point of view. This might seem a strange thesis. An autonomy-based political theory is clearly in the tradition of political liberalism, and liberalism does not find much favor among feminist philosophers. And for the most part feminist political theory has focused on the concept of equality, not freedom.

⁹ Kant, Immanuel, Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis, in: Kant, Immanuel, Schriften zur Anthropologie, Geschichtsphilosophie, Politik und Pädagogik 1, Frankfurt/M.: Suhrkamp 1991 (Suhrkamp-Werkausgabe Band XI), p. 146.

Sometimes liberalism is not strictly separated from a libertarian view, but it should be clear that the conception developed here is neither libertarian nor neo-liberal. Historically, freedom-based political philosophies, like all other political theories, have all had one shortcoming in common: they simply ignore gender differences. But that alone does not disqualify theories that take up ideas like autonomy or freedom. And it is obvious that in feminist philosophy the concept of autonomy has recently garnered more attention, though the definitions of autonomy vary.

Feminist philosophers have done substantial work on the analysis of the structures of power. They have revealed the forms of deep subjugation that are a result of the conventional constructions of sex and gender. They have made clear how gender constraints affect people and diminish their choice of an identity. I think this work shows that autonomy does have a central position in feminist theory. The autonomy to define one's own identity and give it expression in a certain form of life is crucial for women. Despite vast differences, all women have discovered that on the basis of a morally irrelevant attribute like sex one can be subjected to normative constructions that severely limit one's autonomy. And discourses about queer and drag are vivid expressions of the demand to define, decide, and determine for ourselves who we want to be and what picture of ourselves we want to present to others. Securing the real autonomy of women demands a special sensitivity to the informal ways in which repressive gender constructions work.

Nevertheless, the thesis that feminist political theory can build on the basic assumptions of an autonomy-based liberalism needs a careful justification, since many feminist philosophers are deeply skeptical toward liberalism. Their reservations are not merely directed at the inattention to gender displayed by many liberal philosophers, but focus as well on basic categories and postulates of liberalism. The values of freedom and equality are constitutive elements of liberalism, but feminist philosophers have criticized the principle of equality and the concept of freedom in liberalism. The project of making people equal, according to this criticism, would require women to adopt male standards. Male ways of living and male understandings of success would constitute the norm to which women would have to conform if they were to count as equal. Seen from this angle, equality seems to be a deeply ambivalent ideal, as its demand for abstraction requires women to strip away all those differences that are characteristic of their lives and their situation in society.

Feminist philosophers also criticize the individualistic concept of freedom we find in liberalism. They argue that the greatest possible freedom in pursuing a chosen conception of good life reflects a male ideal of autonomy that remains alien to women, who often live in a

close net of responsibilities for children and elderly family members.¹⁰ But this critique does not touch the ideas of equality and freedom as such; it just shows that these concepts have to be formulated in a way that frees them from all gender-specific biases. Equality in the sense of sameness and adaptiveness can be abandoned if equality is associated with the idea of universal respect and if, at the distributive level, equality is seen as a precondition of freedom. The ideal of autonomy in choosing one's form of life seems more convincing if we reflect clearly on those barriers that undermine the freedom of women.

Feminists also object that liberalism presupposes an atomistic conception of the subject. This criticism derives from the communitarian complaint that liberal theory conceptualizes individuals as unembodied and abstracted from the social contexts and communities in which they live. For women, as the criticism would have it, the view that individuals choose their goals freely is alien to the dense social relations in which they live.

But feminist philosophy should regard this criticism with skepticism. Feminist political theory is normatively inadequate if it adopts a conception of subjects so thoroughly embedded in their communities that the values of these communities become immutable constituents of their identities. Liberalism does not ignore the fact that individuals live in relations and communities. No political theory can ignore the fact that people live in social contexts that generate concrete responsibilities which must be taken into account in choosing different ways of life. But persons disposed to liberalism reflect their own social situations and sometimes they overtheorize their social responsibilities. From a feminist perspective, the idea that individuals permanently reflect their value commitments and the ways they should understand their social ties to others seems to be an acceptable one. The principle that individuals should freely commit themselves to the social relations that create special responsibilities can be of normative value for feminism.

In mainstream liberalism this ideal of autonomy focuses on male subjects. Men have enjoyed greater opportunities to move freely in the private as well as the public sphere; they could decide freely whether they wanted to make use of their opportunities for political participation. For women it has been much harder to live such a form of autonomy. But this asymmetry is a consequence of the classical division between private and public. It is not a consequence of the conception of the subject in liberalism. The autonomy ideal takes on masculine attributes if it is associated with the classical division between private and public,

¹⁰ This is relational autonomy, which merely expresses the demand to be aware of others in the way one makes decisions. However, relational autonomy also relies in the end on the idea that we have to make our decisions as reflectively and freely as possible. For an exposition of relational autonomy cf. the contributions in: Mackenzie, Catriona und Natalie Stoljar (eds.), *Relational Autonomy. Feminist Perspectives on Autonomy, Agency, and the Social Self*, New York/ Oxford: Oxford University Press 2000.

yet if this division and the gender system it supports is given up, then the principle of autonomy can be separated from a male-biased gender context. Once the meaning of “private” is uncoupled from its association with femininity, it becomes possible for women to define themselves independently of traditional gender norms. They can then choose their conception of a good life freely.

The autonomy of persons is an indispensable standard of feminist theory. Often feminist philosophers consider the dissolving of fixed gendered identities as a moment that helps to elucidate the aspects of domination and power embedded in our traditional gender constructions. The idea of freedom, the aim to make persons autonomous, demands that we abandon all diminishing gender stereotypes. Gender identities become more fluid if individuals can define freely who they want to be, if they can transcend barriers of sexual and social identities to which they do not or can no longer consent.

Freedom includes more than a guarantee of negative rights. Negative freedom is not enough, as the mechanisms of power, normative symbolizations, and prejudices might make it impossible for certain social groups to make use of their rights. Securing autonomy requires an awareness of those informal and hidden uses of power that attach to traditional normative constructions of “female” and “male.” An autonomy-based liberalism that leaves these traditional gender concepts behind opens new perspectives for feminist political theory.

An autonomy-based political theory allows us to see well-known debates in a new light. I think, for example, that the whole problem of “equality versus difference” vanishes if one sees the individual freedom of women as central and considers distributional equality as a means to reach that freedom. The starting point of the dilemma “equality versus difference” resides in two claims that cannot be easily reconciled and are in tension: first, that women should be equal to men, where “equal” amounts to “being the same”; and second, that women should be different from men. In the history of philosophy, the demand for women’s equality to men has often been justified by reference to the fact that women have the same abilities as men and that they can do professionally what men can do. To be equal in the sense of being like men is taken to rest on the fact that women and men share a morally relevant attribute, such as being human. But this idea of shared attributes does not support the general idea that equality might imply a sameness that neglects the important differences between women and men.

To be the same with regard to morally important attributes such as being human leaves enough space for differences. Yet often the analysis of questions of equality does not specify the morally relevant attributes. So the idea of sameness connected with equality develops beyond that shared possession of a relevant attribute into a diffuse idea of general sameness.

Feminist discussions also have a tendency to extend the idea of equality as sameness to morally irrelevant similarities.

The conflation of equality with generalized sameness is one reason why many feminist philosophers are ambivalent toward the idea of equality. In several respects women are different from men, and the claim to be treated equally should not be trivialized by these differences. One difference between men and women is that only women get pregnant. The question is what this fact entails. In most welfare states it is recognized that in regard to pregnancy women should be treated differently, that they have a claim to medical care and leave for child rearing. It is meanwhile well known what absurd consequences can follow if equality between genders is identified with the sameness of men and women.¹¹

Feminist political theory has so far tried to overcome the dilemma “equality versus difference” by a reformulation of the concept of equality. I will outline three versions of such an attempt. The first one is the development of an androgynous conception of equality.¹² This conception states that there are no relevant differences between men and women. On this view, pregnancy is a disability that should be compensated only if comparable disabilities in men are compensated, and women should serve in the military to the same extent as men. Making exceptions for women in these respects, it is argued, would support classical gender stereotypes—men are aggressive, women are caring—which again would undermine the equality between men and women. If equality demands androgyny of us, then presumably many feminist philosophers would prefer to be wholeheartedly anti-egalitarian.

A radical conception of androgyny forces women to adapt to a system of rules for social behavior that undermines their autonomy. Why should women accept male standards via a general norm of androgyny? Why should equality for women demand that they do all the things that men do and why should there be no differences in the social settings of women and men? Androgyny is not a convincing normative ideal. As Catharine MacKinnon critically remarks, “Sexism is a problem not of gender differentiation, but of gender hierarchy, in which gender differentiation is only one strategy.”¹³

Another way to escape the “equality versus difference” problem is to define equality as acceptance of differences.¹⁴ Biological and cultural differences are assumed to be in harmony with the concept of equality. Differences are unproblematic as long as they are not

¹¹ See the justifications of certain insurance companies that pregnancy should not be compensated since pregnancy is not a disability. This argument implicitly takes male illnesses as the standard for insurance benefits.

¹² Williams, Wendy, *The Equality Crisis. Some Reflections on Culture, Courts, and Feminism*, in: Diana Tietjens Meyers (ed.), *Feminist Social Thought. A Reader*, New York/London: Routledge 1997, pp. 696 – 713.

¹³ MacKinnon, Catharine A., *Feminism Unmodified*, Cambridge: Harvard University Press, 1987, p. 118.

¹⁴ Littleton, Christine A.: *Reconstructing Sexual Equality*, in: Diana Tietjens Meyers (ed.), *Feminist Social Thought*, pp. 715-734.

used to justify inequalities between women and men. Difficulties arise only if gender-specific differences are used to justify inequalities. On the difference view, whether the differences are biologically or culturally induced is not relevant. What is decisive is whether they entail inequalities that amount to a form of discrimination. As Christine Littleton writes, “[T]he function of equality is to make gender differences, perceived or actual, costless relative to each other, so that anyone may follow a male, female, or androgynous life style according to their natural inclination or choice.”¹⁵ This passage implicitly makes the shift from equality to autonomy by emphasizing women’s right to define their form of life. Littleton’s position obviously comes close to the autonomy-based conception outlined earlier, in that she believes the claims resulting from women’s specific situations must be considered if women on all levels of social life are to be treated as equal.

The next approach, which we find in Catharine MacKinnon’s work, defines equality as freedom from dominance. MacKinnon is skeptical of the notion of difference, as she sees difference as a disguised form of dominance.¹⁶ The appeal to difference permits the unequal treatment of women in many problematic cases. MacKinnon argues that it is important for women to reach equality in such a way that being equal is not measured with reference to a male norm. Neither androgyny nor the emphasis on difference can fulfill this criterion, since, she contends, they both rely on a male standard. The androgyny view of equality directs us to assess women’s conceptions of a life worth living according to whether they conform to male norms of a successful career. The difference view of equality amounts to judging the degree to which women deviate from men.

Littleton’s approach and MacKinnon’s both aim at a differentiated conception of equality. But neither define this conception exactly. Nor do they differentiate between equality in the sense of a general standard of equal or universal recognition and respect and the notion of distributive equality. Their appeals to equality seem to cover both levels without distinguishing between them.

The dilemma of “equality versus difference” cannot be resolved if “equality” implies sameness in every respect. But “equality” does not mean sameness in every respect. It means sameness with regard to a certain parameter, whether this be capabilities, interests, chances, or rights. We can integrate difference into this concept of equality. And a complex notion of distributive equality reconciles sameness and difference. A complex notion of equality is of course open to such differences as amount of time worked, qualifications, and needs. When

¹⁵ Ibid., p. 717.

¹⁶ MacKinnon, Catharine A., *Sex Equality. On Difference and Dominance*, in: Catharine MacKinnon, *Toward a Feminist Theory of the State*, Cambridge MA und London: Harvard University Press 1989.

one considers the structure of an autonomy-based conception of equality and the relations between freedom and equality within that conception, it becomes quite obvious that equality is open to all sorts of differences.

Because a principle of universal respect and recognition implies that women should have the autonomy to choose their form of life, women can be as different from men—and as similar—as they want to be. If we accord primary importance to the idea that all people should have the autonomy to live their form of life, and if distributive equality is a necessary means of reaching that autonomy, then we have a great range of differences. But in a world of differences it also becomes crucial to judge which ones are an expression of freedom and which are opposed to the realization of autonomy.

Regarding freedom as a central value of political theory permits us to generate a conception of equality that is sensitive to differences. The idea of freedom, especially the idea of equal freedom, allows us to reconcile difference and equality. If freedom is the paramount value, then the central normative question is not whether women are equal to men or different from men, but whether they have as much freedom as men to choose their way of life. The demand that we choose either equality or difference (but not both) is a hindrance to real freedom. Equality in the sense of sameness forces women to adapt to norms that undermine the principle of freedom as the autonomous decision to pursue a plan of life. Freedom for women means that women can with impunity choose forms of life that are similar in some contexts to the career structures of male life plans, or, if they wish, they can choose lives that are radically different from male career biographies.

The principle of equal freedom has the potential to erode traditional gender stereotypes. The opposition “equality versus freedom” perpetuates traditional gender stereotypes: women are either like men or different. But in a society in which gender has begun to lose its discriminatory effects, these categorizations become increasingly problematic. Where women’s freedom to choose a conception of life is the relevant normative parameter, discriminations due to gendered identities become more readily apparent.

Egalitarian political conceptions tend to see both freedom and equality as values in themselves. This has made them rather helpless in regard to the often discussed conflict between freedom and equality, in that the effort to make some people more equal reduces the freedom of others. An autonomy-based political theory as outlined here cannot solve all problems of freedom and equality, but it can show at least that freedom and equality in the sense elucidated here are compatible. If we ask ourselves how the basic institutions of society should be structured so that people have real freedom, then equality enters the political sphere in a moderate but convincing form. The burden of proof seems to be on the side of those

libertarians for whom the idea of distributive equality is a myth altogether. They have to show us why real freedom should be the privilege of some, but not of others.