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Carole Pateman

The Rights of Man and Early Feminism

An examination of the arguments of the early feminists illuminates the two-dimensional character of the rights of man; these rights include not only civil and political rights but the rights that men exercise over women. From the 1690s, English feminists, such as Mary Astell, began by attacking men's patriarchal rights. In the 1790s Mary Wollstonecraft continued the attack, while insisting that women should share the rights of citizens. Knowledge of this complex history is required to develop a theory and practice of human rights that includes both sexes.

Un examen des arguments du féminisme précoce met en évidence le caractère bi-dimensionnel des droits de l'homme; ces droits n'incluent pas seulement les droits civiques et politiques, mais également les droits qu'exercent les hommes sur les femmes. Dans les années 90 du dix-septième siècle, des féministes anglais telles que Mary Astell ont commencé à mettre en cause les droits patriarcaux des hommes. Un siècle plus tard, Mary Wollstonecraft a continué la mise en cause en exigeant que les femmes partagent les droits des citoyen/nes. La connaissance de cet historique complexe est nécessaire pour le développement d'une et d'une pratique des droits de l'homme qui incluent les deux sexes.

Eine Untersuchung der Argumente des frühen Feminismus zeigt den zweidimensionalen Charakter der Männerrechte; diese Rechte umfassen nicht nur zivile und politische Rechte, sondern auch Rechte der Männer über die Frauen. In den neunziger Jahren des siebzehnten Jahrhunderts begannen englische Feministinnen wie Mary Astell, die patriarchalischen Rechte der Männer anzugreifen. Ein Jahrhundert später setzte Mary Wollstonecraft den Angriff fort, indem sie darauf bestand, dass auch den Frauen die Bürgerrechte zuerteilt werden sollen. Das Wissen um diese komplexe Geschichte ist nötig, um eine Theorie und Praxis der Menschenrechte zu entwickeln, welche beide Geschlechter miteinbeziehen.

The French revolutionaries made a bold pronouncement in August 1789 of the rights that would henceforth be enjoyed by «man and the citizen». The «natural, inalienable and sacred» rights, possessed by men who «are born and remain free», were declared to be «liberty, property, security and resistance to oppression». Some years earlier in the Declaration of Independence, the Americans had announced as «self-evident truths» that all men were created equal and possessed inalienable rights. These ideas had been gaining currency for over a century by the time that these two famous Declarations were issued. The claim that liberty is a birthright, that men possess natural rights by virtue of being born free, equal and rational, began to form the basis of general theories of political organization and citizenship during the seventeenth century in the writings of theorists such as Hobbes and Locke. The «Declaration of the Rights of Man and of the Citizen» is thus a dramatic culmination to the long development of a body of ideas.

Feminism, on the other hand, is usually seen as a mere off-shoot of the doctrine of the rights of man as formulated by the revolutionaries in Paris. The writings of Mary Wollstonecraft, whose *A Vindication of the Rights of Men*, published in 1790, was followed by the *Vindication of the Rights of Woman* in 1792, have frequently been claimed to be the first example of sustained feminist argument (e.g. Kaplan 1986: 34). Although most students of the history of political thought are still reluctant to acknowledge a feminist contribution – Mary Wollstonecraft is excluded from the authors studied in the curriculum of political theory in most universities – such a view of feminism enables it to be neatly slotted into existing categories of political ideas. Feminism appears as no more than an argument for the extension of the rights of man to women, and, more generally, as derivative from well-known and much debated bodies of political theory.¹ This view misunderstands the history and character of feminist argument and underestimates the complexity of the relation of feminism to the rights of man.

The premise of natural freedom, equality and rationality that gave rise to the doctrine of the rights of man is also vital for the emergence of feminism. An irrevocable intellectual change followed from acceptance of these ideas. The theoretical feet were cut from under traditional arguments, such as those resting on appeals to nature, strength and birth, that once served to justify subjection of all kinds. Men who were born free were self-governing, and it followed that the only legitimate way in which authority could be exercised over them was if they agreed or consented to it (Pateman 1985). That is to say, the new ideas challenged not just the divine right of kings and monarchical rule, but all relations of subordination, including women's subjection to men. To be sure, a change in political theory did not bring an end to subordination or prevent the old arguments from being used, but a revolutionary intellectual transformation had occurred that meant that subjection had been turned into a *general problem* of political organization. A weapon had been provided that made possible a systematic challenge by feminists to men's power.

1 The common division of contemporary feminist argument into liberal, marxist or socialist and radical feminism encourages such a view of feminist theories.

Feminism is not merely derivative of other theories. A distinctive question and set of issues marks out feminist argument; namely, the question of the legitimacy of, and the form of, the power that men exercise over women. I called this the question of patriarchy in *The Sexual Contract*. This question is typically passed over in discussions of politics and in political theory. Men are, even today, widely held to possess rights over women, but patriarchal right is not written down in declarations of rights and has not formed part of controversies over what exactly should be included in catalogues of rights.

In discussions of rights attention is invariably focused on the public arena and the familiar civil and political rights, such as the «liberty, property, security and resistance to oppression» listed in the 1789 «Declaration». But the rights of man are two-dimensional. Civil and political rights are extremely important, but they are only one dimension; patriarchal rights form the other dimension. Feminists are typically presented as being concerned only with civil and political rights – but a distinctive feature of feminism is that feminists recognized the two-dimensional character of men's rights long before 1789. Feminists began by criticizing and attacking men's patriarchal rights, and, from the 1790s onward, the attack formed part of their arguments for, and campaigns for, civil and political rights. From the beginning, feminists saw how the two dimensions of the rights of man were interdependent. A major reason why one dimension of the rights of man is ignored is that feminists were as interested in men's private rights over women as in their public rights. The conception of politics which guides the work of contemporary political theorists presupposes that private rights are not political so feminist arguments are assumed to be irrelevant to their concerns. Yet some of the most important of these rights were upheld by the law governing marriage; the English common law of coverture and the French Code Napoleon of 1804.

There are two other reasons why the two-dimensional character of the rights of man so easily goes unnoticed. First, the patriarchal dimension is easily disguised, despite the fact that, on the face of it, the two dimensions of the doctrine of the rights of man stand in contradiction to each other. The universal language of freedom as a birthright rules out patriarchal right along with other forms of subordination, but in practice it is not so easily disposed of. The «man» in the rights of man is an abstraction. Particular or substantive content has to be given to the universal category «man», and an answer given to the question of who counts as an example of the «man» who enjoys rights. From the seventeenth century onward, the crucial question became whether every individual naturally is such a «man».

Political theorists such as Locke certainly did not think so. But most commentaries on Locke still see nothing of political significance in his claim that men are born free and that women are subject by nature, so that sexual difference becomes the (political) difference between freedom and subordination. Women, therefore, must be governed by men. Even though feminist scholars have been discussing Locke, and other classic theorists for many years, most political theorists have still not confronted the question that lies at the heart of feminism. It was asked by Mary Astell (1970: 107): «*If all Men are born Free, how is it that all Women are born Slaves?*».

However, it was not only women who were deemed to stand outside the category «man». Not all men were included in «man». The American case is particularly instructive. The American Indians, especially the Iroquois Confederacy, provided the early settlers with an alternative to European tyrannical and monarchical government that influenced the development of the American Constitution. The settlers interacted with Indians who they saw as being born free; as one observer stated in the 1760s «the great and fundamental principles of [the Indians are], that every man is naturally free and independent» (cited Grinde and Johansen 1991: 15). On the other hand, the image of the free Indian and the example of their political organization was not sufficient to halt their dispossession. Moreover, all the pronouncements about free men and natural rights went hand-in-hand with slavery. The problem that slavery posed for the doctrine of natural freedom was apparent at the time of the American Revolution, and abolitionist sentiment increased greatly; thousands of slaves also absconded or threw their lot in with the British. But many slave-owners became more firmly fixed in their defence of the peculiar institution, and other famous Americans, like Patrick Henry, who took the view that slavery was «repugnant to humanity», were nonetheless «drawn along» by the great inconveniences that would ensue from a life without slaves (Jones 1989: 295). Thomas Jefferson, for instance, author of the Declaration of Independence, who was very knowledgeable about Native American forms of government, and who (echoing Locke) frequently proclaimed that all men have the «right of self-government», received «from the hand of nature» (Jefferson 1969: 24), remained a slave owner to the day he died.

The second reason why patriarchal rights go unnoticed, and why the assumption is made that feminism began as nothing more than an argument to broaden the rights of man, is that so little attention is paid to the arguments of feminists who wrote in the century before Wollstonecraft's *Vindication*² (and Wollstonecraft's position is frequently misrepresented as concerned only with legal rights and education). Mary Wollstonecraft, as Virginia Sapiro (1992) has shown in an excellent new study, was a considerable political theorist, but she was by no means the first feminist writer in England. From the 1690s and into the first decades of the eighteenth century, a number of women – essayists, poets and polemicists – produced works that are recognisably feminist.³ This does not mean, however, that they subscribed to all the ideas, such as the familiar rights of citizens, that are now typically seen as part of feminism.

2 The objection is sometimes made that it is anachronistic to use «feminism» to refer to writers before the term was used in English from the 1880s (it was imported from France). The word may not have been used, but that is not to say that some ideas and arguments that were later called «feminist» did not predate the term. If the term «feminism» is not used to identify the arguments of earlier writers whether or not, strictly, it is anachronistic, the silence about patriarchy is reinforced.

3 The feminists of this early period came from all walks of life, they also worked at a wide range of occupations (Ferguson 1986). Some accounts of feminist theory begin with some important writings of the fifteenth and sixteenth centuries. But these were written before the idea of natural rights and equality became the common currency of political argument and made possible a systematic theoretical challenge to patriarchal power.

The common thread that runs through early feminist arguments is not that they all subscribed to the doctrine of the rights of man and freedom as a birthright – Wollstonecraft’s predecessors certainly did not – but that they agreed that humans are born with reason, or, more accurately, with the potential for rationality. They were thus concerned with education in all the senses of that term, and, in particular, with men’s monopoly of access to the tools and institutions of learning. Most of these writers were conservatives and royalists; in Mary Astell’s case, a high Anglican, believer in the divine right of kings and Jacobite fellow-traveller. But conservative though they were, the early feminists asked some very inconvenient questions, not only about education, but marriage and men’s power more generally. Mary Astell (1970: 124), for instance, asks to be informed to whom «we poor Fatherless Maids and Widows who have lost their Masters, owe Subjection?». It cannot be to all men indiscriminately, so, she inquires, «do we then fall as Strays, to the first who finds us?».

In her lifetime, Astell (1666–1731) was «the celebrated Mary Astell» – the title of Perry’s (1986) splendid biography – but she met the fate of so many women writers and was forgotten immediately after her death. Unlike obscure male writers of the period, she remained forgotten until very recently, when feminist scholars began to pay her attention. If she had been a man, Perry (1986: 13) remarks, she would have lived «an unexceptional life of the cloth». But she was a woman, and a self-made woman at that. Astell managed the extraordinary feat of becoming the first woman of letters in England and making a career as a writer, while still occupying a respectable position in society. She engaged in the religious and philosophical controversies of the day, and she may also have been involved in political activity on behalf of the Jacobites; she was followed by Walpole’s deputies for a time (Perry 1986: 172–80). By the end of the seventeenth century her writings had made her famous in educated circles. Her first book, *A Serious Proposal to the Ladies*, setting out her ideas for an educational establishment for women that was a cross between a college and a convent, was published in 1694 and had gone through five editions by 1701. There were five editions of her remarkable *Some Reflections Upon Marriage* between 1700 and 1730.

Interpreting Astell’s work is far from straightforward, given her political views and her ironical and sometimes sarcastic style. Her feminism is intellectual not social, a matter of reason and cultivation of the mind. Astell was influenced by the Platonists and, especially, by the philosophy of Descartes. Descartes provided a method for systematic thinking, a set of rules for right reasoning, but, most importantly, his understanding of the relation between bodies and minds implied that the mind had no sex. The cornerstone of Astell’s feminism was the individual, rational mind; just as the monarch is sovereign in the state, so the mind is sovereign over the body and passions (Gallagher 1988). Everyone’s thinking was capable of improvement, including women’s, no matter what their station in life, although some would have more ideas at their disposal than others (Atherton 1993). Indeed, Astell (1970a: 98) went much further than most of her radical philosophical and political opponents when she also insisted that «the meanest Person shou’d Think as *Justly*, tho’ not as *Capaciously*, as the greatest Philosopher».

Astell challenged all the traditional arguments from custom, nature, strength, and even appeals to the Bible, designed to show that men's intellects were superior to women's. She insisted that God has «been pleased to distribute [sense] to both Sexes with an impartial Hand, but Learning is what Men have engross'd to themselves» (1970: 111). Astell's plan for the ladies' college was designed to help break men's monopoly of education and to provide both a retreat and an education in systematic thinking for women, based on Cartesian principles.⁴ Astell was unusual in that, although she agreed that a woman could make good use of her education in managing a family, she saw the primary purpose of women's learning as enabling them to be «absolute Monarchs in our own Bosoms» and «intimately acquainted with our own Hearts» (1970a: 159). She was content, she says, to leave men to «busy their Heads with Affairs of State» (1970a: 159), but she hardly followed this advice in her own life and, in her *Reflections* (1970: 84) she writes of a «time when her Sex shall be no Bar to the best Employments, the highest Honour».

Astell's extraordinary attack on the power of husbands was not, like that of later feminists, based on the fact that men have power in their hands. The problem for her was *arbitrary* power and obedience that was exacted through strength rather than reason. «A Meer Obedience», she wrote, «such as is paid only to Authority, and not out of Love and a Sense of the Justice and Reasonableness of the Command, will be of an uncertain Tenure» (1970: 40). But marriage was for life, and the authority of husbands rested on the fact of their sex and their physical power. Arbitrary power, she insists, is always unjust and evil, the more so in marriage than in a kingdom because «100,000 Tyrants are worse than one» (1970: 107). Astell noted sharply that, «nothing pleases like an intire Subjection; what Imperfections won't a Man over-look where this is not wanting» (1970: 59). She continually warns that since a wife chooses «a Monarch for Life» (1970: 37), she must choose extremely carefully.⁵ Once married, she must submit and obey absolutely, no matter what kind of man her husband turns out to be; «she who can't do this is no way fit to be a Wife» (1970: 61) – and she had better remain unmarried.

Astell's dislike of domestic tyranny leads her argument in some dangerous directions for an advocate of absolute submission. For example, she (1970: 106) asks, «if absolute Sovereignty be not necessary in a State, how comes it to be so in a Family? Or if in a Family why not in a State; since no Reason can be alleged for the one that will not hold more strongly for the other?». Another of her caustic observations is that none of the advocates of resistance to arbitrary monarchical power «would cry up Liberty to poor *Female Slaves*, or plead for the Lawfulness of Resisting a private Tyranny» (1970: 34–5). By the end of *Some Reflections Upon*

4 Even religious studies were to give women a reasoned understanding of religious tenets and duties, not merely to instill piety. In her *Serious Proposal* (1970a: 36), Astell suggested that a prudent man would regard the education received in the college as a sufficient dowry, and he would have a better wife «than she whose mind is empty tho her Purse be full». But she knew that this was hopelessly optimistic; no one, least of all husbands, desired or expected wives to be educated, reasonable creatures.

5 Although she also states that women really cannot be said to choose, since they only accept or reject what they are offered (1970: 29).

Marriage her advocacy of wifely obedience begins to ring rather hollow, at least to late twentieth century ears. The form of her argument, her rejection of appeals to nature and custom in favor of reasoned assessment, and her portrayal of men's conjugal power as tyranny, means that, at a time when the advocates of freedom as men's birthright had already overthrown a monarch, it is a small step to use her arguments to attack, instead of to uphold, patriarchal power. Despite her intentions, she presented more than enough weapons to stock the theoretical armoury of free-born Englishwomen and those wanting to challenge men's right as husbands.

Astell's arguments – stood on their head – are powerful, but also very limited. She exemplifies what Unger (1984: 88) has referred to as the «ancient alliance between skepticism and surrender». Developing women's powers of reason showed them why they should doubt the legitimacy of the power of husbands, but Astell merely offers a choice between avoidance of marriage and submission, and feminists could hardly remain content with those alternatives. Astell illuminated the connection between men's rights in the private sphere and their wider public rights, especially in education, but her arguments left the rights of man intact. Her acceptance of a Cartesian separation of mind and body also avoided questions that became central to the debate between feminists who subscribed to equal rights and their opponents from the late eighteenth century onward.

The absolutist Astell, like most of the feminist writers of her period, was not concerned with the civil and political rights of man, although the question had certainly been raised. Women had been demanding rights since the mid-seventeenth century, when men had begun to act in earnest to claim natural rights. In 1649 women petitioners to Parliament demanded, «have we not an equal interest with the men of this Nation, in those liberties and securities contained in the Petition of Right, and other good laws of the Land? Are any of our lives, limbs, liberties or goods to be taken from us more than from Men . . .?» (cited in Higgins 1973: 217). And in 1664, Mary Cavendish, Duchess of Newcastle, made the following, exceptional, and blunt, statement;

as for the matter of governments we women understand them not; yet if we did, we are excluded from intermeddling therewith, and almost from being subject thereto; we are not tied, nor bound to State or Crown; we are free, not sworn to allegiance, nor do we take the oath of supremacy; we are not made citizens of the Commonwealth, we hold no offices, nor bear we any authority therein; we are accounted neither useful in peace, nor serviceable in war; and if we be not citizens in the Commonwealth, I know no reason we should be subjects to the Commonwealth (cited in Goreau 1984: 185–6).⁶

Notwithstanding their formal exclusion, upper class English women took an active interest in politics in the late seventeenth and early eighteenth centuries, as the example of Astell herself illustrates. In France, under the old regime, upper class women could not only vote but could be elected to governing bodies (Landes

6 She went on to argue that women nonetheless governed men – she was not the most consistent of thinkers.

1988: 107). The question of women's citizenship had become both a theoretical and practical issue by the time of the French Revolution. Women played a prominent part in the Revolution from 1789 until 1793 when women's political clubs and societies were prohibited. In 1791 Olympe de Gouges published a «Declaration of the Rights of Woman and Citizen», written as a direct counterpart to the more famous «Declaration» of 1789; significantly, her «Postamble» included a model contract between man and woman to regulate marriage. Her most cited statement was that «woman has the right to mount the scaffold; she should likewise have the right to speak in public» (reprinted in Bell and Offen 1983: 106). De Gouges died on the guillotine in 1793.

In the same year that her «Declaration» appeared, the «Declaration of Rights of Man and the Citizen» was used as a preamble to the French Constitution. The 1791 Constitution enfranchised some men but excluded *all* women as falling into the category of «passive citizens». Upper class women, who had previously participated by virtue of their birth, were thus excluded when the criterion of birth as status was swept away in favor of birthright in the sense of man's natural liberty. Women, whatever their class, were deemed by nature to fall outside the abstract category of «man».

Mary Wollstonecraft (1759–1797) published her two *Vindications* at the very time when appeals to natural rights and liberties were being vigorously countered by policies based on assertions about women's nature. Wollstonecraft's life was even more remarkable than Mary Astell's. She, too, wrote to support herself and was a well known and admired author. Wollstonecraft does not appear to have read Astell, but there are intellectual similarities between the two women, although in other respects they could not have been more different. Wollstonecraft was passionate where Astell was austere, always concerned to bring reason and feeling together.

Unlike Astell, she was willing to take the risk of engaging the heart and entering into sexual relations, although she did not marry until her second pregnancy. After her death, she became a scandalous figure when her husband, the philosopher William Godwin, published a candid memoir of her life. Politically, too, she was at the opposite pole from Astell. She was a radical, a dangerous allegiance by the 1790s, and a friend of Dissenting intellectuals and English Jacobins, including the best known English advocate of the rights of man, Tom Paine. Wollstonecraft was a wholehearted supporter of (one dimension of) the rights of man, one of the few not to denounce the French Revolution (Sapiro 1992: 249), which she experienced first-hand during 1792–95.

In her *Vindication of the Rights of Men* Wollstonecraft (1960: 7–8) writes that, «the birthright of man, . . . is such a degree of liberty, civil and religious, as is compatible with the liberty of every other individual with whom he is united in a social compact». The theme which runs through her writings is that the existing political order is built on the deprivation of many men and all women of their birthright. It is a society in which «we only see master and servant» (cited Sapiro 1992: 235). The problem was particularly acute in relations between men and women because all men were held to be women's masters. In the «Dedication»« to

the *Rights of Woman*, Wollstonecraft throws down a challenge; «if women are to be excluded, without a voice, from participation in the rights of mankind, prove first, to ward off the charge of injustice and inconsistency, that they want reason». Men are born free because they, unlike the brutes, are born with (the potential to) reason. Reason is therefore the key to women's freedom. «Who», she asks, «made man the exclusive judge, if woman partake with him the gift of reason?» (1975: 5).

Wollstonecraft had a very different view of reason and its place in social life than Astell. First, if reason is necessary for freedom, freedom is also necessary for the development of reason. Second, unlike Astell, Wollstonecraft did not see reason as a matter of pure intellect. Sensibility, which, so to speak, provides a shortcut to right reasoning by bringing cultivated feelings immediately into play, is also crucial (see Sapiro 1992: 63–72). By improving their reason and cultivating sensibility, human beings could develop the kind of characters required for participation in a free society, a society based on friendship and mutual respect. That is to say, individuals could develop both public and private virtues. Such development will only take place, however, if encouraged by the appropriate form of social and political relations and institutions; the development of virtue thus required radical social changes.

Women faced particular difficulties. Both sexes had the potential for virtue, but not only were women deprived of independence but faced obstacles unique to their sex. They were prevented from improving themselves by the prejudice that virtue was sexually differentiated and through the efforts of men to keep them physically weak and in ignorance. Strength of both body and mind was needed for the development of virtue. Wollstonecraft was greatly influenced by Rousseau's political theory, but she attacked his claim that the purpose of women's education was to render them pleasing to men. Her theory exemplifies the feminist insistence that both private and public and the two dimensions of the rights of man were inseparable. Women, she argued, must have education, political rights and economic independence, and relations between the sexes, especially in marriage, must be radically changed. Wollstonecraft believed, just as firmly as Rousseau, that marriage and the family were the foundation of the state, but that foundation, contrary to the arguments of Rousseau and other republican thinkers, had to be based on equality, not patriarchal right. Wollstonecraft was as scathing about conjugal tyranny as Astell.

Women's ignorance and physical weakness left them little recourse but to try and captivate men, and they were then vulnerable both in and out of marriage. Women were obliged to marry and exchange themselves for their subsistence and would thus look out for the best deal they could find. Wollstonecraft observes that girls «have such perfect power over their hearts as not to permit themselves to *fall in love* till a man with a superior fortune offers» (1975: 75). Wollstonecraft's attack on «falling in love» has led some recent feminist critics to an odd portrayal of her as prudish and fearful of sexuality (e.g. Kaplan 1986). Such statements (1975: 30) as «a master and mistress of a family ought not to continue to love each other with passion», are regularly cited. But Wollstonecraft is not arguing against physical affection or love between spouses; rather, against a form of romantic love central

to women's subordination. Freedom was impossible when women were sexual playthings and tantamount to slaves in marriage.

She also believed (and here she is not alone) that sexual passion was socially disruptive. Her comment on the master and mistress of a family continues, «I mean to say, that they ought not to indulge in those emotions which disturb the order of society, and engross the thoughts that should be otherwise employed». Husbands and wives have important political tasks to perform once they become parents. All-engrossing sexual passion is then out of place, and marriage should be based on a loving friendship between equal partners. In addition, women had to be economically independent. A wife, Wollstonecraft (1975: 146) argued, «must not be dependent on her husband's bounty for her subsistence». She recognized that few occupations were open to women, and that women's trades were being taken over by men (Sapiro 1992: 159), but she lists a range of occupations – physician, nurse, business woman, farmer, shopkeeper – that women might pursue and maintain their independence.

Another important reason why women should not be confined to domestic pursuits was that their understanding and outlook was narrowed and they were prevented from developing a public spirit. That is to say, women who did not venture outside their homes looked only to their selfish private interest and lacked the capacities needed by citizens. And, if women were to be educated, robust, independent wives and mothers, they had to be citizens. In her «Dedication» to the *Rights of Woman* (1975: 5), she writes that men «force all women, by denying them civil and political rights, to remain immured in their families, groping in the dark». Women ought to share in these rights of men, and have representatives, although Wollstonecraft thought that they were as well represented as the class of poor mechanics in a system that was «only a convenient handle for despotism» (1975: 147). Her view of citizenship, however, was rather different from our own. She wrote before the home was completely separated from the workplace (Brody 1983: 52) or the domestic world divorced from, and seen as irrelevant to, the public realm. For Wollstonecraft, citizenship was not just a matter of voting or taking part in civic affairs but also concerned marriage and managing a family; women's citizenship would be expressed in part through motherhood.⁷

I have noted that women were excluded from the franchise during the French Revolution, but they were nevertheless allotted a political place (the same place allocated to them in the American revolution). Women, it was held, could not be citizens, but they had their own vital political task in republican motherhood, in giving birth to and educating the next generation of citizens. Wollstonecraft's comments on motherhood have prompted some commentators to see her as an advocate of republican motherhood (e.g. Landes 1988: 129). Such a claim overlooks a crucial point; the idea of republican motherhood presupposes women's exclusion from citizenship and leaves the rights of man intact. The notion that a subordinate wife, confined to the domestic world and ignorant of public virtue and

7 Many later feminists also argued that motherhood should count as part of citizenship and as a service to the state (see Pateman 1992).

citizenship, could perform the educative task prescribed for her would have seemed nonsensical to Wollstonecraft, as would have the idea that male tyrants in the home could be good citizens.

Discussions of the «Declaration» of 1789 continue the silence about the two-dimensional character of the rights of man (e.g. Kolm 1993; Howard 1992), yet both dimensions were clear enough in the 1790s. Men's patriarchal rights were not written down in a document, but they were proclaimed in word – «when is it decent to see women abandoning the pious cares of their households . . . to come to public places, . . .? Is it to men that nature confided domestic cares? Has she given us breasts to feed our children?» (cited Scott 1991: 5) – at the same time that women were excluded from the suffrage and public life. Ironically, the revolutionaries and other defenders of patriarchal rights had to fall back on justifications, most notably the appeal to what nature decreed for the sexes, that the doctrine of the rights of man ostensibly had rendered illegitimate.

The contradiction was seized on by Wollstonecraft, but this made feminist argument and criticism of the rights of man into a very complex task. Astell's notion of a disembodied reason was a powerful tool of criticism, but, as Wollstonecraft realized, the question of bodily sexual difference and the slippery concept of nature had to be confronted. Freedom was a gift of nature – but did women's natures allow them to share it? And what did this mean for the rights of man? Would the sexes have equal rights or were there rights of women specific to their sex? The answer to such questions are still controversial.

The early feminists would be amazed to see how many of the rights of man have now been won by women in Western countries, and could hardly have envisaged such measures as anti-discrimination legislation or heated public debate about sexual harassment. The patriarchal construction of citizenship and rights has received some vigorous body blows during the last twenty years or so, but it has not yet crumbled. Men continue to monopolize most of the authoritative positions in the public world and to assert their sexual rights over women in public and private. The current terminology of «human rights» also tends to hide the extent to which the rights of men still hold sway. But there is also a new development. The very success of the feminist movement has led to a good deal of suspicion of «rights talk» (as it is now often known) among contemporary feminists. Problems with equal rights now receive a good deal of attention from feminists; difficulties for women have become apparent when no account is taken of circumstances specific to women in matters as diverse as maternity leave in the USA and the criteria for political refuge. These problems, together with current attacks on universalism, have led some feminists to advocate abandoning appeals to rights.

This would be a mistake, not only because «rights discourse always occupies the moral high ground» (Kingdom 1991: 130), but because there is still some way to go, even in countries where a large measure of civil and political equality has been achieved, before the two-dimensional character of rights is fully admitted and rights are uncoupled from the rights of man. On an international level, the process is beginning. Canada in 1993 recognized that women may have special reasons (bound up with the patriarchal dimension of the rights of man) to seek political

refuge, and the United Nations Human Rights Commission acknowledged rape as a war crime. At the close of the twentieth century, familiar political concepts and theories no longer seem adequate in the face of vast and rapid global changes. New ideas are badly needed, and the theory and practice of rights has to be re-thought.

One alternative is to cease to see rights as properties of «man». Instead, rights can be seen as a central part of the institutions required for democracy. The question to be asked is not «can everyone share in the rights of man?», but «what is necessary if individual freedom is to be secured and democratic citizenship is to be of equal worth for all?» Two requirements are that patriarchal rights will have to be relinquished and the substance of many rights will have to differ according to specific circumstances and social contexts. This is not to say that universal rights, either national or global, will disappear, or that there will be no rights that are the same for all. The right to vote, for instance, is an example of the latter, and the right not to be ill-treated, or the right to nourishment (women in many areas get less food than men) seem good candidates for universal rights. At a time when «ethnic cleansing» has re-emerged in Europe, and vicious wars are raging in many parts of the world, it is hard to be optimistic about the future of rights. Still, a new approach to rights is unlikely to be forthcoming unless lessons are learnt from the struggle of the early feminists both in support of and against the rights of man.

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