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Should Women Think in Terms of Rights?*

John Hardwig

Women's liberation, it is often said, strikes closer to home than other forms of human liberation. Although basic shifts in attitudes are required for the liberation of, for example, workers or blacks and other ethnic minorities, these types of liberation could be accomplished without fundamental changes in what we call our "private" lives or our personal relationships. The liberation of blacks or workers is largely an affair of public roles and institutions, a matter of social justice, and it is thus carried out relatively impersonally and anonymously in the marketplace and workplace, the university and governmental institutions. Granted, if the liberation of blacks and workers is to be complete, I might have to be willing to have some in my club and my suburb. Some of my best friends might then be blacks or workers, and I might even have to be willing to have my daughter marry one. Nonetheless, it might well be true that my club and neighborhood, my friendships, and my relationship to my daughter could go on pretty much as before, once "they" had been admitted.

Women's liberation encompasses these sorts of public issues; it certainly does include matters of social justice impersonally administered by impersonal institutions. And these issues are important. But women's liberation goes further and invades my personal and private life. If women are to be liberated, I must learn new ways of loving and leaving, and I must develop new modes of caring, different styles of friendship, and a new kind of sexuality. Because women's liberation strikes closer to home in this way, gut-level issues and responses are raised. One might expect me and other members of the dominant class—males, in this case—to be more threatened by women's liberation than by other forms of human liberation. Women, as well, may be more threatened and frightened by the prospect of their liberation than are other oppressed classes. But if the liberation of women is also the liberation of men, the rewards of this

* I have benefited from comments on earlier versions of this paper by Amelie Rorty and members of her 1980 NEH seminar—Mary Wiseman, Marcia Aufauser, Lynn Konrad, Dan DiNicola—and by Martha Lee Osborne and many of her students, Mary Read English, Jim Read, Eva Hill, Ileana Grams, B. C. Postow, and George Graham. Those who are familiar with the thought of these philosophers will easily recognize that many of them think that I did not learn nearly enough from their comments.

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kind of liberation should also be greater, for it promises to transform our personal and private lives, not just to reorganize our public institutions.

It is clear that women have been oppressed. And they have been oppressed not only in the context of large-scale, impersonal social institutions but in the context of intimate, personal relationships as well. Thus it has seemed to many feminists that we could move toward healthier personal relationships if we would think more about the rights of persons in intimate relationships. In order to combat the tendency for men and women to fall into roles which relegate women and their interests to a position of inferiority, personal relationships—marriage, love, friendship—should be seen on the model of a contract between independent, ideally equal parties, both of whom stand to benefit from a trade between them. Perhaps the contract should even be made explicit, thus defining the expectations, obligations, and rights of all parties. If an explicit contract could be formulated, perhaps it could be made legally enforceable, thus putting teeth in the often toothless bite of moral reason. But putting the question of legal contracts and rights aside, it seems clear to many that we need to define the moral rights of persons, especially women, in personal relationships.

However, it is not at all clear to me that the ethical categories that serve us well in contexts of relatively impersonal relationships serve us equally well in the context of personal relationships. I want, then, to make a rough distinction between personal and impersonal relationships.¹ I admit, for present purposes, that we need the category of rights to generate an ethics of impersonal relationships and that, consequently, women should think in terms of rights when raising public issues about the kind of social justice that is impersonally legislated and administered by impersonal institutions. But the question I want to raise is this, What kind of descriptive and ethical categories are appropriate in the context of close personal relationships?

I want to avoid, if possible, the question of how we are to define "close personal relationships" because the problems of definition would require another essay. I hope it will suffice to say that I want to talk about relationships characterized by intimacy, genuine care, love, and emotional involvement and that friendship, love, marriage, and family relationships, when they are healthy at least, provide the main examples of what I am calling a personal relationship. (Although the parent-child relationship is usually a close personal relationship, I will restrict my analysis to close personal relationships among adults because I am not clear enough about how to think about children and the parent-child relationship.)

I will argue that thinking in terms of rights is not the way to understand what is going on in close personal relationships, that the category of

1. The reader will easily be able to discover examples from a range of cases that fall between what I am calling personal and impersonal relationships. Definition and exploration of these kinds of intermediate cases would become interesting and important if the thesis of this essay is correct.

rights is not an appropriate ethical category for healthy personal relationships, and that it is not the basis for an appropriate ideal for personal relationships. Let us begin by examining four different but related reasons for my view that thinking in terms of rights is not the way to think about close personal relationships.

I

1. The motivation for doing good things for those who are close to us or for not harming them must be different from the motivation involved in respecting rights. A right in you imposes an obligation on me, and I appropriately respect your rights out of an awareness of that obligation. But we do good things for those we love because we want to do them. And this motivation is important to those who are close to us; in fact it may be more important than the things that result from it. Consequently, the good things we do are tainted and perhaps even unacceptable if they are done out of a sense of obligation or because the other has a right to them. ("I don't want you to take me out, I want you to want to go out with me. If you don't want to go, let's just forget it.")²

In fact, my responsibilities in personal relationships cannot be fulfilled out of a sense of obligation without seriously undermining the whole relationship or revealing thereby that it is not what we had hoped and wanted it to be. I remember a student bringing my lecture on Kant's ethics to a grinding halt by asking, "Is Kant saying that I should sleep with my boyfriend out of a sense of duty?" And if a faithful husband of thirty-seven years were, on his deathbed, to turn to his wife and say, "My conscience is clear, Helen, I have always respected your rights," her whole marriage would turn to ashes. If we are close and I do not see myself as respecting your rights and you would be appalled if I did see myself in that way, then the outside ethicist ought to hesitate, at least, before he or she says, "See how he respects her rights."

2. Rights are impersonally defined, but what we want from an intimate relationship is personal affirmation. Rights are general or universal in the sense that anyone in a similar situation can claim the same rights, whereas my relationship to those I am close to is not general or universal, and it cannot be impersonally defined. Rather, my relationship to you, if we are close, is a relationship to *you*, dependent on and defined by your unique individuality and mine. If the dying husband or my dutiful

2. This point and many others in this essay obviously suggest that many arguments against thinking in terms of rights could also be advanced against thinking in terms of duties in the context of personal relationships. That is correct. I think I would also argue that duty is an inappropriate category in healthy personal relationships or at least that the characteristic motive in healthy personal relationships cannot be a sense of duty. However, this claim goes beyond my present scope, for although rights do imply correlative duties, a theory of duty can be developed that does not presuppose or imply a correlative theory of rights.

ethics student were to add, "And I would have done the same for anyone in your situation," that would only make matters worse.³

In other words, there is a difference between respecting a person and loving an individual. I respect a person, or should do so, simply because he or she is a person, but I love you because you are you, not anyone else. The category of rights is appropriate to understanding what it means to respect a person, but precisely because rights can be generally or impersonally defined, they do not elucidate what it means to affirm or care for someone. If I no longer care for you, I will still be able to respect you as a person and honor the rights you have because you are a person. But if you love me, this will not be at all what you wanted me to do.

3. My responsibilities in a personal relationship are both broader and narrower than the obligations to respect a set of rights. Rights are specifiable, in principle at least, but I doubt that there is any way to specify what my responsibilities are to my partner, lover, or friend. Also I must always be in a position to respect the rights of others, but I may be unable to fulfill my responsibilities to you as a friend, lover, or partner. Because rights are specifiable and one must always be capable of fulfilling the obligations specified by them, thinking in terms of rights encourages a kind of minimalistic ethical thinking that is inappropriate in cases of emotional involvement. If we are close, I will do many things for you that you have no right to, and I will not see my responsibilities as exhausted by respect for your rights.

Moreover, it is not the case that respect for the rights of someone who is close to me is a necessary but not sufficient condition for a healthy personal relationship. Rather, my responsibilities in a personal relationship are both broader and narrower than the obligations to respect another's rights. If you are my friend, I expect you to do more for me than respect my rights, but there are also many ways in which you do not need to respect my rights. You can invade my privacy, interrupt what I am doing, fail to respect my private property, verbally abuse or perhaps even physically assault me, and it is all right so long as I know that you are my friend. In these situations, I do not experience my rights as being violated or myself as waiving or deciding not to claim my rights. I do not conceptualize the situation in terms of rights at all. Precisely because you are my friend

3. The phrase "in your situation" is sometimes to be specified in ways that involve special rights, not just general rights. Although an appeal to special rights would soften the force of this point, it would not eliminate it completely. The wife in my example would not be much comforted to know that her dying husband had stuck with her because of a promise he made thirty-seven years ago and that he would have felt similarly bound to anyone to whom he had made such a promise. Nor would the reservations of my ethics student be quieted by pointing out that she is not obligated to have sex with anyone, but only with anyone with whom she has contracted this kind of relationship. For her reservations rest on the understanding that it is fundamentally unsound and inappropriate to have sex with anyone out of a sense of obligation or of his right to it.

and I know that you care for me and will keep my interests in mind, you don't have to obey the rules that govern more impersonal relationships.⁴

4. Rights have to do with the means that one employs in pursuing whatever ends one may have, but intimate relationships are supposed to be ends, not means for the pursuit of ends. The idea that you have rights which must be respected leaves me free to pursue any ends I may desire, so long as the means I employ do not violate your rights. But a personal relationship presupposes that I desire you, that you are one of my ends. For if you and your well-being are not among my ends, I cannot be said to love or care for you.

In Kantian language, the notion of respecting rights means respecting others as ends in themselves, whereas in a personal relationship, the other is to be one of my ends. Kant saw clearly that one cannot be obligated to desire a given end and that no one has the right to be the end of another. "Love," as he put it, "as an affection cannot be commanded."⁵ In a healthy personal relationship, I do not respect you (in the Kantian sense) as an independent being with independent ends that have as much right to fulfillment as my ends.⁶ Rather I want you, and I want your well-being, and your ends are my ends too. To have you as one of my ends is thus to see you and the realization of your goals as part of me and the realization of my goals. In healthy intimate relationships, the Kantian distinction between altruistic, moral regard for the ends of others

4. There is an oversimplification here which results from talking about personal relationships as if they were static and timeless. I believe that what usually happens in the history of personal relationships is this: When I am first getting to know you and find myself wanting to develop a personal relationship with you, I may scrupulously respect your rights in order to show you that I am not the kind of person who selfishly rides roughshod over others and who is thus not the kind of person you would want to be close to. In the midst of a healthy personal relationship, neither of us will, I submit, think in terms of rights. But if our relationship should disintegrate or decay, we may well begin to think in terms of rights again. And yet it is perhaps worth noting that it may not be absolutely necessary to think in terms of rights even in the worst case, when a personal relationship fails. Even in cases of divorce, which tend to be more brutal than fallings out between unmarried lovers and friends, the best endings are those that can be managed amicably without resorting to making antagonistic claims against each other. This can be done if both parties continue to care for each other and for the interests of each other even after it becomes apparent that the relationship can not or will not work. We should aspire, I believe, to learn how even to end personal relationships without resorting to thinking in terms of rights.

5. Immanuel Kant, *Fundamental Principles of the Metaphysics of Morals*, trans. T. K. Abbott (Indianapolis: Bobbs-Merrill Co., 1949), p. 17.

6. This is not, of course, to say that I do not value your independence if we are close, including your independence from me. Rather there is an important distinction between respecting you as an independent being and valuing your independence. This difference comes out when we reflect on the fact that, when we are close, your independence is and should be important to me in a way that the independence of most other people is not. Valuing your independence when we are close will also require rather different attitudes and actions of me than merely respecting someone as an independent being.

and egoistic pursuit of my own ends fails because the distinction between egoism and altruism ultimately makes no sense in this context.

II

These difficulties with thinking in terms of rights in personal relationships grow out of a more fundamental difficulty. Thinking in terms of rights rests on a picture, first sketched by Hobbes and then made more palatable by Locke, of the person as atomistic, primarily egoistic, and asocial—only accidentally and externally related to others. If we are lucky our independent interests may coincide or happily divide in a symbiotic relationship (e.g., I like to write philosophy papers, and you like to read them), but we should not expect this to be the normal state of affairs. Consequently, when we interact, our interaction is normally a trade relationship: I will give you something or do something for you, but only if you will give me something or do something comparable for me in return. A contract, implicit or explicit, may thus be necessary to lay down guidelines that will protect the interests of the party who confers the first benefit or, more generally, to insure that the flow of benefits will not become primarily or exclusively one-way. But if you and I undertake to trade, each with our own independent interests in mind, neither of us is interested primarily in fairness, and whoever is in a position of power can be expected to make trade agreements on the basis of that power, for to do otherwise would be contrary to his or her interest. Consequently, trade relationships tend to become power relationships, and we have need to talk in terms of rights, to make claims against each other, to define obligations that limit the pursuit of independent self-interest—all in the hope that, if we do so and these rights are respected, no one will get trampled in our pursuits of our independent and conflicting interests.

But I want to insist that love is never and marriage is not standardly or normatively a contract, though this may be the only way our law can define them. Friendship, love, brotherhood, and sisterhood are neither trade relationships nor the lucky confluence of interests. We do not need rights in healthy personal relationships, for rights are to protect us from others, and we do not need to be protected from those who understand and care for us. In healthy personal relationships, the model of independent self-interests simply does not apply. But it does not apply not because either party magnanimously or ignominiously sacrifices his or her interests but because the two interests are not independent, perhaps not really even two. Indeed, etymologically, the very meaning of “intimate” is tied to “innermost” and “to bring within.”⁷

7. Obviously I am not claiming that in personal relationships everything is sweetness and light and harmony. I'm not that naive. There are conflicts of interests even between people who are close. But these conflicts of interest are set within the framework of the closeness and the care that each person has for the other, and, as a result, these conflicts are seen in a different light and handled differently. If we are close, then your well-being

Thinking in terms of rights then may be the right way to think in relatively impersonal contexts.⁸ But in intimate contexts, this kind of thinking is both inadequate and destructive.

It is inadequate even to allow us to comprehend the kinds of oppression that can exist in personal relationships, for the root source of many forms of oppression in personal relationships is an imbalance of love, care, and concern for the interests of the other. Consider the situation in which you love and care for me but I do not love or care that much for you. In this situation, if I stay with you out of inertia, convenience, feelings of responsibility, or because I want this kind of relationship or what it brings me, the resulting relationship is in itself oppressive quite apart from any oppressive actions that may or may not follow from my lack of love for you. It is oppressive even if I carefully but uncaringly respect your rights and even promote your interests, all out of a sense of obligation. Who could endure such a relationship? (Many do of course, but at a terrible price.)

This basic oppressive ingredient in personal relationships that are asymmetrical in terms of love and concern is not a violation of anyone's rights, for no one has a right to be desired or loved by another or to be another's end. And many derivative forms of oppression—some of which can also be conceptualized as a denial of rights—are painful and injurious in large part because they testify to this asymmetry of concern, understanding, or involvement. Thus frustration will be added to the anguish of asymmetrical personal relationships if we think in terms of rights, for doing so will blind us to many varieties of oppression that can exist in personal relationships.⁹

and the strength and health of our relationship generally means more to me than the interest that conflicts with these things. If my interests which conflict with yours very often mean more to me than you do or our relationship does, it is probably time for us to end our relationship. Or, if we do not, it is certainly time to sit down and discuss not what claims I can legitimately make against you but what my interest means to me, what you and I mean to each other, and what this interest means to us and for us.

8. From the perspective of this paper, one of the issues that divides some conservatives, Marxists, and communitarian anarchists or socialists, on one hand, from most liberals, on the other, is, Should we strive to extend personal relationships into domains in which impersonal relationships now predominate, or are some relationships better left impersonal? Should we restructure our institutions and reeducate ourselves so that relationships in schools and universities, the legal or medical profession, the workplace and the marketplace, and even the government will be personalized? Obviously I cannot attempt to address this issue in this essay, but I would argue that no oppressed group can become completely liberated as long as we see ourselves as respecting their rights. Rather they must be accepted—seen as part of us.

9. Thus if Maggie Scarf is correct in arguing (in *Unfinished Business: Pressure Points in the Lives of Women* [New York: Doubleday & Co., 1980]) that personal relationships characteristically mean more to women than to men in our culture, this by itself would support the claim that women as a class are oppressed in personal relationships. However, on my view it would not necessarily follow that they are oppressed by the men with whom they are involved. Indeed, as Maggie Scarf (e.g., on pp. 224–28, 355–57) and many other

Moreover, thinking in terms of rights is also destructive in intimate contexts because the pictures of persons and relationships that we accept are clearly not merely descriptions or effects of the way we see things; they are causes too, governing our experience and expectations of ourselves and others. Thinking in terms of rights thus does more than reflect an egoistic, atomistic situation; it creates such a situation or reinforces our tendency to move in that direction. Thinking in terms of rights is divisive. It teaches us to think of "I" and "I versus you" instead of "we." Through accepting this picture and living in it, we become more like enemies, antagonists, or traders, at best—less like brothers, sisters, lovers, and friends.

A large part of the pain that comes from realizing that your loved one or friend has begun scrupulously respecting your rights thus comes from the awareness that he or she is treating you as a separate being, oblivious to or unconcerned with the "we" that is thereby being violated. For it is unity, a sense of community, and personal affirmation that we want in personal relationships. In a close personal relationship, I don't want you to respect my separate interests; I want to mean enough to you that you will have an interest in those interests. And if I care for you, I will want your well-being, and thus your well-being will be essential to mine too. Because thinking in terms of rights rests on an atomistic picture of us as separate, thinking in terms of rights systematically denies the unity, the togetherness, the "we" that we are trying to create. Thinking in terms of rights thus always violates the relationship, even as it strives

feminists point out, the problem may not be primarily a problem of present oppressors (in personal or impersonal contexts) at all. For due to their (oppressive) socialization, women sometimes find themselves too dependent and relationship oriented because they derive their total source of self and self-worth from their intimate relationships. Granted, a woman may simply need more recognition of her rights in impersonal contexts to give her viable opportunities for attaining greater independence and control of her life. But this may not be sufficient: no improvement in these opportunities will fully satisfy a woman who still derives her primary sense of self, meaning, and worth from intimate contexts. Thus it could be a mistake for a woman to believe that a fuller sense of identity would come through thinking of her rights vis-à-vis the men she is close to. Although the language of rights has sometimes been used as a tool for the needed development of an independent sense of self in intimate contexts, it is clearly not sufficient for this task, nor, as I will argue in Sec. V below, is it appropriate or necessary. Moreover, for a woman who is too dependent on intimate relationships, the language of rights will be misleading, for it too neatly "externalizes" her problem. (Obviously, however, none of this is meant to deny that women are often oppressed by the men with whom they are emotionally involved. The argument of the final section of this paper addresses this latter problem.) Of course, so long as one assumes that oppression must somehow involve the denial of rights, one must find a violated right to match any sense of oppression on pain of giving up the claim of oppression. However, if I am correct, we need instead to develop our theory of oppression so that it can comprehend the varieties of personal as well as impersonal oppression, many of which need not involve the denial of rights. (The theory of rights would also be strengthened and solidified, I suspect, if we did not feel forced to make that concept do more work than it can or should. For the attempt to make the concept of rights cover all forms of oppression has led to a situation in which all sorts of imaginative rights are claimed, and it is no longer

to protect the persons involved from violation. It thereby both testifies to and increases the separation between us, undermining the unity that is the whole point of the relationship. Atoms are ultimately alone.

III

One cannot think in terms of rights without tacitly invoking the whole conceptual structure on which such thinking rests. I have argued that thinking in terms of rights thus evokes a picture of persons as atomistic, asocial, and primarily egoistic and that this picture is not the model we want for understanding or moving toward healthy personal relationships. I now want to suggest—and I can do no more than suggest—that women should also be wary of thinking in terms of rights because this kind of thinking may be a male way of thinking.

One of the prerogatives of the dominant class is that it gets to define what is real and what is good. The prevalent pictures and models are those generated by the dominant class, generally in the perceived interest of the dominant class. Consequently, there is always a danger in any struggle for liberation that the oppressed class will accept too much of the dominant picture and thereby forfeit its soul and lose the real depth of the contribution it could make to a new society. Could thinking in terms of rights be part of a male picture of reality? I suspect that it may well be, because it involves the definition of self and the interests of self in opposition to rather than in relation to others.

I am not able to say with any precision what a female way of defining oneself and one's interests might be, and anyway, it is not up to males to say what a female style of identity is. But I do think that females in our culture define themselves more in terms of relations to others, less in terms of opposition to others.¹⁰ What does it mean to define yourself in relation to others? Although it can easily look like a loss of identity and independence (especially from what I am now calling a male point of view), and it can easily slip into that, this need not be so. To define yourself in terms of relations to others is to see yourself and your interests as a way of being with others, not against them. It is a standing with, not apart; it is participation rather than resistance, empathy rather than antipathy, community rather than rugged individualism. To define yourself in relation to others is to accept an organic or ecological rather than an atomistic or mechanical orientation; it is to think in terms of cooperation and mutual support and aid rather than in terms of conquest, competition, domination. A relational style of identity is more dialogic, less monologic; instead of seeking to impose an order, structure, or direction, it searches

clear what rights can be legitimately claimed.) It goes without saying, however, that I have not here even started to construct such a theory of oppression—that would take another essay, at least.

10. I owe this point to Sarah Karasharov in an unpublished paper, "On Erwin Straus's 'The Upright Posture.'"

for an emergent, more consensual order and seeks to help it find articulation and direction.

Now, if all that is wrong with a sexist society is that women do not get equal opportunity to be and do the things that men are and do, then there is no problem with adopting a male way of thinking. But if what is wrong with a sexist society goes much deeper—if a sexist society is one-sided and one-sidedly blind to nonmasculine ways of being and thinking—then women must be careful to preserve and articulate their way of being, seeing, and thinking. The categories that I have so inadequately pointed to under the rubric of a female orientation are, I submit, much more appropriate to close personal relationships than is the category of rights. Consequently, women should not approach their personal relationships by thinking in terms of rights because to do so would be to lose touch with an essential theme in a female orientation and thereby to jeopardize the depth of the contribution women can make to a masculine culture and, more specifically, to an understanding of personal relationships.

IV

But if this is the conclusion, does it not leave us with one of the perennial problems that plague personal relationships between men and women? If it is true that the conceptual structure involved in thinking in terms of rights is an ingredient in a presently male style of identity, then we should expect that standardly men will think in terms of rights, especially their rights, even in personal relationships. And where does that leave women, especially if they are less likely to think in terms of rights—including their own rights—in personal relationships? Importing the concept of rights into the context of male-dominated personal relationships has left women thinking primarily in terms of obligations and duties, for a right in me imposes an obligation on you. And this is certainly a situation fraught with exploitation and oppression and ripe for tragedy.

All of which leads us back to the point at which we began: women are oppressed, and they are oppressed not only in the context of large-scale, impersonal social institutions but in the context of intimate, personal relationships as well. One of the tools of this oppression has been the one-sided definition of and insistence on the rights of the men in personal relationships. It goes without saying, of course, that I have not been arguing that only women should refrain from thinking in terms of rights in the context of personal relationships. The point is, rather, that neither men nor women should think in terms of rights in personal relationships, for it is the wrong kind of ethical category to apply to healthy personal relationships.

And yet women are oppressed, and the oppressed always have both more need and more justification for thinking in terms of rights than do the oppressors. (If I am an oppressor, I need not think in terms of rights because I am already getting more than I have any right to. I will thus be tempted to say and to believe that we have no need to think in

terms of rights, for to do so would only upset the comfortable, informal, “friendly” relations that now exist.) It is hard, therefore, to quiet the suspicion that the argument of this paper is too idealistic and that it ignores the fact that women are often oppressed in personal relationships. The suspicion is that it might be nice if relationships were what I have suggested that healthy personal relationships are, but they usually are not, and therefore my argument just will not work, at least not in our male-dominated society.

Consequently, it might seem—even to those who are sympathetic to the main thrust of this paper—that the argument simply is not dialectical enough. Healthy personal relationships, it might be objected, must be based on mutuality, and genuine mutuality presupposes equality and freedom. But it is precisely this equality and freedom that women, as oppressed, lack, and thus before we can move into healthy mutual relationships, we must get rid of oppression, especially oppression in personal relationships. We must first develop freedom and equality. And we do that by thinking in terms of rights, which perhaps is not the ultimate ideal of a healthy personal relationship, but which is the next step we must take in moving toward healthy personal relationships.

The view that my argument needs a dialectical step can be developed on either the macrocosmic social level or the microcosmic level of the individual relationship. If the point is pressed on the macrocosmic level, one could claim that my argument is really an argument for radical feminist separatism. The feminist separatist could, I believe, accept my entire thesis: healthy personal relationships are what I have said they are and the category of rights is not appropriate in healthy personal relationships.

But, the radical feminist might continue, this only shows that women should not get emotionally involved with men. Oppression and healthy personal relationships are incompatible. Men have oppression built into their characters, if not their natures, and women have perhaps been socialized to be too passive, dependent, and relationship oriented. Moreover, it may even be impossible for a genuinely egalitarian relationship between a man and a woman to exist in a cultural context in which women are handicapped in pursuing identity and fulfillment in more impersonal contexts. Consequently, a relationship between a woman and a man in our society will inevitably fall into an oppressive pattern, even if no conscious oppressive intent is present. Of all oppressed classes, women are in the most difficult position precisely because they have a tendency to become emotionally involved with some of their oppressors, thereby undermining their attempts to become liberated. According to the radical feminist, we must thus learn to be “separate but equal” before we can have personal relationships between the sexes that are either fully satisfying or morally satisfactory: women must renounce close personal relationships with men, at least until they achieve their liberation.

I do not want to attempt here to respond to this radical feminist position. I will only say that I hope it is not true. I want to resist as hard

as I can the conclusion that the only moral stance I could take toward women is to refuse to get close to any of them until after the success of the feminist revolution. For the feminist revolution comes too late and too slowly for me—by the time it has succeeded, I will be dead. I hope that love between the sexes need not be postponed until after the revolution. I might also add that men who share this hope, men who like women and value intimate relationships with them, clearly have a strong interest in making this radical feminist position untrue (a point to which I shall return).

The view that we need to move through a stage of thinking in terms of rights before we can achieve healthy personal relationships can also be pressed on the microcosmic level of the individual relationship. On this level the argument is that, although personal relationships between men and women need not be oppressive, many of them are. And when women find themselves in oppressive personal relationships and loving their oppressors in these relationships, they should think in terms of rights. If they fail to do so, it is a sign of the pathology, not the health, of the relationship. Women must learn to insist on their rights in their personal relationships in order to move out of a pathological acceptance of and even complicity with their domination by the men they are close to. On this view, this may be the only way to save the love and the relationship, for genuine and unambivalent love of the oppressor and recognition that he is your oppressor cannot coexist for long in any self-respecting person.

Although I certainly agree that women's increasing awareness of their oppression in personal as well as impersonal contexts is both healthy and beneficial, I do not believe that, in personal contexts, the appropriate response to this awareness is to think in terms of rights. My reasons for this view are three: it is a dangerous strategy to adopt; it is, in any case, insufficient; and it should be unnecessary. Let us begin with the insufficiency of this strategy.

V

It is perhaps worth emphasizing that the title of this essay is not, "Do Women Have Any Rights?" and nowhere have I argued that women have no rights in the context of personal relationships. I have assumed throughout that persons have whatever rights they have and that, although entering into or being in a personal relationship may and probably does alter one's moral rights in important ways, the existence of a personal relationship does not cancel or nullify all the rights that persons have in relation to each other. But, to repeat an earlier point, if you and I find ourselves thinking very often in terms of rights, this is evidence that our relationship has decayed or become unhealthy or never did become what we have hoped it would be.

Thinking in terms of rights, as I conceive it, is a fall-back mechanism in personal relationships which may be necessary in fundamentally unsound

relationships (when genuine love and care and the concern for the well-being of the other are absent). In healthy relationships, this fall-back mechanism may perhaps be appropriately invoked, but only rarely and in unusual circumstances—when tempers flare, nerves are frayed, or the relationship is otherwise strained. If we find ourselves thinking in terms of rights, we should realize that the relationship is strained, perhaps even at a critical juncture, and that, although this fall-back mechanism may serve to protect us and some of what we want, thinking in terms of rights does not and cannot protect the core of a personal relationship. Precisely because those features of personal relationships that make them personal and worth having (love, intimacy, personal affirmation, unity) cannot be guaranteed by any system of rights, thinking in terms of rights will always be insufficient to achieve or maintain what we want in a personal relationship.

If I may use an analogy, rights are like the net underneath the tightrope act. The net keeps people and their lives from being ruined if they fall off the wire. But the act is ruined if the net actually comes into play. Maybe it would be foolish to get up on the wire if we did not know there was a net beneath us, and yet the act would be even better if we could have enough confidence in ourselves and each other to do it without thinking of the net at all.

Second, thinking in terms of rights is also a dangerous strategy to employ in personal relationships because such thinking invokes a conceptual structure which is incompatible with the structure that is normative for all personal relationships and characteristic of healthy personal relationships. That of course is part of what it means to say that thinking in terms of rights is a dialectical step on the way to a healthy personal relationship. But—and this is the danger of any dialectical step—moving to the antithetical position may make it impossible to move further, especially given the time scale within which personal relationships must succeed or fail.

Because thinking in terms of rights invokes a conceptual structure that is incompatible with healthy personal relationships, thinking in terms of rights also evokes feelings, attitudes, beliefs, and a stance toward one's partner that are incompatible with healthy personal relationships. To think in terms of rights is thus to invite me to see my interests as separable from and conflicting with your interests. It is to suggest that I should think in terms of "I" or "I versus you" instead of in terms of "we." It is to urge that I begin thinking of our relationship as a trade relationship, as is fitting for those who relate on the basis of conflicting and antagonistic interests that are not colored or modified by the meaning and concern which each has for the other. Unless one believes that progress is inevitable and that, once set afoot, it travels very rapidly, one has no guarantee that it will be possible to undo the feelings, attitudes, and beliefs about personal relationships that have been evoked by a resolute attempt to take the dialectical step to thinking in terms of rights. Having reinforced

my picture of my interests as separable, independent, and antagonistically related to you and your interests, you may be unable to convince me later that this is not really so.

Now, even if thinking in terms of rights is both insufficient and dangerous, it could still be thought to be necessary. And this brings me to my final point, for I believe that thinking in terms of rights should be unnecessary, even in oppressive personal relationships, because it is stupid for me to oppress those who are close to me and whom I love and care about. Whether I realize it or not, it is not in my interest to do so because oppression is debilitating (even if the oppressed is unaware of her oppression), and it is better to share my life with someone who is not debilitated. This is the point that you must help me see if we are close and I nonetheless oppress you.

It is not as if there are no divergent and even conflicting interests in close personal relationships. There are of course. But these divergent and conflicting interests do not call for you to think in terms of rights; rather you must help me learn that I have an interest in supporting and in wanting to support your discovery and development of independent and divergent interests, because doing so will give me a more vibrant and vital person to be with, and that is better for me too. I must come to understand that it is not even in my interest to "win" in all cases of irreconcilably conflicting interests, for it is better for me to share my life with an unoppressed woman and not have everything my own way than it is to share my life with an oppressed woman, even if she satisfies my whims, because oppression is debilitating, especially at close range and in intimate contexts.

Thus the bottom line is that women need not think in terms of rights in the context of personal relationships because, so long as it is possible to appeal to the enlightened self-interest of one's partner and to mutual interests, it is not necessary to think in terms of rights. In other words, women need to educate those of their oppressors who are emotionally involved with them. Thinking in terms of rights will not be an effective educational device, for it inevitably miseducates about what healthy personal relationships are even as it instructs about the oppression that can exist in personal relationships.

Not that the lessons about the enlightened interests of the oppressors will always be easy to teach or to learn. The oppressor will always resist awareness that he is an oppressor, the knowledge that one oppresses even those he is close to is especially bitter, and it is unpleasant to discover that one has been living stupidly. But the lessons can be learned, especially since it is in the interest of the oppressor to learn them. Or if they cannot be learned, if I should prove to be completely ineducable, you should give me up as a lost cause and leave me, for you will never be able to have the kind of personal relationship you want with the likes of me.

The task of educating the oppressor may seem an unfair burden to impose on those who already bear the unfair burdens of the oppression

itself. But these are the lessons we must learn if we are to understand and to have healthy personal relationships.

VI

We thus end with another of the recurrent themes of feminist thought: women's liberation is human liberation; it is good for men as well as women. In the context of large-scale or impersonal relationships, it is not always clear that this is in fact true. To give just one personal example, I believe I have a moral obligation to support affirmative action because it is implied by genuine equal opportunity and women have a right to equal opportunity. But it is not at all clear to me, while struggling to get one of those scarce jobs in philosophy, that it is really in my interest to do so, for the women who will get those jobs mean little or nothing to me. But in the context of personal relationships in which it is a question of sharing my self and my life with those few women whom I love and care about, it does seem undeniably true that I do have an interest in the liberation of these women and also in their liberation from me insofar as I oppress them. Do women really believe that their liberation is good for the men they are close to? If so, women need not think in terms of rights in the context of personal relationships. For we need not appeal to rights to get someone to do what is also best for him.

In impersonal situations, then, rights may be the correct terms in which to think. For this reason, it makes more sense for blacks or workers, patients, welfare recipients, or old people (including women in these groups) to think in terms of rights than it does for women to define their concerns about personal relationships in terms of rights. I can perhaps oppress blacks, workers, students, and old people with equanimity because these people mean so little to me. And if I grant them their rights, that may be all they want from me—precisely because we are not close. It is wrong, then, but it may not be stupid for me to oppress people who mean little or nothing to me. But though it is also wrong, more important, it is stupid for me to oppress those I care for and who are close to me. And as opposed to blacks, workers, patients, students, and welfare recipients who are not involved with me, those who are close to me will certainly not be satisfied if I grant them their rights.