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## Equality and Difference in Olympe de Gouges' *Les droits de la femme. A La Reine*

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# Equality and Difference in Olympe de Gouges' *Les droits de la femme. A La Reine*

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## ABSTRACT

This article examines Olympe de Gouges' demands for the rights of woman in her famous but still understudied work *Les droits de la femme. A La Reine* [1791]. Particular emphasis is put on analysing how she combines her demand for equality with her conception of sexual difference. The article consists of three parts. The first part gives a brief overview of the demands for the equality of the sexes as they were presented in seventeenth-century France and critically reacted upon in eighteenth-century France, not least by Jean-Jacques Rousseau in his defence of sexual difference. The second and third parts focus on Gouges' argumentation. First, by analysing how she argues for women's active citizenship by criticising the exclusion of women from the public sphere, but without questioning sexual difference as such; and second, by discussing how she redefines the famous slogan of the French Revolution; liberty, equality, fraternity. The conclusion argues that rather than being caught in a paradox of equality and difference, as has been claimed by Joan W. Scott, Gouges did successfully combine the two concepts, even if her interpretation of their relation was excluded from the canon of political theory.

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**KEYWORDS** Olympe de Gouges; Jean-Jacques Rousseau; equality; sexual difference; rights of woman

## 1. Introduction

In her lead article 'Revolution and Republicanism: Women Political Philosophers of Late Eighteenth-Century France and Why They Matter', Sandrine Bergès [2021: 354] points out that for the women and men writing during the French Revolution

belonging to a group or a party did not come with a set of ready-made, previously defended first principles, but . . . in order to be persuasive, a political writer had to put forward a philosophical defence of the position they were drawing their proposal from.

During this period political positions were in the making and political debates were not based merely on the application of political ideas but contributed to the formulation of the philosophical basis of these ideas.

I will follow this insight and examine the foundations Olympe de Gouges gives for her demand for the rights of women. I am particularly interested in the complicated

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relations between equality and sexual difference. Many feminist political theorists and historians, including Catharine MacKinnon [1987], Carole Pateman [1988, 1992] and Joan W. Scott [1996], have argued that the concepts of equality and difference have been constituted as mutually exclusive. This has resulted not only in sexist political theories, which see women as different and therefore located outside the realm of equality, but also in a ‘feminist movement and feminist scholarship [that is] frequently seen as divided between the advocates of equality on the one side and the advocates of sexual difference on the other’ [Pateman 1992: 18; also MacKinnon 1987: 33–4; Scott 1996: 17]. My aim is not to solve this tension once and for all, but rather, more modestly, to study in some detail how one political theorist—Olympe de Gouges—aims to combine equality and difference in one of the first explicit demands for the equal political rights of women. In the first section I take a brief look at the seventeenth-century discussion about the equality of the sexes and its eighteenth-century influence. The second and third sections are devoted to Gouges’ *Les droits de la femme. A La Reine* [1791].

## 2. Similar or Different Capacities?

In seventeenth-century France, Marie le Jars de Gournay and François Poulain de la Barre defended the equality of men and women in their respective treatises *Égalité des hommes et des femmes* [1622/1641] and *De l’égalité des deux sexes* [1673]. These two treatises had different philosophical foundations, Gournay grounded her demand for equality in an Aristotelian conception of the human species sharing the same rational soul [Gournay 1641 (2013): 65; Deslauriers 2019a] whereas Poulain’s arguments were profoundly influenced by René Descartes’ philosophy [Broad 2017; Reuter 2017, 2019], but both authors agreed that the equality of the sexes is based on the fact that they share the same cognitive capacities. They also shared the assumption that morality relies on cognitive ability and equal cognitive ability was therefore considered to be a necessary condition for equal moral ability.

Gournay was explicitly differentiating herself from earlier contributors to the Renaissance *querelle des femmes*, who most often argued for the superiority of one sex over the other, and she emphasises that she is ‘content to make women equal to men, for nature is also as opposed to superiority as to inferiority in this respect’ [Gournay 1641 (2013): 54]. Poulain continues the same line of argument, but exchanges Gournay’s Aristotelian concept of nature for its Cartesian equivalent. Following Descartes’ dualism, he holds that when ‘the mind is considered in itself, it is found to be equal and to have the same nature in all human beings’ [Poulain 1673 (2013): 158]. Further, also following Descartes, he holds that living human beings are composites of mind and body and since God has united the minds and bodies of women and men ‘by means of the same laws’, mind and body interact in the same manner in both sexes [ibid.]. Poulain concludes his argument for equal cognitive capacities by claiming that even ‘with the most detailed anatomical investigations, we cannot observe any difference in [the cognitive organs] between men and women’ [ibid.]. The brains of the sexes are, according to Poulain, the same—including the same capacities of memory and imagination—and so are the sensory organs.

Poulain is aware, of course, that the sexes play different roles in reproduction, but emphasises that ‘strictly speaking, the body alone is involved in the reproduction of human beings’ [ibid.: 157]. Reproduction is thus claimed to be a purely bodily process, similar in humans and other animals, and to be understood in accordance

with Descartes' mechanistic conception of bodies. It does not affect the mind or constitute a cognitively significant part of the mind-body union. Here we have, in its purest form, an argument for the equality of the sexes according to which reproductive capacities are irrelevant. The same point was made already by Gournay, in her Aristotelian framework. She writes that 'the sexes were not created unconditionally or in such a way that they constitute different species, but exclusively for the purpose of propagation' [Gournay 1641 (2013): 65]. Gournay's and Poulain's concepts of equality do not necessarily eliminate or exclude difference, but require that differences are transcended. Humans are equal in respect of those capacities that show similarity and these are claimed to be essential to human nature, on either Aristotelian or Cartesian terms.

In eighteenth-century France, Poulain's analysis was taken up by Louise Dupin in her unfinished manuscript *Ouvrage sur les femmes*. In his study of the manuscript, Leland Thielemann [1983: 321, 325] points out that Dupin cites Poulain at least four times.<sup>1</sup> Dupin's work was composed while Jean-Jacques Rousseau was working as a secretary in the Dupin household, from 1745 to 1751, and the manuscript is mostly in his hand. Though *Ouvrage* is considered to be a work genuinely authored by Louise Dupin, most scholars agree that in addition to taking dictation, Rousseau was also involved in gathering materials and making reading notes for the Dupins [Thielemann 1983: 318; Hunter 2009; Botting 2017; Wilkin 2019: 228]. It is more than likely that he was familiar with Poulain's *Égalité*. As emphasised by Eileen Hunt Botting [2017: 2, 8–11], the close nature of Dupin's and Rousseau's intellectual collaboration is also evident from the four essays on women that he wrote while working for her. Scholars usually emphasise the differences between the egalitarian views on the relations between women and men that Rousseau presents in his early essays and his later emphasis on sexual difference and criticism of claims about the equality of the sexes [ibid.: 8]. Without disputing the differences, I want to emphasise one explicit aspect of continuity, to illuminate the specific nature of Rousseau's view of sexual difference, which will in the next section be essential for our understanding of Gouges' argument.

Thielemann [1983: 320] points out that Dupin and the young Rousseau shared a fierce criticism of the idea that women are imperfectly formed men, an idea ultimately derived from Aristotle and championed by theologians and jurists as well as medical doctors. It is important to note that this criticism is foundational also for what Rousseau has to say about sexual difference in *Émile*. At the outset of chapter V, where the differences between the sexes are discussed, he emphasises that when women and men are perceived as members of the human species, they are identical, having 'the same organs, the same needs, the same faculties' [Rousseau 1762 (1979): 357; also Reuter 2014: 930]. Women are not imperfect men. Sexual difference is not a lack on women's part, but a feature that distinguishes them and that must be developed in accordance with its own standard of moral perfectibility [Rousseau 1762 (1979): 388].

Rousseau separates his own views from the discourses of sexual superiority as well as equality in the following words: 'how vain are disputes as to whether one

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<sup>1</sup> Dupin's *Ouvrage* consists of drafts that were scattered when sold at auction in the 1950s. Large pieces are held by the Harry Ransom Humanities Research Center in Austin, Texas, as well as by archives in Geneva and Montmorency. Thielemann transcribed and organised the material held in Texas and his research on Dupin's thought is primarily based on those parts of the manuscript. On the fate of the manuscript, see Hunter [2009], who develops a preliminary but interesting interpretation of Dupin's philosophical argumentation, also based on the holdings in Texas. I thank Rebecca Wilkin for sharing her expertise on the Poulain-Dupin relation.

of the two sexes is superior or whether they are equal—as though each, in fulfilling nature’s ends according to its own particular purpose were thereby less perfect than if it resembled the other more’ [*ibid.*]. This is certainly a departure from gender egalitarianism as it was presented by Poulain and, one might claim, the young Rousseau himself, but it is a departure claiming difference, not inequality or inferiority. Rousseau holds that in ‘the union of the sexes each contributes equally to the common aim, but not in the same way’ [*ibid.*]. Whereas Gournay and Poulain build their accounts of equality on the similarity of capacity, Rousseau emphasises the differences between the capacities of men and women. These differences are grounded in differences related to reproduction, but extend into the realms of moral and cognitive capacity (e.g. Rousseau [1762 (1979): 387]; Reuter [2014: 932]). Gendered capacities are not natural in the sense that they would appear in the state of nature, where men and women do, according to Rousseau, rely mostly on their shared capacities and do not form families [Rousseau 1755 (2002): 100, 145–6], but gender difference constitutes an essential aspect of a good moral order, where gendered capacities are necessary in order to prevent the development of deviant forms of civilisation. Whereas Poulain considered the capacity of reproduction to be a mere bodily process, Rousseau gives it an essential moral and civic role.

Rousseau’s account of sexual difference resulted in the separation of the spheres of men and women and ultimately in the exclusion of women from full citizenship (e.g. Larrère 2010]). His political theory is in a strict sense patriarchal, but it is misleading to call it misogynistic. It is not based on the inferiority of women. Whereas British feminists such as Catharine Macaulay [1790 (1996), letter XXII] and Mary Wollstonecraft [1792 (1989): 88–9, 94–5, 108, 122–3] criticised Rousseau’s account of sexual difference by drawing on arguments emphasising the similarity of the cognitive and moral capacities of women and men, many French women philosophers did, as Bergès shows in her lead article, adopt Rousseau’s account of difference (see also Green [2014: 233]). In the next two sections I show how Olympe de Gouges combines sexual difference with a demand for equal rights.

### 3. Olympe de Gouges on Female Citizenship

Gouges’ *Les droits de la femme. A La Reine* is, as Lena Halldenius [2021: 385] points out in her article, a subversion of republicanism as a historical phenomenon and a challenge from within the tradition. It is important to note, though, that Gouges attempts to challenge the exclusion of women from active citizenship without subverting Rousseau’s conception of sexual difference as such. She is repeatedly using republican ideas about motherhood in order to argue for the rights of women (e.g. Gouges [1791 (2011): 28, 31, 39]). In her analysis of Gouges’ early political essays, Annie Smart [2011: 116] has argued that for Gouges the *citoyenne*, the female citizen, is ‘a personal identity as well as an abstract ideal’. Gouges took the position of a female citizen as early as 1788, before the outbreak of the Revolution, when she signed one of her essays ‘par une citoyenne à Vienne’ [Gouges 1788 (1993): 37].

Smart shows how Gouges uses her experience as a woman in order to gain authority to speak as a public person. This involves bringing personal experience into the public sphere as well as investing ‘the home and the *citoyenne* with civic virtue’ [Smart 2011: 117]. Gouges did not merely, as Scott [1996: 56] has argued, take on ‘the role of the

(male) active citizen in order to claim active citizenship for women' (see also Lukkari [2016]; Siani [2018]; Ball [2021]). Her strategy was even more subversive: she attempted to write as a *female* active citizen, thereby questioning not only the masculinity, but also the gender neutrality of citizenship. Like Rousseau, Gouges differentiated between the virtues of women and men, but contrary to Rousseau she argues that women's virtues belong to the public as well as private sphere. Smart's interpretation of Gouges' early essays provides a good starting point to understand the role of sexual difference in the declaration of the rights of women and female citizens.

Gouges' declaration is often read as a critique of the *Déclaration des droits de l'homme et du citoyen* of 1789, but it is important to keep in mind that Gouges' immediate target was the new constitution, which was frequently debated in the National Assembly before it was signed by King Louis XVI on 14 September 1791, the same day as Gouges' declaration was published. The debates in the National Assembly rarely touched upon the question of women's rights and the constitution, though granting women citizenship, distinguished between active citizens, who were given full political rights, including the right to vote and to hold elected office, and passive citizens, who could neither vote nor be elected. Active citizenship was restricted to independent male citizens over twenty-five years of age, who had paid the poll tax, which was the sum equivalent to three day's labour. Passive citizenship covered not only women, but according to the 1791 constitution also domestic servants, rural day-labourers, slaves, and Jews [Cole 2011: 204–5; Smart 2011: 133–4].

Erica Harth has suggested that rather than criticising the declaration of 1789, Gouges appeals to it, interpreting '*l'homme*' in a truly universal sense, as referring to human beings of both sexes. Gouges' aim, according to Harth [1992: 219], is to reinstate the natural rights of women. This move makes sense against the background of the transition from 'natural rights' to the 'rights of man', discussed by Halldenius [2021: 384], a transition that increasingly excluded women from the realm of rights bearers. A careful reading of Gouges' *Les droits de la femme. A La Reine* reveals frequent references to the tradition of natural rights, which was used by seventeenth-century feminists such as Poulain in their arguments for the equality of the sexes (e.g. Poulain [1673 (2013): 164]; see also Reuter [2019]; Wilkin [2019]). Already in her introductory dedicatory letter to the Queen, Gouges [1791 (2011): 29] points out that the 'Revolution will be achieved only when women are convinced . . . of the rights that they have lost in society'. In the preamble to the actual declaration of the rights of women and of citizen, Gouges [*ibid.*: 31] transforms the previous allusion to rights preceding society into an explicit reference to 'the natural, inalienable, and sacred rights of woman'. These rights form the basis for the seventeen particular articles of the declaration.

In some cases, Gouges' rewriting of the declaration of 1789 restricts itself to adding women, such as in article II, where she refers to 'the natural and imprescriptible rights of Woman and of Man' [*ibid.*], but, as we can see, even this addition subverts the primacy of Man by putting Woman first.<sup>2</sup> In some other cases, Gouges' declaration includes a substantial rewriting of the articles of the 1789 declaration. Article XI, concerning the right of free speech, is often taken as an example. According to Gouges [*ibid.*: 33], 'free communication of thoughts and opinions is one of the most precious

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<sup>2</sup> I owe my awareness of this aspect of Gouges' argumentative strategy to Erika Ruonakoski, who has translated *Les droits de la femme. A La Reine* into Finnish. The translation is forthcoming in Reuter [2021].

rights of woman, because that liberty ensures the legitimacy of children with respect to their fathers'. Every female citizen must have the right to 'freely say, "I am the mother of a child who belongs to you"' [*ibid.*]. Gouges disentangles the legitimacy of children from the patriarchal institution of marriage and formulates a right which takes into account the fact that women and men have different roles in reproduction. Her aim is to equalise motherhood and fatherhood, but since these roles are affected by sexual difference, it is not enough to establish equal rights, in this case an equal right to speech. We need rights that are adjusted to sexual difference.

On an even more profound level, sexual difference is present in Gouges' definition of the Nation. In article III, which establishes that the principle of sovereignty rests essentially in the Nation, she adds 'in the Nation, which is nothing but the union of Woman and Man' [*ibid.*: 31]. This is a substantial addition, which deeply affects the very concept of Nation. Gouges does not deny that the Nation consists of individuals, quite the contrary. In article XVI she adds to the original formulation and emphasises that the 'constitution is null, if a majority of the individuals who make up the Nation has not cooperated in drafting it' [*ibid.*: 34], but these individuals are of two genders and this difference is constitutive. The Nation is not gender neutral, but essentially gendered.

In the next section I conclude my analysis of Gouges' declaration by looking at her interpretation of the famous slogan of the French Revolution, *liberté, égalité, fraternité*. I will show that Gouges is not only applying these concepts to women, she is redefining their meaning.

#### 4. Liberty, Equality, Fraternity

First, liberty is essentially understood by Gouges as women's liberty from the tyranny of men. She follows a long tradition of conceptualising male power over women as a form of tyranny, a tradition originating in the Renaissance and developed in particular by many Italian authors [Deslauriers 2019b]. Gouges emphasises the unnatural nature of male tyranny: 'this tyrannical empire' cannot be found anywhere outside of human society [Gouges 1791 (2011): 30]. Everywhere in nature we find the sexes intermixed: 'everywhere they cooperate in this immortal masterpiece with a harmonious togetherness' [*ibid.*]. As we can see, she is not contrasting male tyranny with natural equality as such, but rather with a natural collaboration between the sexes. She continues:

Bizarre, blind, bloated with learning, and degenerated into the crassest ignorance in this century of enlightenment and wisdom, he wants to rule as a despot over a sex that has also been given every intellectual faculty. [*ibid.*]

Here Gouges' claim relies on a criticism of civilisation, reminiscent of Rousseau, as well as on the distinction between a legitimate monarch and a tyrant as it was originally formulated by Aristotle, who wrote that a tyrant 'rules in unchallenged fashion over persons who are all similar or better' [*Politics* IV 10 1295a17–22]. The harmonious togetherness of the sexes, which emphasises their complementary roles and re-establishes rather than ignores sexual difference, is here combined with the claim that women and men are equal in intellectual capacity. Together these claims form the basis for Gouges' criticism of male tyranny. Her criticism reappears in article IV, where she adds to the definition of liberty in the 1789 declaration and emphasises that 'the exercise of the natural rights of woman has no limits other than the perpetual

tyranny with which man opposes it' [Gouges 1791 (2011): 31–2]. This impediment to liberty is arbitrary and unjust and must be overthrown if the revolution is to succeed.

As we can see from the above quote, Gouges' argument against tyranny does appeal to the equal intellectual capacity of women and men in a manner similar to the seventeenth-century arguments presented by Gournay and Poulain. Her criticism of male tyranny is intrinsically connected to her assertion that '[w]oman is born free and remains equal to man in rights' as she states in the first article of the declaration. Here she rewrites the declaration of 1789 by replacing the original 'les hommes' with woman and emphasising that woman must remain equal to man [ibid.: 31]. Gouges' overall use of the concept of equality is similar to its use in the original declaration. In both declarations the primary aim is not to claim that humans *are* naturally equal (as Gournay and Poulain did) but rather to *establish* equal rights. Gouges does this by emphasising (in article VI) that since all female and male citizens are to be equal before the law, which is to be the expression of the general will, they must also 'be equally admissible to all public honours, positions, and employments' [ibid.: 32]. Female citizens can be equal before the law only if they are equally admitted to participate in its formation. In a similar manner Gouges argues, in articles XIII and XIV, that female citizens can have an equal obligation to pay taxes and to fulfil other obligations only if they have the same share not only in 'the distribution of positions, employments, offices, honours, and jobs', but also in the distribution of private wealth [ibid.: 33].

Gouges' declaration is profoundly subverting the division of political spheres into private and public by demanding that women are allowed equal admittance to the public sphere, but she is doing so without abandoning the idea of a 'harmonious togetherness' of the sexes, deeply rooted in nature and constitutive of a gendered nation [ibid.: 30, 31]. Her account is a severe (though implicit rather than explicit) criticism of Rousseau's exclusion of women from public citizenship, but it is important to note that her account strengthens rather than weakens the idea of a sexual difference inscribed in nature. Bergès shows that Gouges, contrary to Rousseau, holds that families exist already in the state of nature and that the natural human inclination to co-operate forms the basis for society [Bergès 2018; 2021]. This co-operation is gendered—in *Le Bonheur Primitif* Gouges holds that 'Nursing women will be exempt from public works' [Gouges 1789: 14]—but from her declaration it becomes clear that nursing will not affect women's equal rights, even if it might temporarily affect the division of labour. Whereas one can, as Bergès points out, attribute 'a view of gender relations which privileges difference over equality' to Marie-Jeanne Roland [Bergès 2021: 362], the same cannot be said about Gouges. She is explicitly trying to combine equality and difference on equal terms.

Finally, Gouges' take on fraternity can be seen in her subversive rewriting of brotherhood as sisterhood. Her sisterhood includes the Queen, to whom she appeals to join with and 'defend this unfortunate sex' [Gouges 1791 (2011): 29] and the preamble to the declaration begins by stating that the 'mothers, the daughters, the sisters, the representatives [fem.] of the nation demand to be constituted in [a] national assembly' [ibid.: 30–1]. The appeal is repeated in the 'postamble' to the declaration, which begins 'Woman, wake up!' [ibid.: 34]. Gouges' use of a collective appeal to women, which can be read as an appeal to sisterhood, even if she does not use that word, is not only a question of adding women. She is showing that the original fraternity was not universal, but gendered male. In this respect her appeal to a female 'fraternity' is an essential aspect of her gendering of the revolutionary declaration of rights.

## 5. Conclusion

To conclude, did Gouges succeed in her attempt to combine equality and sexual difference? Historically speaking she did not, most scholars of the French Revolution agree that her declaration did not achieve its aims (e.g. Cole [2011: 214–18]), but this does not in itself mean that her attempt was a philosophical failure. Most philosophical treatises do not reach their political goals, if they have any. Scott has famously argued, though, that Gouges (and other later French feminists) fail on a more profound conceptual level as well and that feminist agency is in itself a paradox. This is claimed to be so because feminist agency ‘is constituted by universalist discourses of individualism (with their theories of rights and citizenship) that evoke “sexual difference” to naturalize the exclusion of women’ [Scott 1996: 16]. There is thus, according to Scott, a necessary contradiction between the ideas of equal rights and sexual difference. Scott’s interpretation is in many respects sensitive to the historical nature of concepts and to the subversive paradoxes evoked by many feminists, including Gouges, but can be criticised for assuming ‘universalist discourses of individualism’ that are in fact not sufficiently historicised. Scott is overlooking the very point that Bergès emphasises: authors such as Gouges were philosophers developing new arguments and discourses, not merely applying them. Gouges is indeed drawing on ideas about individual rights in her arguments, but as a philosopher she is contributing to a discourse—though a historically neglected one—where these rights are not constituted in opposition to sexual difference and where sexual difference is not evoked in order to exclude women.

Equality and difference are not in themselves logically incompatible concepts, as long as we do not define equality as similarity or difference as non-equality. Gouges is keen on doing neither, even if her concept of equality is not completely independent of the seventeenth-century discourse of equality as similarity. MacKinnon and Pateman have, I think, provided conceptually and historically more correct interpretations than Scott by explicitly adding dominance and subordination to their analyses of the dynamic of equality and difference. Pateman [1992: 28] emphasises that ‘whereas “equality” in some of its possible meanings can encompass “difference”, no sense of “equality” . . . can accommodate subordination’. As she summarises her position: ‘the heart of the matter is not sexual difference but women’s subordination’ [*ibid.*]. MacKinnon points out that when we consider differences as such ‘men’s differences from women are equal to women’s differences from men. There is an *equality* there’ [MacKinnon 1987: 37; italics in the original]. It is male dominance that has construed men as the standard for similarity and similarity as the standard for equality, thereby making women different and unequal [*ibid.*: 41–2].

In order to fully appreciate Gouges’ attempt to combine equality and difference we must keep in mind that it is framed by her fierce criticism of male tyranny, which is her way of conceptualising the male dominance highlighted by MacKinnon and Pateman. Gouges’ conceptualisation of the relations between the sexes—for example when she puts women first and writes about ‘Woman and Man’—can be seen as an attempt to show that when sexual difference is perceived in itself, irrespectively of male tyranny, men are as different from women as women are from men. Her argumentation is in many respects anticipating later discussions about the interconnections between difference and dominance. It was the subordination of women, which continued throughout the Great Revolution and beyond, that made Gouges’ declaration fail, not the conceptual incompatibility of equality and difference.

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