

Book Reviews

FEMINISM & FREEDOM. By Michael Levin.¹ New Brunswick, N.J.: Transaction Books. 1987. Pp. xi, 336. Cloth, \$39.95; paper, \$19.95.

*Brigitte Berger*²

Michael Levin's *Feminism & Freedom* is a relentless examination of contemporary feminism and its consequences. The book is distinguished by a trained philosopher's capacity for shedding new light on familiar issues and exhibits an exceptional facility with language. The first stimulates the reader to confront issues conveniently avoided for all too long and the second provides welcome respite from the customary drabness of scholarly literature. But the book is much more than that. It is also a very important, courageous, and deeply disturbing book. It is important, for to my knowledge *Feminism & Freedom* represents the first major effort to subject feminist theory and its presuppositions to a systematic and intellectually serious critical analysis; it is courageous, for in an academy dominated by feminist visions any exploration of the phenomenon from a non-feminist standpoint borders on the suicidal; and, finally, it is disturbing because, if Professor Levin is right, American society has just experienced a fundamental shift in its historical foundations and cultural self-understanding without being aware of it. This shift, Levin contends, has moved the country in anti-democratic, if not totalitarian, directions.

Levin's basic argument is simple. At the core of feminism stands the premise that women as a generic category have been kept in a state of legal, economic, political, social, and psychological subjection throughout known history. This belief denies the possibility that biological differences between men and women have something to do with the perceived unequal status of women in society. The denial of innate differences had compelled modern feminists to de-

1. Professor of Philosophy, City College of New York and the Graduate Center of the City University of New York.

2. Professor of Sociology, Boston University.

wise ever subtler theories about environmental factors being responsible for a state of affairs now declared intolerable. Resolved to change the unfairness and injustice of all of this once and for all, the feminist movement brought great pressures upon the government and its agencies to act in behalf of women, mainly through intervention, adjudication, legislation, policing, and punishment. Hence feminism, in Levin's words, may be defined as "a program for making different beings—men and women—turn out alike, and like that other egalitarian, Procrustes, it must do a good deal of chopping to fit the real world into its ideal." Because of this monumental misconception, Levin goes on to argue, we find ourselves today in a situation at once paradoxical and perilous. Although feminism "speaks the language of liberation, self-fulfillment, options, and the removal of barriers, these phrases invariably mean their opposites and disguise an agenda at variance with the ideals of a free society."

The organization of the book follows the logic of this argument. In the early chapters, the author tackles the exceedingly complex issue whether perceived gender differences are due to environmental factors—as feminists would have it—or biological factors, with Levin coming down firmly on the side of the latter. In the later chapters, he sets out to trace the consequences of this denial. It may well be a measure of Levin's erudition and the power of his argument that in reading his exposition of individual feminist issues—with all of which I am thoroughly familiar—I felt I had learned something new and important in each instance.

Although I am distinctly less comfortable with Levin's rigid biological determinism, as I will argue later, I agree with the thrust of most of his arguments. I, too, am persuaded that the modern feminist movement has been spectacularly successful in superimposing its basic presuppositions and claims upon virtually all aspects of public and private life. There is little doubt any longer that the past decades have witnessed a general feminization of language, education, and culture. His argument that the fundamental transformation of the labor force during the past 45 years or so has greatly benefited women is today widely accepted by most economists. It is doubtful, however, whether this transformation is primarily due to state intervention—as Levin argues in the chapters on "Affirmative Action" and "Comparable Worth." Most analysts, including moderate feminists, point out that the changes began before modern feminism and have occurred in tandem with general changes in the economic order of industrial societies. Be this as it may, the vast majority of economists will agree with Levin's opinion that comparable worth regulations are a bad idea and many readers will also

agree with Levin's rejection of affirmative action. But most important, in view of all the evidence presented, hardly anyone will disagree with the author's assessment that the feminist movement has substantially contributed to the expansion of government power. In the course of their crusade for the deliverance of women from a perceived state of oppression, feminists have produced a profound change in our understanding of the nature and function of the state. In the name of alleged "natural" rights new legal protections are sought. In consequence, new constitutional and common-law mechanisms have been put into place that have transformed the customary proscriptive function of the state into a prescriptive one. In providing the reader with many illustrations of this trend, Levin returns to the starting point of his treatise, namely, feminism's fatal misunderstanding of human nature and its unwarranted faith in the capacity of the state to overcome biologically rooted gender differences. It is this monumental misunderstanding, Levin concludes, that leads to the erosion of freedoms basic to the great American experiment.

Feminism & Freedom is a brilliant and powerful critique of modern feminism. Most readers of the book—and I hope there will be many—will find the author's dissection of the current situation convincing, though some may take issue with the rationale underlying a number of his arguments. My major problems with Levin's otherwise superb book are in one way or another connected to his biological determinism. It makes for a paradoxical situation whereby he underestimates the role of ideas and values in social life in general, while, at the same time, overestimating their political power when it comes to feminism. The roots of feminism, to my mind, cannot be sought solely, and perhaps not even primarily, in feminism's denial of biology. Rather, feminism itself has to be understood as just one of several manifestations of much broader shifts in the consciousness of individuals as well as in the larger institutional structures of society that have marked the maturation of modern society. These shifts are of long historical standing, antedating the advent of feminism by decades. They are more pronounced in the elite sector of society. In fact, a good argument can be made that these transformatory forces have led to a deep split in the middle classes: on the one hand, we have an old middle class of producers, managers, and distributors of industrial goods, and on the other hand, we have today a "New Class" of producers and distributors of knowledge. This New Class controls many of the institutions central to post-industrial society (such as the vast educational empire, the media in all their forms, therapeutic apparatuses of this or that variety, and the mushrooming professions of

planning and policy analysis). A peculiar configuration of factors has pitted the new contenders for power, income, and prestige against the old middle classes whom they now confront in the fight for the minds and hearts of Americans. This is hardly what Marx had in mind when he spoke of the inevitability of class struggle in capitalist society, but struggle it is and class is what it is finally about.

The feminist movement, I suggest, is part and parcel of the New Class. Its members are located in New Class occupations, and their consciousness reflects the culture of that class. Future generations will marvel at the speed with which the amorphous and often contradictory views of a miniscule number of activists came to prevail in American political and cultural life and for some time to come historians will be busy trying to figure out why the views of a small group of highly educated, more-or-less affluent but decidedly discontented women should have come to be accepted by a broad and intensely diversified American public. This last observation makes it apparent that feminism, far from being a monolithic ideology, means different things to different people and has as many factions as it has constituencies. It also explains why in the political arena where the various New Class issues on the feminist agenda ultimately have to be negotiated, very different understandings and values tend to reassert themselves.

A good example of this can be found in recent debates on child care where "the politics of women" has been met by "the politics of the family." This confrontation has been responsible for a split in the feminist movement, with one faction continuing to deny biological realities, and the other willing to recognize the biological uniqueness of women and the specific needs flowing from it. This split has served to bring a sizable number of women back from the wilder shores of madness while, at the same time, infusing new life into a moribund movement. It is important to understand, however, that the new faction of "liberated motherhood," is just as firmly set on the course of political entitlements and their expansion as the older faction of "liberated womanhood" was. In other words, the biological frame-of-reference that is so central to Michael Levin's argument fails to explain the persistence of the prescriptive trend that makes for increasing government involvement in one sphere of life after another at the expense of individual freedom. Thus, Levin's grandiose attempt to locate the roots of these disturbing developments in feminism's denial of biological differences, while plausible at first, does not ultimately prove persuasive.

Even so, *Feminism & Freedom* makes a powerful case that we

are in the throes of far-reaching changes whose consequences are not yet fully understood. There can be little doubt that feminist passions—unintentionally perhaps, but nonetheless substantially—have endangered freedom. Toward the end of his book, Levin summarizes it well: “A major obstacle to appreciating the extent to which liberty has been curtailed in the name of sexual equality is the search for a key event, a turning point. Pessimists from Plato to Orwell have thought too much in terms of collapse, too little in terms of erosion. Contrary to Orwell, the best picture of the future may not be a boot stamping on a human face, but a bureaucratic black hole drawing one matter after another out of the sphere of individual discretion and into itself.”

THE HUMANE IMAGINATION. By Charles Black.¹ Woodbridge, Ct.: Ox Bow Press. 1986. Pp. ix, 201. \$16.95.

*Mark Tushnet*²

Professor Charles Black is one of the masters of constitutional law scholarship of his generation. Along with Alexander Bickel and Herbert Wechsler, Black decisively shaped our understanding of the Constitution. His contributions have been twofold, and both are reflected in this collection of his occasional essays. First, he insisted on the importance of the overall structure of the Constitution as a guarantor of liberty. Black developed this point with reference to federalism, but his general approach can inform consideration of separation of powers issues as well. Issues of structure have become increasingly prominent, as the Reagan administration has insisted on interpretations of separation of powers which raise important questions about the relation between structures and liberty, and as the Supreme Court has become less receptive to arguments asking it to protect liberty directly and nationwide. But Black's approach has also occasionally seemed too diffuse to help resolve concrete controversies. Despite the careful technical analyses that Black offered, it sometimes seemed that inferences from structure could run pretty much wherever the analyst wanted them to run.

Black's second contribution served to control the inferential

1. Sterling Professor Emeritus of Law, Yale University.

2. Professor of Law, Georgetown University law Center.