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GRASPED": NOTES ON EQUALITY ON THE OCCASION OF THE TWENTIETH  
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## **Text**

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### Introduction

As a world living in the wake of that well-known French call to arms, it is almost unthinkable to question the equality of everyone. Everything has been so efficiently equalized, not the less so with postmodernity, which has only distributed equality around more broadly, more evenly, between cultures, and species no less, through its unmasking and breaking up of all the old universals and their hierarchical "binarisms." The American "all men are created equal" effectively drove the creation of a new nation, so captivating was its content. And if the first century of that nation's existence was marked by a reveling in the lack of class distinction so characteristic of the *ancienne regime* and then in the long struggle to overcome the racial divide, the second century would add the struggle of including women among those already equal to men.

What is it that is so desirable about equality? It hardly needs saying that no human being likes to be treated as inferior to others. Given the widespread experience of "power struggles," it should come as no surprise that when one catches a glimpse of the fundamental and equally distributed dignity of being human, and when, moreover, one feels something new in the air that recognizes that dignity, the desire to move toward it and away from everything that calls it into question is irrepressible.

When the equality in question is between men and women, certain things come to mind almost universally. On the positive side, equality affirms that "women are fully human and are to be valued as [\*122] such,"<sup>1</sup> and that each person is to be allowed "to come into his or her own"<sup>2</sup> in a movement toward their destiny of "human flourishing."<sup>3</sup> On the negative side, "whatever diminishes or denies the full humanity of women" is opposed, and theologically

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<sup>1</sup> Margaret A. Farley, *Feminist Ethics*, in *The Westminster Dictionary of Christian Ethics* 229, 230 (James F. Childress & John Macquarrie eds., rev. ed. 1986).

<sup>2</sup> Daphne Hampson, *After Christianity* 129 (new ed. 2002).

<sup>3</sup> Elizabeth A. Johnson, *She Who Is: The Mystery of God in Feminist Theological Discourse* 30 (10th anniv. ed. 2002).

speaking, any such diminution is judged "not to reflect the divine or an authentic relation to the divine or the authentic nature of things." <sup>4</sup> In short, and in the words of one feminist, equality between man and woman means "a concomitant valuing of each other, a common regard marked by trust, respect, and affection in contrast to competition, domination, or assertions of superiority." <sup>5</sup> Commonplace and uncontested meanings of "equality" such as these are put forth today without much ado, even if in the past much ado has had to be made, and not over nothing.

### I. Introduction to the Problem of Equality

One cannot, however, talk about "equality" without setting off certain alarms. By ancient definition, equality is the contrary of "the greater and the lesser" and is achieved by a kind of standing in between them - as an intermediary, as it were - equalizing them, taking something from the greater and giving it to the lesser. <sup>6</sup> It can be seen at work, for example, at the level of quantity (more or less/fewer) or at the level of a certain quality (hot or cold), where "equal" would mean that two children have the same number of jelly beans or that two glasses of water are of the same temperature. Equality is no happy bedfellow with differences. Now, as if proof was needed, the unhappy marriage of the two is plain for all to see in today's culture, which in its race toward equality must always play down, on pain of excommunication, obvious differences of the truly "greater and lesser" sort - real inequalities, which undeniably exist between human beings at the level of mental, physical, and moral capacity and achievement. If the denial of obvious differences (of the [\*123] unequal kind) was not painful enough, what is worse is that when it comes to the kinds of differences that mark and define interpersonal relations between a son or daughter and his or her mother and father, and that between a man and a woman, "equality talk" invariably has a way of short-circuiting important differences, the uniqueness of one with respect to the other, the distinct needs, and the respective responsibilities that are called forth on account of these distinct needs. Mothers and fathers become generic "parents"; husbands and wives become "partners," or even "party A" and "party B"; boys, girls, and friends become just plain "people." With this kind of equality comes rights that more often than not serve to sever natural bonds, as, for example, with abortion rights, sexual rights, and children's rights.

That such a tendency toward the "evening out of things" should happen in the name of equality should come as no surprise, since, as mentioned, equality understands the distinction between the things alleged to be equal as a distinction of the greater and lesser sort. In fact, equality always operates on the assumption that the two things which are "equal" must be able to be by nature greater or less! <sup>7</sup> On this assumption, when it comes to the equality of women and men, the unique differences that can be found at the most basic level of the "division of labor" between them, such as the fact that only men can "beget" and only women can ovulate, carry, give birth to, and nurse a child, must be played down. <sup>8</sup> For to possess "more of something" (unequally in the case of commonly held traits, such as physical strength or empathy, for example, or exclusively in the case of certain anatomical features

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<sup>4</sup> Rosemary Radford Reuther, *Sexism and God-Talk: Toward a Feminist Theology* 19 (2d ed. 1993).

<sup>5</sup> Johnson, *supra* note 3, at 68.

<sup>6</sup> Aristotle, *Metaphysics*, Bk. X, Ch. 5 (W.D. Ross trans.), reprinted in 2 *The Complete Works of Aristotle* 1552, 1668 (Jonathan Barnes ed., 1984).

<sup>7</sup> Cf. *id.* ("The equal ... is that which is neither great nor small and is naturally fitted to be either great or small ...").

<sup>8</sup> Judith Butler does a little more than "play down" these mutually exclusive differences. Following on the heels of Luce Irigaray's postmodern "difference feminisms," Butler unhinges the sexes from each other altogether, calling into question (with Michel Foucault) the mutual uniqueness and complementarity of the sexes, and with these the "compulsory heterosexuality" that they imply. See Judith Butler, *Bodies that Matter*, in *Engaging with Irigaray: Feminist Philosophy and Modern European Thought* 141, 142-43 (Carolyn Burke et al. eds., 1994). Butler wonders, in what appears to be a kind of thought experiment:

If [woman] were to penetrate in return, or penetrate elsewhere, it is unclear whether she could remain a "she" and whether [man] could preserve his own differentially established identity. For the logic of noncontradiction that conditions this distribution of pronouns is one that establishes the "he" through this exclusive position as penetrator and the "she" through this exclusive position as penetrated.

*Id.* at 163.

and processes) necessarily suggests diminishment of the other or that something has been "taken away from" the other, thus putting into question his or her equal dignity and worth and [\*124] unleashing the various envies and fears. Freud's envious female comes to mind, but also the more recently discovered male, driven as he is by "womb envy" and fear. <sup>9</sup> It was not for nothing that the Grand Dame of postmodern "difference feminism," Luce Irigaray, dumped the language of equality altogether when she asked insubordinately, "Equal to whom?" <sup>10</sup>

With the assumed, albeit unacknowledged, "hierarchy" of superiors and inferiors in the background, equality does not only mean "evening things out" or "giving everybody a chance" to do what only some did before. If equality means "equal access," it does so only as it looks toward the total interchangeability of the equal parties and their consequent independence one from the other. <sup>11</sup> This is no mere by-product of "equality," as can be seen in the speeches of Elizabeth Cady Stanton, the pioneer of the American suffragette movement, who exhorted women to resist their natural tendency to "lean on men," and instead, in the more masculine spirit, "make the voyage of life alone." <sup>12</sup> Egalitarian equality is the big erasure of dependence. It belongs to that movement of equal brothers - now siblings - who need no longer make reference to their dependence on a common Father. <sup>13</sup>

None of this conflicts substantially with those who, in opposition to the "over-against-ness" and "either-or-ness" of the patriarchal past, propose a feminism of "relationality" and other such synonyms like [\*125] "mutuality," "reciprocity," and "connectedness." <sup>14</sup> For even as bad male (egocentric and detached) autonomy is eschewed, <sup>15</sup> what is put forth in its stead is a "relationality" that is quite carefully and consistently put at arm's length from any implied constitutive (intrinsic) dependence, which the element of unique non-interchangeable differences puts into evidence. <sup>16</sup> This is particularly clear in that very unique feminist brand of exuberance over the Trinity (which

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<sup>9</sup> Walter J. Ong describes the "abiding sexual identity crisis of the male" as the "insecurity deriving from fear of absorption into the other sex" which owes itself to the unique position in which the male finds himself, namely of being born into an all-encompassing environment dominated by the opposite sex. Walter J. Ong, *Fighting for Life: Contest, Sexuality, and Consciousness* 69-71 (1981).

<sup>10</sup> See Luce Irigaray, *Equal to Whom?* (Robert L. Mazzola trans.), in *The Essential Difference* 63, 63 (Naomi Schor & Elizabeth Weed eds., 1994).

<sup>11</sup> Referring to sexual difference, Angelo Cardinal Scola chooses "identity-difference" over "equality-diversity" for the reason that equality "refers to a being incapable of relating to the other-than-self, because the loss of an irreducible individuality can mean only a deadly uniformity." Angelo Scola, *The Nuptial Mystery* 218 (Michelle K. Borrás trans., Wm. B. Eerdmans Publ'g Co. 2005) (1998).

<sup>12</sup> Elizabeth Cady Stanton, *The Solitude of Self*, *Woman's J.*, Jan. 23, 1892, at 1, reprinted in *The Elizabeth Cady Stanton-Susan B. Anthony Reader: Correspondence, Writings, and Speeches* 246, 247-48 (Ellen Carol DuBois ed., rev. ed. 1992) [hereinafter *Stanton-Anthony Reader*].

<sup>13</sup> Even the postmodern feminists, who take issue with their egalitarian foresters for their homogenized equality, celebrate differences on the condition that the parties not be constitutively related or dependent upon each other. See *infra* text notes 73-75 and accompanying text.

<sup>14</sup> Elizabeth Johnson, for example, writes, "Oppositional, either-or thinking, which is endemic to the androcentric construction of reality, dissolves in a new paradigm of both-and." Johnson, *supra* note 3, at 69. In this vein, Catherine Mowry LaCugna prefers the Cappadocian framework to the Augustinian-Thomistic one, as it offers a "priority of communion among persons over being-in-itself." Catherine Mowry LaCugna, *God in Communion with Us*, in *Freeing Theology: The Essentials of Theology in Feminist Perspective* 83, 91 (Catherine Mowry LaCugna ed., 1993). This she says is "on the same trajectory as the feminist concern for the equality of women and men." *Id.*

<sup>15</sup> See Johnson, *supra* note 3, at 68.

<sup>16</sup> The "unique differences" in question do not belong so much to the rigid and fractional "sex polarity" model as to the more "triangular" model of "integral sex complementarity." The latter recognizes the common (if not equally proportioned) possession of "masculine" and "feminine" characteristics such as discursive reasoning, intuitive reasoning, and the like. These characteristics belong to human nature *tout court*, but always within the context of unique "male" and "female" differences that

Christians generally agree to be the fount of human relations). Feminists such as Elizabeth Johnson speak rather tamely [\*126] about reconceiving Trinitarian relations,<sup>17</sup> while others speak more honestly about a "total revision ... in light of contemporary thought patterns."<sup>18</sup> Such a "revision" would purge the Trinity of its alleged "subordinationist elements,"<sup>19</sup> by which is meant the entire apparatus that, prior to revision, had upheld the much-desired relationality, namely its "order," "hierarchy," "relations of origin," "processions," and the unique "hypostases," which those relations are understood to posit.<sup>20</sup> And what is left? "[A] relational pattern of mutual giving and receiving according to each one's capacity and style,"<sup>21</sup> where each, no doubt, gets to do everything.<sup>22</sup> A more "updated" Trinity allows "relational feminists" to make a move that would let all members of all other (non-divine) relations have their cake and eat it too, so to speak, granting them "friendship"<sup>23</sup> while at the same time

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are initially, though not exhaustively, identified with a cluster of biological facts (hormones, chromosomes, anatomy, and the like). Sr. Prudence Allen calls this "integral sex complementarity," and she writes:

A sex complementarity theory ... claims that both men and women have the same capacities for self-definition. They can both observe, they can both make judgments about what ought to be done, and they can choose specific actions to perform in relation to the call to define oneself in a particularly human way as a man or as a woman. However, their contexts for this activity of self-definition are different in some respects.

Prudence Allen, *Integral Sex Complementarity and the Theology of Communion*, 17 *Communio* 523, 536 (1990). Scola too understands "complementarity" in this way. See Scola, *supra* note 11, at 92-96. Hans Urs von Balthasar understood the "non-fractional" exclusiveness inscribed in sexuality ("there is always the 'other' mode of being human, a way that is not open to its counterpart") as the evidence of an intrinsic openness to communion with the sexual other, since on account of it,

man is always in communion with his counterimage, woman, and yet never reaches her. The converse is true of woman. If we take this man/woman relationship as a paradigm, it also means that the human "I" is always searching for the "thou", and actually finds it ("This at last ..."), without ever being able to take possession of it in its otherness. Not only because the freedom of the "thou" cannot be mastered by the "I" using any superior transcendental grasp ... but also because this impossibility is "enfleshed" in the diverse and complementary constitution of the sexes.

2 Hans Urs von Balthasar, *Theo-Drama: Theological Dramatic Theory* 366, 369 (Graham Harrison trans., Ignatius Press 1990) (1976).

<sup>17</sup> See Johnson, *supra* note 3, at 211-13.

<sup>18</sup> LaCugna, *supra* note 14, at 92 (emphasis added).

<sup>19</sup> *Id.*

<sup>20</sup> See *infra* note 90.

<sup>21</sup> Johnson, *supra* note 3, at 196.

<sup>22</sup> At the expense of the element of distinctiveness (and asymmetry) which comes with the "relations of origin," Johnson emphasizes what the tradition calls the "essential attributes" of God (power, knowledge, will), none of which properly distinguish the Divine Persons one from the other. See *id.* at 197. This preference is clear in her general leaning toward modern approaches to the Trinity that conceptualize divine unity as a single acting subject and her general preference for "Wisdom/Sophia" (the Holy Spirit), who "reflects the roles of all three persons." *Id.* at 212.

<sup>23</sup> The recourse to "friendship" here is quite consciously offered as an alternative to the constitutive (and "hierarchical") kind of relations suggested by "Father, Son and Holy Spirit." Johnson, *supra* note 3, at 197, 216-17. "Friendship," Johnson says, "is the most free, the least possessive, the most mutual of relationships ... . What makes it unique is that friends are fundamentally side-by-side in common interests, common delights, shared responsibilities." *Id.* at 217. Daphne Hampson also proposes "friendship" (*philia*), which she defines as "an exchange between two parties," as an alternative to "agapic" relations involving a self-giving (self-outpouring) and receiving. See Hampson, *supra* note 2, at 145, 163. Hampson references Eleanor Haney's "option for friendship," where friendship means "a love between centered selves" and where "being centered" means "living on her own terms, out of her own roots, in tune with the reasons of her heart and head, competent and capable of shaping, in concert with others, our individual and corporate lives." *Id.* at 110 (quoting Eleanor Humes Haney, *What is Feminist Ethics? A Proposal for Continuing Discussion*, 8 *J. Religious Ethics* 115, 120 (1980)). We leave aside, for the purposes of this Article, whether or not this view of relations is true to friendship properly conceived. Cf. Margaret H. McCarthy, "Husbands, Love your Wives as Your Own Bodies: Is Nuptial Love a Case of Love or Its Paradigm?", 32 *Communio* 260 (2005) (discussing the nature of love, particularly nuptial love).

preventing the relationship from making any claims on or limitations of the parties in question. This it seems is what Johnson [\*127] means by "relational independence" and the "reciprocity/independence dialectic."<sup>24</sup>

All of this effort simply illustrates the problem equality has with difference. It would take something really out of this world to at least hold them together in a paradox. Indeed, only in the wake of that Christian novelty of creation could it be said that all men (inclusively speaking) were equal on account of their common dependence on the Creator, in whose image they were all created.<sup>25</sup> Moreover, it was in view of the disclosure of the inner life of the Creator - in whom equality, if it did not exist on account of the distinction of Persons (the East), coincided with it (the West) - that certain fundamental distinctions between human persons - distinctions that sexual difference sets up between men and women and between them and their children - could be understood in terms other than greater-and-lesser or superior-and-inferior. Even if the Christian tradition has, with everyone else, had difficulty affirming the equality of men and women as such and in their relation to each other,<sup>26</sup> the [\*128] elements are there (and perhaps only there) - as has been shown by several recent nineteenth-and twentieth-century figures such as M.J. Scheeben, E. Pzywara, and H. Urs von Balthasar,<sup>27</sup> all of whom, reaching into the deposit of the Faith, have brought such distinctions to bear on precisely those relations. More recently, Pope John Paul II has enshrined the move within the magisterial teaching of the Church on the doctrine of the imago Dei, all on the basis of that ancient treasure of newness.<sup>28</sup>

Strangely, however, this recent "resourcement" relative to questions about sexual difference ("new feminism") has been met with the almost unanimous response among old feminists of "Not satisfied!"<sup>29</sup> Neither adamant apologies for the misogyny of the past,<sup>30</sup> nor emphatic affirmations of the equality of men and women as human

<sup>24</sup> Johnson, *supra* note 3, at 68. There are some feminists who are attempting to retrieve a positive notion of dependence. Alisdair MacIntyre notes two of them in particular: Eva Feder Kittay and Virginia Held. See Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* 3 (Paul Carus Lecture Series No. 20, 1999).

<sup>25</sup> It is on account of their being created and willed "for their own sake," that human beings are said to be equal. See Catechism of the Catholic Church PP 356, 369 (2d ed. 1997) (internal quotation marks omitted) (emphasis added) (quoting Second Vatican Council, *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World] P 24 (1965), reprinted in *The Sixteen Documents of Vatican II* 513, 536 (Nat'l Catholic Welfare Conference trans., 1967)). On this origin of human equality, see Joseph Cardinal Ratzinger with Peter Seewald, *God and the World: Believing and Living in Our Time* 75-77 (Henry Taylor trans., Ignatius Press 2002) (2000).

<sup>26</sup> The Christian tradition has always affirmed the fundamental equality of man and woman as taken individually as human persons before God, on the grounds that both are created in the imago Dei. See Pope John Paul II, *Mulieris Dignitatem* [Apostolic Letter on the Dignity and Vocation of Women] P 6 n.24 (1988) [hereinafter *Mulieris Dignitatem*] (collecting sources). When, however, the two are looked at in their sexual difference and, therefore, according to their relation to each other, things appear less "equal." As the text in Corinthians reads, "For a man ought not to cover his head, since he is the image and glory of God; but woman is the glory of man." 1 Corinthians 11:7 (Revised Standard, Catholic Edition). Augustine, for example, says:

The woman together with her husband is the image of God, so that that whole substance is one image. But when she is assigned as a help-mate, a function that pertains to her alone, then she is not the image of God; but as far as the man is concerned, he is by himself alone the image of God, just as fully and completely as when he and the woman are joined together into one.

St. Augustine, *The Trinity*, Bk. XII, Ch. 7 (Bernard M. Peebles et al. eds., Stephen McKenna trans., *Fathers of the Church Series No. 45*, 1963). And it seems that it is only thanks to the apparent stripping of sexual difference that the Galatians text suggests "there is neither male nor female; for you are all one in Christ Jesus," that believing women can be "renewed ... to the image of God, where there is no sex." Galatians 3:28 (Revised Standard, Catholic Edition); St. Augustine, *supra*, Bk. XII, Ch. 7.

<sup>27</sup> See *infra* note 117 and accompanying text.

<sup>28</sup> See, e.g., *Mulieris Dignitatem*, *supra* note 26, P 7.

<sup>29</sup> See, e.g., Elizabeth A. Johnson, *Imaging God, Embodying Christ: Women as a Sign of the Times*, in *The Church Women Want: Catholic Women in Dialogue* 45 (Elizabeth A. Johnson ed., 2002).

beings and as images of God,<sup>31</sup> nor even the assertion of a certain "priority" of the woman in the "order of love"<sup>32</sup> seem capable of putting to rest the indignation over all the alleged misdeeds done to women.

In a nutshell, even if men and women were equal as such, the Christian tradition does not grant this equality outside of relations. In relationships, the differences between the sexes and the "limitations" these differences imply<sup>33</sup> turn a man and a woman toward the other to recognize in the other a constitutive dependence to which each owes his or her life.<sup>34</sup> This is the stumbling block. Everybody has [\*129] trouble with it. Generic "mutuality" and "friendship," where everybody "gets to do everything," is one thing. It is quite another thing when equality has to be established within relations inscribed in sexual difference, where the sexes are related to the other in uniquely different ways. The latter is clearly more problematic, though perhaps a little more interesting and fruitful in the end. Critics of the "new feminism," and apparently Genesis 2, see these uniquely different manners of being in relation as incompatible with equality.<sup>35</sup> One of these, in a critique of Balthasar, writes:

Balthasar wants equality of male and female but the [biblical] text displays the priority of the male; he wants the priority of the male but the text insinuates an equality with the female, so we have the "relative priority of the man", which only whispers the relative equality of the woman.<sup>36</sup>

The judgment of the more venerable feminism seems to be that all the "new feminist" talk about equality is a bit of a sham so long as equality is left within the "old wineskins."<sup>37</sup> Equality, it seems, can only be had on the condition that it be wrested away from any context of dependence, and more specifically, reception from and gratitude toward another. Equality, it seems, must be taken - it must be "grasped at."<sup>38</sup>

<sup>30</sup> Women, too, have been the object of recent apologies coming from the Vatican. See Universal Prayer at the Papal Mass for the Day of Pardon (Mar. 12, 2000), available at [http://www.va/news\\_services/liturgy/documents/ns\\_lit\\_doc\\_20000312\\_prayer-day-pardon\\_en.html](http://www.va/news_services/liturgy/documents/ns_lit_doc_20000312_prayer-day-pardon_en.html) ("Let us pray for women, who are all too often humiliated and emarginated, and let us acknowledge the forms of acquiescence in these sins of which Christians too have been guilty.").

<sup>31</sup> See, e.g., *Mulieris Dignitatem*, supra note 26, P 6.

<sup>32</sup> *Id.* P 29.

<sup>33</sup> Elizabeth Johnson, for example, applauds John Paul II's "endorsement" of women's equality with men but will not allow this to be associated with limitations in the realm of "ministries." Johnson, supra note 29, at 52-55.

<sup>34</sup> Some have thought it significant that in the Genesis account of the beginning God "not only created [man and woman] to be one in the duality of sex; he also created their duality out of their own oneness." Hans Urs von Balthasar, *The Christian State of Life* 227 (Sr. Mary Frances McCarthy trans., Ignatius Press 1983) (1977) (emphasis omitted). Such a beginning, whereby each comes to be on account of the other, is what Pope John Paul II calls "original unity." Pope John Paul II, *Man and Woman He Created Them: A Theology of the Body* 156-61 (Michael Waldstein trans., 2006). This would offer the deep reason why, as Scola says, "in order to be able to say 'I' in the fullest sense, I need to take the other into account." Scola, supra note 11, at 93. For my own commentary on Pope John Paul II's idea of "original unity," see McCarthy, supra note 23, at 286-90.

<sup>35</sup> See Johnson, supra note 3, at 23-24; see also Corinne Crammer, *One Sex or Two? Balthasar's Theology of the Sexes*, in *The Cambridge Companion to Hans Urs von Balthasar* 93, 103 (Edward T. Oates & David Moss eds., 2004).

<sup>36</sup> Gerard Loughlin, *Erotics: God's Sex*, in *Radical Orthodoxy: A New Theology* 143, 153 (John Milbank et al. eds., 1999). Balthasar provides ample fodder for Loughlin's "misogynist" verdict. Balthasar says in one place that "even though one is 'taken' out of the other, the man's (persisting) priority is located within an equality of man and woman," and that "the primary needs a partner of equal rank and dignity for its own fulfillment." 2 Balthasar, supra note 16, at 373; 3 *id.* at 284 (1992) (1978). He says elsewhere, "'Equality' of the sexes prevents the real interlocking of man and woman and levels out the organic and constructive unity to one that is abstract (the identity of human nature) and ineffectual." Hans Urs von Balthasar, *Man in History: A Theological Study* 313-14 (Sheed & Ward Ltd. 1968) (1963) [hereinafter Balthasar, *Man in History*].

<sup>37</sup> Cf. Luke 5:37.

<sup>38</sup> Cf. Philippians 2:6-11.

**[\*130]** It is in view of the problematic condition lurking underneath the otherwise uncontested and good surface of equality that we attempt something of a solution. Such an attempt, moreover, will be made in two moments. In the first, the assumptions underlying the feminist idea of equality will be brought into sharper focus. In the second, what is alleged by feminism to be the very "stumbling block" on the path towards equality will be taken up as a possible condition for moving closer to it.

## II. Grasping for Equality

The very phenomenon of feminism illustrates not only the fact that equality generally comes up in the context of "the greater and the lesser," but also the fact that those seeking equality are generally those who see themselves as belonging to the party of the "lesser" - and that, by contrast, those belonging to the party of the "greater" generally do not seek equality with much enthusiasm. Indeed, the first flames of feminism were and continue to be fanned by the perception of the insignificance of the often repetitive, unrecognized, and undervalued nature of "women's work" - housework, childrearing, and other "drudgery."<sup>39</sup> This is compared to the perception of the gratifying character and publicly recognized nature of men's work - writing novels, painting masterpieces, and things like raping Sabine **[\*131]** women.<sup>40</sup> Leaving aside the fact that most men do not write great novels or paint masterpieces, and that all work - including writing, painting, and founding great cities with foreign women - has its drudgery, it is tempting to think that the man has generally had the better part.<sup>41</sup> This is especially relevant if you are a privileged woman living and writing in the 1950s with its "bored" and lonely suburban housewives, who no longer have food to can, quilts to piece, pigs to slaughter, or barns to raise (all in the company of a host of neighbors).<sup>42</sup> There are fewer excuses, however, when one looks at that one "job" that only a woman can do, namely that of bearing a new life into the world. Simone de Beauvoir's description of this is at best curious:

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<sup>39</sup> Chesterton, challenging the perception that woman's work is tedious, small, and filled with drudgery, pointed, on the contrary, to its wideness:

When people begin to talk about this domestic duty as not merely difficult but trivial and dreary, I simply give up the question. For I cannot with the utmost energy of imagination conceive what they mean. When domesticity, for instance, is called drudgery, all the difficulty arises from a double meaning in the word. If drudgery only means dreadfully hard work, I admit the woman drudges in the home, as a man might drudge at the Cathedral of Amiens or drudge behind a gun at Trafalgar. But if it means that the hard work is more heavy because it is trifling, colorless and of small import to the soul, then as I say, I give it up; I do not know what the words mean. To be Queen Elizabeth within a definite area, deciding sales, banquets, labors and holidays; to be [William] Whiteley within a certain area, providing toys, boots, sheets, cakes, and books, to be Aristotle within a certain area, teaching morals, manners, theology, and hygiene; I can understand how this might exhaust the mind, but I cannot imagine how it could narrow it. How can it be a large career to tell other people's children about the Rule of Three, and a small career to tell one's own children about the universe? How can it be broad to be the same thing to everyone, and narrow to be everything to someone? No; a woman's function is laborious, but because it is gigantic, not because it is minute.

G.K. Chesterton, *What's Wrong with the World* 94-95 (Ignatius Press 1994) (1910) (footnote omitted).

<sup>40</sup> The lack of great works on the side of women is, for Simone de Beauvoir and other "independent women," the hurdle that must be overcome. See Simone de Beauvoir, *The Second Sex* 704-05 (H.M. Parshley ed. & trans., Vintage Books 1989) (1949).

<sup>41</sup> Cf. Neil Gilbert, *A Mother's Work: How Feminism, the Market, and Policy Shape Family Life* 107-23 (2008) (pointing out that most "real" jobs that women have now include drudgery).

<sup>42</sup> Betty Friedan captured this ennui in her famous book. Betty Friedan, *The Feminine Mystique* 72 (paperback ed. 2001); see also Dorothy L. Sayers, *Are Women Human?* 32 (2d ed. 2005) ("The home contains much less of interesting activity than it used to contain. What is more, the home has so shrunk to the size of a small flat that - even if we restrict woman's job to the bearing and rearing of families - there is no room for her to do even that."); Wendell Berry, *Feminism, the Body, and the Machine*, in *The Art of the Commonplace: The Agrarian Essays of Wendell Berry* 65, 67 (Norman Wirzba ed., 2002) (critiquing the post-war household as the residence for the new and no longer productive "consumptive couple"). The fact that Friedan was comparing 1950s-styled housework to the kinds of jobs that went to only a few and generally privileged men was not lost on one of her later critics. bell hooks wrote, "[Friedan] did not tell readers whether it was more fulfilling to be a maid, a babysitter, a factory worker, a clerk, or a prostitute than to be a leisure-class housewife." bell hooks, *Feminist Theory: From Margin to Center* 2 (2d ed. 2000).

Woman experiences a more profound alienation when fertilization has occurred and the dividing egg passes down into the uterus and proceeds to develop there. True enough, pregnancy is a normal process, which, if it takes place under normal conditions of health and nutrition, is not harmful to the mother; certain interactions between her and the fetus ... are even beneficial to her. In spite of an optimistic view ... , however, gestation is a fatiguing task of no individual benefit to the woman ... .<sup>43</sup>

It is of course true that pregnancy does not always come "at the right time," is often imposed, and even if not, can be of itself burdensome, let alone life-threatening. Still, it is hard to imagine, especially today, **[\*132]** how one could speak of pregnancy as Beauvoir does, while practically yawning.<sup>44</sup> How is it that a woman, no less, can lend her hand so readily to putting down women precisely at the point where she is most unique - not to mention creative and powerful?

Indeed, exaggerations aside, in the long list of grievances that feminist women have with men, the overarching one is that of being put down and undervalued. This, it is said, is an old story which began at the dawn of civilization.<sup>45</sup> Even if the documentation on this is a bit sketchy, what is less sketchy and closer at hand is the thought of the founder of modernity, Rene Descartes, at whom a newer breed of feminists (postmodern ones) have begun to point their collective finger for the part he had in that much-maligned "patriarchy." Susan Bordo, for example, in her book *Flight to Objectivity*, shows rather convincingly that the Cartesian "method" of "purifying" reason involved nothing short of removing the "distortions" of the mother and, more generally, the body and its inclinations.<sup>46</sup> On her reading, Descartes, if he did not invent patriarchy, at least intellectually "fathered" it, or rather, judging by the rationality he sired - secured as it was on the grounds of the now infamous flight from and circumvention of the feminine body - cloned it.<sup>47</sup> It is not difficult to see why some like Bordo think that if the feminists of Beauvoir's era had to hop on some man's train toward a better, more equal place, Descartes's was surely not the one, fueled as it was by all that misogyny.<sup>48</sup> Anyone, of course, can make logistical errors along the way, but this one in particular demonstrates quite well how much equality has to do with the age-old experience or perception of the putting down of women.

Parenthetically, feminist archeology concerning the root causes of the conflict between men and women is characteristically one-sided, **[\*133]** not to mention entrenched in the old stereotypes of men acting - offensively in this case - and women suffering the offense and waiting millennia to organize any opposition. If feminists can agree on one thing, it is the demand that men assume most of the responsibility and guilt for the historical conflict.<sup>49</sup> The closest one gets to a hint of some equal responsibility for the problem is in that feminist interest in societies predating the patriarchal "dawn of civilization," when the divine was identified with the fertility of nature and when it is supposed (by deduction) that society must have been matriarchal.<sup>50</sup> "Goddess feminists" provide a glimpse of

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<sup>43</sup> Beauvoir, *supra* note 40, at 29-30.

<sup>44</sup> Cf. Anne Taylor Fleming, *Motherhood Deferred: A Woman's Journey 11-19* (1994) (describing the emotional experience of seeking pregnancy by extraordinary means after a long deferral).

<sup>45</sup> See Kate Millett, *Sexual Politics* 23-58 (paperback ed. 2000). This is, perhaps, the most representative feminist expose of "patriarchy."

<sup>46</sup> See Susan R. Bordo, *The Flight to Objectivity: Essays on Cartesianism and Culture* 75-131 (1987); see also Karl Stern, *The Flight from Woman* 273-305 (1965).

<sup>47</sup> Balthasar links the absence of motherhood, and therefore also of fatherhood in the proper sense, with the rationalistically conceived "production" characteristic of technology. He writes, "Mankind's present (and probably, future) technologized way of life ... is traceable to the prevalence of a rationalism to which natural things and conditions mean above all material for manufacturables." See Hans Urs von Balthasar, *New Elucidations* 188 (Sr. Mary Theresilde Skerry trans., Ignatius Press 1986) (1979).

<sup>48</sup> See Bordo, *supra* note 46, at 108-12.

<sup>49</sup> See Johnson, *supra* note 3, at 62-65; Elisabeth Schussler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* 6-7 (10th anniv. ed. 1994).



an ancient awareness of the power of the feminine, which as others (not generally feminists) have suggested, may have been the very impetus for "patriarchy," not only for the positive reason that the male has to find himself first by making his way out of the feminine, separating himself from it - a task his sisters do not have<sup>51</sup> - but also for the sake of correcting the matriarchal forgetting of fatherhood, through the rejection of an outside source of the world.<sup>52</sup> Looking back into the [\*134] ancient past and deep down into the human psyche, it is clear that the delicate relation between men and women could go wrong at many points; and, leaving aside the question about who started it first, it is likely that it took, as it still does, "two to tango." Going back even further, to the very beginning, the effects of original sin are said to go immediately to the heart of this relation by tainting both, even if in different ways.<sup>53</sup> According to much feminism, however, women are generally not equally to blame.

The oversight is problematic enough, even if it is understandable given the often glaring imbalances between things like raping and pillaging on the one hand, and nagging and possessive mothering on the other. What is more problematic, however, is when the lopsided grievance against men becomes the occasion for a "solution" such as "women's experience."

<sup>50</sup> Carol P. Christ, a post-Christian feminist, points to the work of the Lithuanian-born archaeologist Marija Gimbutas, who reconstructed an "Old Europe" (6500-3500 BC, and as late as 1450 BC in Minoan Crete), which in keeping with its goddess worship, would have been "matrifocal" - and, it is assumed, egalitarian and peaceful. See Carol P. Christ, *Feminist Theology as Post-Traditional Theology*, in *The Cambridge Companion to Feminist Theology* 79, 84-86 (Susan Frank Parsons ed., 2002); see also Elizabeth Gould Davis, *The First Sex* 75-76 (1971).

<sup>51</sup> Looking at the phenomena that feminists usually regard as "patriarchal," Walter Ong locates their genesis not so much in masculine "power plays" as in the task of differentiation from the mother that the (more unstable) male must shoulder in contrast to his sister. See Ong, *supra* note 9, at 51-96; see also Robert J. Stoller, *Sex and Gender: On the Development of Masculinity and Femininity* 263-68 (1968). Nancy Chodorow, with an emphasis on the identity of girls, also locates the origin of gender identity in the distinct ways in which boys and girls enter the world with respect to their mothers. See Nancy Chodorow, *The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender* 167 (1999).

<sup>52</sup> Feminism, of course, exists in large part as a reaction to the many forms of misogyny, which have been amply catalogued by feminists. See, e.g., Eva Figs, *Patriarchal Attitudes* 23-26 (1970). What is often missed, however, and what Ong points out, is the extent to which the motor of much of that misogyny is man's underlying fear and dread of women. See Ong, *supra* note 9, at 70; see also Karen Horney, *Feminine Psychology* 136 (Harold Kelman ed., 1967). This is itself the unhappy fruit of the unstable male's "separation anxiety" in the face of a mother who exercises "total control ... over her young child" in all of its forms, good and bad. Ong, *supra* note 9, at 70.

There is some conjecture that the alleged early matriarchal cultures were so organized on the basis of a not yet discovered paternal principal in conception. See Millet, *supra* note 45, at 28. Whether this is the case or not, the absence of fatherhood - that is, of a source for the world outside of itself - is what is at stake in the pantheism of goddess worship. "Goddess feminists" like Rosemary Radford Reuther and Daphne Hampson know that in returning to the goddess idea - for no one actually wants a real one - they are rejecting the "dualistic" idea of a Creator and his creation. See Reuther, *supra* note 4, at 52; Hampson, *supra* note 2, at 165. Pope Benedict XVI makes this point in his exposition of the "Our Father":

The mother-deities that completely surrounded the people of Israel and the New Testament Church create a picture of the relation between God and the world that is completely opposed to the biblical image of God. These deities always, and probably inevitably, imply some form of pantheism in which the difference between Creator and creature disappears...

By contrast, the image of the Father was and is apt for expressing the otherness of Creator and creature and the sovereignty of his creative act.

<sup>1</sup> Joseph Ratzinger, *Jesus of Nazareth* 140 (Adrian J. Walker trans., Ignatius Press 2008) (2007). The problematic backdrop of religion based on the feminine as primal source (especially in its gnostic form) is the likely context for the various "headship texts" in the Pauline letters. See Richard Clark Kroeger & Catherine Clark Kroeger, *I Suffer Not a Woman: Rethinking 1 Timothy 2:11-15 in Light of Ancient Evidence* 117-19 (1992).

<sup>53</sup> Pope John Paul II interprets "your desire shall be for your husband and he shall rule over you," as indicating the double effect of sin on the spouses: the tendency of the man to make the woman an object of domination and possession, and the woman's particular tendency toward possessiveness. *Mulieris Dignitatem*, *supra* note 26, P 10 (discussing Genesis 3:16).

"Women's experience" emerges as the response to the "negative contrast experience" of evil.<sup>54</sup> The negative contrast experience actually is an experience of something - a suffering, in this case, of bad men. It involves, moreover, a judgment that something is not right through the "contrast" it provides between the evil suffered and the "humanum," or dignity, of women.<sup>55</sup> Apart from this trigger, however, "women's experience" does not seem to be particularly [\*135] experiential, not at least in that sense that it implies a living and aware engagement with an objective reality (including one's own self)<sup>56</sup> and a judgment of it against a deeper, more original core experience.<sup>57</sup> "Women's experience" is none of this. It is, rather, a thoroughgoing commitment to historical consciousness, the always changing "history of women's self-appraisal and self-naming."<sup>58</sup> As such, it races headstrong from the god-forbidden given nature and the unwelcomed "essentialism" contained in original experience, properly understood.<sup>59</sup> Moreover, resorting to the Rahnerian quasi-identity between the "experience of the self" and the "experience of God," the "experience of God" does not entail much that one can engage.<sup>60</sup> It is too much a "tapping into the power" of the always changing historical "self," who can say no more of her "encounter" than "i found god in myself and i loved her, i loved her fiercely."<sup>61</sup>

"Women's experience" could perhaps be best described, in the spirit of liberal Protestantism, more as a stance - held up as it is by an assortment of preferences - or as "pre-rational commitments that, as [\*136] such, cannot be impartially evaluated according to universally recognized standards."<sup>62</sup> Words like "redefine," "construct," or "self-define" are always close companions to "women's experience."<sup>63</sup> As much as feminists who have this "experience" seek to validate it on some normative ground other than itself<sup>64</sup> - such as a divinity committed to

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<sup>54</sup> Johnson, supra note 3, at 63.

<sup>55</sup> Id. at 62.

<sup>56</sup> Scola captures both the objective and subjective element of experience on the grounds of the event-character of Being (and its Truth):

Reality ("the thing," being in its broad sense) is presence to the "I." In this sense, being is an event that happens to my freedom and engages it... .

... .

The truth is an event in which the real - in both its natural and supernatural dimensions - and the freedom of the "I" meet ... .

Angelo Scola, A Style of Thought, in *A Generative Thought: An Introduction to the Works of Luigi Giussani* 3, 13-14 (Elisa Buzzi ed., 2003) (internal footnote omitted). For a discussion of the category of "experience," see Luigi Giussani, *The Religious Sense* 7-9 (John Zucchi trans., 1997), and Jean Mouroux, *The Christian Experience: An Introduction to a Theology* 3-5 (George Lamb trans., 1954). For an account of experience specifically in the act of faith, see 7 Hans Urs von Balthasar, *The Glory of the Lord: A Theological Aesthetics* 219-425 (Johannes Verlag trans., Ignatius Press 1989) (1969).

<sup>57</sup> See Pope John Paul II, supra note 34, at 190-92 (referring to an "original experience"); Giussani, supra note 56, at 7-10 (referencing an "elementary experience" - the "heart," so to speak - found in everyone, in every place and time, that serves as an objective criterion for the verification of the Truth).

<sup>58</sup> Johnson, supra note 3, at 75.

<sup>59</sup> See supra note 52 and accompanying text.

<sup>60</sup> Johnson discusses favorably Karl Rahner's article *Experience of Self and Experience of God*, calling it "a way of appreciating the religious significance of what is going forward today in women's experience." Johnson, supra note 3, at 65-69 (discussing 13 Karl Rahner, *Experience of Self and Experience of God*, in *Theological Investigations* 122 (David Bourke trans., 1975)).

<sup>61</sup> Johnson, supra note 3, at 67 (internal quotation marks omitted) (quoting Ntozake Shange, *For Colored Girls Who Have Considered Suicide When the Rainbow is Enuf* 63 (Simon & Schuster's 1st Scribner Poetry ed. 1997) (1975)).

<sup>62</sup> Adrian J. Walker, *Love Alone: Hans Urs von Balthasar as a Master of Theological Renewal*, 32 *Communio* 517, 518 (2005).

<sup>63</sup> See Pamela Dickey Young, *Feminists Theology/Christian Theology: In Search of Method* 55 (2000); Johnson, supra note 3, at 64.

<sup>64</sup> Ruether attempts just this when she writes:

those who seek liberation<sup>65</sup> or the "prophetic tradition"<sup>66</sup> - so as not to be arbitrary or self-referential, its historicist logic cannot ultimately justify such ontological references to "the way things really are" or "ought to be."<sup>67</sup> In the end, "women's experience" seems to be more about what women want.<sup>68</sup> Little stands above that criterion - not the Church,<sup>69</sup> not Christianity,<sup>70</sup> not even the prayer Jesus taught his disciples.<sup>71</sup>

The reason, then, that "women's experience" is such a problematic "solution" to misogyny and its inequities is that in its refusal to [\*137] return, as others do, to "the beginning" - to original experience,<sup>72</sup> which stands at the root of every human experience - one is left only with that historical experience of sin,<sup>73</sup> which can suggest rather powerfully that between men and women there is only conflict.<sup>74</sup> Given its historicist limits, "women's experience" will only fan the flames of that conflict, offering itself as another stance - of empowerment in this case - to balance the power stance over women that men have hitherto assumed. One has the impression, moreover, that feminism almost counts on its grievances with men. They provide the occasion, the *felix culpa* that, with proper exaggeration

Only by finding an alternative historical community and tradition more deeply rooted than those that have become corrupted can one feel sure that in criticizing the dominant tradition one is not just subjectively criticizing the dominant tradition but is, rather, touching a deeper bedrock of authentic Being upon which to ground the self. One cannot wield the lever of criticism without a place to stand.

Reuther, *supra* note 4, at 18.

<sup>65</sup> See Elisabeth Schussler Fiorenza, *Bread Not Stone: The Challenge of Feminist Biblical Interpretation* xv-xvi (1995).

<sup>66</sup> Reuther would resort to this authority. See Reuther, *supra* note 4, at 20-33.

<sup>67</sup> Sheila Davaney, who faults Mary Daly for her "essentialism" (on account of Daly implying that there is some female nature), gives "woman's experience" its final push when she untethers it altogether from any ground whatsoever. See Sheila Greeve Davaney, *The Limits of the Appeal to Women's Experience*, in *Shaping New Vision: Gender and Values in American Culture* 31, 39-43 (Clarissa W. Atkinson et al. eds., *The Harvard Women's Studies in Religion Series No. 5*, 1987). Davaney writes, "Abandoning the appeal to ontological grounding and recognizing the historical and often conflictual character of experience suggests that we must also forego claims to universal female experience." *Id.* at 47-48.

<sup>68</sup> Christianity, of course, is not indifferent to what people want, but those, like St. Augustine, who in a most particular and forceful way noted the "satisfaction" that God grants to the "restless heart" did not identify that satisfaction with the one he had pursued and known as an adolescent. See St. Augustine, *Confessions*, Bk. I, Ch. 1 (Roy Joseph Deferrari et al. eds., *Vernon J. Bourke trans., Fathers of the Church Series No. 21*, 1953).

<sup>69</sup> See generally *The Church Women Want*, *supra* note 29.

<sup>70</sup> Daphne Hampson writes that Christianity "is a symbolic distortion of the relationships which I would have." Daphne Hampson, *Theology and Feminism* 76 (1990) (emphasis added).

<sup>71</sup> Hampson takes aim at the venerable prayer, since in her view it "is far from a feminist ordering of reality." Hampson, *supra* note 2, at 130.

<sup>72</sup> Pope John Paul II, *supra* note 34, at 142-43. The humanum to which some feminists appeal appears at first glance to operate something like Pope John Paul II's "original experience" located "in the beginning," and therefore at the core of human experience. See *supra* text accompanying note 55. On the contrary, the feminist humanum is a universal only to the extent that it divinely empowers all women everywhere to "appraise themselves" and "name themselves," without having anything with which to first reckon before setting out to work. Johnson, *supra* note 3, at 75. Given its underlying "constructivism," the feminist humanum would have more to do with John Rawls's theory of human "nature" and its "good," which "is heterogeneous because the aims of the self are heterogeneous." Alasdair MacIntyre, *Whose Justice? Which Rationality?* 337 (1988) (internal quotation marks omitted) (citing John Rawls, *A Theory of Justice* 554 (1971)).

<sup>73</sup> See Pope John Paul II, *supra* note 34, at 142-43, 169-70.

<sup>74</sup> Davaney makes this connection explicit when she opts to "abandon[] the appeal to ontological grounding and recognize the historical and often conflictual character of experience." Davaney, *supra* note 67, at 47.

and one-sidedness, justify more of the same. <sup>75</sup> No one expects that, were men universally to say "sorry" after their "fraternal correction," everything would return to normal. The unplaced victim feeds feminism's very purpose.

Now, returning to our theme, that purpose is "equality," so called, even if a more recent feminism, taking issue with its elder sister for its egalitarianism, <sup>76</sup> proposes instead a feminine difference. That [\*138] difference, being postmodern, repudiates any underlying correlative unity because of its alleged "self-referentiality." <sup>77</sup> The final product, then, of this anti-egalitarian feminism is not essentially different than its egalitarian predecessor: woman's independence from the man, and more precisely, from any constitutive (correlative) relation to him. <sup>78</sup> Whether "equal to men" (because gender has been unmasked as a [\*139] "social construct") <sup>79</sup> or "essentially different"

<sup>75</sup> Aristotle did not fail to include in his politics such occasions, which put in motion political changes, but always as a trigger for the preexisting aim. See Aristotle, *Politics*, Bk. V, Ch. 4 (B. Jowett trans.), reprinted in *2 The Complete Works of Aristotle* 1986, 2070-71 (Jonathan Barnes ed., 1984). Joseph Cardinal Ratzinger said, "A first tendency is to emphasize strongly conditions of subordination in order to give rise to antagonism: Women, in order to be themselves, must make themselves the adversaries of men." *Congregation for the Doctrine of the Faith, Letter on the Collaboration of Men and Women in the Church and in the World* P 2 (2004), in *34 Origins* 169, 171 (2004).

<sup>76</sup> According to some postmodern feminists, egalitarianism only feeds misogyny more by collapsing the feminine onto an allegedly neutral universal human model, one that is monopolized by men. Luce Irigaray, for example, writes:

Some of our prosperous or naive contemporaries, women and men, would like to wipe out this difference by resorting to monosexuality, to the unisex and to what is called identification: even if I am bodily a man or woman, I can identify with, and so be, the other sex. This new opium of the people annihilates the other in the illusion of a reduction to identity, equality and sameness, especially between man and woman, the ultimate anchorage of real alterity.

Luce Irigaray, *I Love to You: Sketch for a Felicity Within History* 61-62 (Alison Martin trans., 1996) [hereinafter Irigaray, *I Love to You*]. "[Women] are often the most virulent in calling for equality with men and for the neutralization of female identity and the female ideal." *Id.* at 64; see also Luce Irigaray, *An Ethics of Sexual Difference* 121-25 (Carolyn Burke & Gillian C. Gill trans., Cornell Univ. Press 1993) (1984); Luce Irigaray, *Equal or Different?*, in *The Irigaray Reader* 30-33 (Margaret Whitford ed., 1991).

<sup>77</sup> See Kenneth L. Schmitz, *Postmodern or Modern-Plus?*, 17 *Communio* 152, 157-58 (1990). The "difference" in question is different than other correlative differences. Cf. Aristotle, *supra* note 6, Bk. I, Chs. 3-4 (discussing beliefs of prior philosophers concerning the unity underlying material differences); *id.* Bk. X, Ch. 3 (discussing the various connotations of "likeness," "sameness," and "difference"). Jacques Derrida's new spelling - "differance" - tries to indicate this. Schmitz, *supra*, at 158. D.L. Schindler notes the Cartesian roots of the underlying relation between a univocal concept of unity (which postmodernity opposes) and its antidote, an equivocal concept of difference:

The modern-"Enlightened" idea of unity and distinctness ... precludes a priori any unity between x and y that is inclusive, precisely qua unity, of real difference between x and y, and hence of any asymmetry in the mutual relation of x and y. And it precludes any difference between x and y that is inclusive, precisely qua difference, of any real unity hence equality between x and y. In a word: insofar as x and y are equal, they are necessarily the same; and insofar as they are different, they are necessarily unequal, lacking the unity that would render them equal.

David L. Schindler, *The Embodied Person as Gift and the Cultural Task in America: Status Quaestionis*, 35 *Communio* 397, 412 (2008). On the question of difference, see Scola, *supra* note 11, at 218.

<sup>78</sup> Given the postmodern character of Irigaray's sketch of sexual differences, one is always put on guard against needs, feelings, and "natural immediacy" that might insinuate an "obligation to reproduce" or become an "occasion for degeneracy." Irigaray, *I Love to You*, *supra* note 76, at 43-44, 64, 108. Thus, it is not easy to see what the sexes have to do with each other or why they should meet except to "push off each other," thereby helping each other to resist a collapse of the difference (into totality) either in its male form of subjugation or its female form of "unmediated being-with-the-other," or "inertia." *Id.* at 108. Addressing the other sex, Irigaray says, "You can help me to be by perceiving that in me which escapes me, my fidelity or infidelity to myself... . You can help me become while remaining myself." *Id.* at 112. And lest this statement suggest any underlying belonging to the other sex, Irigaray immediately adds, "Nothing here ... suggests marriage through a contract that snatches me away from one family to chain me to another, nothing subjects me like a disciple to a master, nothing takes away my virginity, or halts my becoming within submission to another (supported by an Other or the State)." *Id.*

(the female body being now a "site" to occupy and from which to stage a rebellion), women in either case are to receive an equal distribution of that independence that men have hitherto exercised. <sup>80</sup> "Women's experience," then, is propelled not so much by the goal to correct men, calling them back to a truer stance toward women, as that of becoming just as (that is, equally as) independent as the man and like him in his self-sufficiency - that is, equally bad, though undoubtedly in a distinctively feminine form. <sup>81</sup>

#### IV. Reasons of an Ancient Sort

For all its novelty, the move toward independence is not, however, simply new. Genesis describes the original sin as the acceptance of a distorted image of God and the decision, on the basis of that image, to be "like God" in the wrong way. <sup>82</sup> Joseph Cardinal Ratzinger clarified that choice in the following manner:

The sin of Adam was really not his wanting to be like God; this, after all, is the call the Creator himself has given to human beings. Adam's failure was to have chosen the wrong way of seeking likeness to God and to have excogitated for himself a very shabby [\*140] idea of God. Adam imagined that he would be like God if he could subsist solely by his own power and could be self-sufficient in giving life to himself as he saw fit. <sup>83</sup>

Moreover, with the hindsight that Jesus' temptation in the desert gives to that original sin, <sup>84</sup> we can see more clearly that the self-sufficiency Adam chose (and Jesus did not) was precisely to be like God without God, circumventing a filial relation to the Father whereby a child acknowledges and lives the fact that all he or she is and has is first received from the Father. <sup>85</sup> The sin of Adam and Eve was to take life into their own hands, as it were, pulling it away from its source, from "every word that proceeds from the mouth of God," as a flower cut off from its roots or an inheritance from its house; in short, to "grasp at equality." <sup>86</sup> Looking both at the insinuation of doubt

<sup>79</sup> The radical feminists of the so-called "second wave" - Simone de Beauvoir, Kate Millet, Germaine Greer, Betty Friedan, and others - sought equality with their distinctive sex-gender distinction, through which all "essentialism" would be eliminated. In this model, "gender" is construed as the social construct of patriarchy to which women were in thrall, and "sex" is a neutral "raw material" (or "mere biology") that, if freed from that construction, would make way for egalitarian treatment. For Elizabeth Grosz's account and critique of this feminism and its "logic of identification," see Elizabeth Grosz, *Space, Time, and Perversion: Essays on the Politics of Bodies* 47-53 (1995).

<sup>80</sup> Judith Butler is particularly enthusiastic about Irigaray's idea of "occupying" the "master's territory" - the "feminine" - which has hitherto been domesticated by the man as a "specular opposite," which in its negativity, supplies him with a false reflection of his individual self-sufficient male self. See Butler, *supra* note 8, at 152; Irigaray, *supra* note 76, at 60-64; see also Luce Irigaray, *Speculum of the Other Woman* 168-79 (Gillian C. Gill trans., Cornell Univ. Press 1985) (1974); Naomi Schor, *This Essentialism Which is Not One: Coming to Grips with Irigaray*, in *Engaging with Irigaray*, *supra* note 8, at 57, 66-67 (discussing Irigaray's "miming mimesis").

<sup>81</sup> Harvey Mansfield notes that, unlike later feminists, one of the characteristics of some early feminism was to "create equality between the sexes by raising men to the moral level of women," harnessing what Elizabeth Cady Stanton called the "new power destined to redeem the world." Harvey C. Mansfield, *Manliness* 125 (2006) (emphasis added) (internal quotation marks omitted) (quoting Elizabeth Cady Stanton, *Gerrit Smith on Petitions, Revolution*, Jan. 14, 1869, at 24, reprinted in *Stanton-Anthony Reader*, *supra* note 12, at 121).

<sup>82</sup> See Genesis 2:16-17, 3:1-7.

<sup>83</sup> Joseph Ratzinger, *Dogma and Preaching* 25 (Matthew J. O'Connell trans., Franciscan Herald Press 1985) (1973).

<sup>84</sup> Matthew 4:1-11. Jean-Pierre Batut looks at the original sin of Adam and Eve through the lens of this temptation in the desert on the grounds that both have in common a temptation that comes directly from the Tempter, and not as mediated by concupiscence. Jean-Pierre Batut, *The Chastity of Jesus and the "Refusal to Grasp," 24 Communio* 5, 7-8 (1997).

<sup>85</sup> As for the meaning of the rejection of sonship, Batut says that it is "to stop desiring that what one possesses exist only in being given and received." Batut, *supra* note 84, at 9-10. Ratzinger says that it is rather to adopt the thief's way of thinking: "holding on to his booty, as power captured at last that can be enjoyed to excess." Joseph Cardinal Ratzinger, *A New Song for the Lord: Faith in Christ and Liturgy Today* 42 (Martha M. Matesich trans., Crossroad Publ'g Co. 1996) (1995).

<sup>86</sup> Matthew 4:4 (Revised Standard, Catholic Edition) (internal quotation marks omitted); cf. Philippians 2:6.

about the goodness of the Father and the "logical" human response, John Paul II suggested that the now pervasive "Hegelian" conception of relations was in full bloom in the first sin:

In human history the "rays of fatherhood" meet a first resistance in the obscure but real fact of original sin. This is truly the key for interpreting reality. Original sin is not only the violation of a positive command of God but also, and above all, a violation of the will of God as expressed in that command. Original sin attempts, then, to abolish fatherhood, destroying its rays which permeate the created world, placing in doubt the truth about God who is Love and leaving man only with a sense of the master-slave relationship. As a result, the Lord appears jealous of His power over the world and over man; and consequently, man feels goaded to do battle against [\*141] God. No differently than in any epoch of history, the enslaved man is driven to take sides against the master who kept him enslaved. <sup>87</sup>

Indeed, with roots such as these it should come as no surprise that it is almost impossible not to read constitutive relations of dependence (whereby one owes oneself to another) outside of the Hegelian logic. <sup>88</sup> In feminist circles, even the prelapsarian woman who comes from the prelapsarian man in Genesis 2 cannot but imply, anachronistically, some kind of subordination, if not scheming and nefarious power plays. <sup>89</sup> And, going back even further to the divine source, the Trinity itself has not been left unstained. It is difficult for feminists not to see its Persons (the Second and Third of which proceed from another or others) themselves locked in battle. <sup>90</sup>

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<sup>87</sup> Pope John Paul II, *Crossing the Threshold of Hope* 227-28 (Vittorio Messori ed., Jenny McPhee & Martha McPhee trans., 1994).

<sup>88</sup> Balthasar locates in the postlapsarian "Your desire shall be for your husband, and he shall rule over you" of Genesis the beginning of the master-slave dialectic whereby man "sinks down to the condition of nature and is ruled over by his fellows." Balthasar, *Man in History*, supra note 36, at 315 (internal quotation marks omitted). Irigaray's postmodern "sexual difference," with no underlying unity, is proposed precisely as a precaution against Hegel's master-slave dialectic governing the relation between man and woman. See Irigaray, *I Love to You*, supra note 76, at 20-25, 36-39.

<sup>89</sup> Genesis 2 suggests to some feminists that the woman who comes from the rib of man is an afterthought, and as such, a deficient version of the normative male, she bearing the "lower elements" of a now "disintegrated," divided, and alienated original whole. See Mary Daly, *Beyond God the Father: Toward a Philosophy of Women's Liberation* 81 (new paperback ed. 1985); Johnson, supra note 3, at 23-24; Millett, supra note 45, at 52; Reuther, supra note 4, at 128. Thinking in a more postmodern vein, the woman who "comes from the man" suggests the effect of an "operation of power," and as such, can never be truly other. The parallel "man from God" and "woman from man" is not lost on Irigaray, who says, "As our tradition dictates, man originates from God, and woman from man. As long as the female generic - woman - is not determined as such, this will be true. Women will remain men's or Man's creatures." Irigaray, *I Love to You*, supra note 76, at 64. Thinking in these terms, Butler finds resonance in Michel Foucault's rereading of the Aristotelian form-matter distinction where the male soul subjugates and "imprisons" the female body. See Butler, supra note 8, at 146-49. In this spirit, Corinne Crammer asks, "If Woman comes from Man, is there really a Woman ... ?" Crammer, supra note 35, at 103.

<sup>90</sup> Johnson, who would like to believe that this "sequence ... does not necessitate subordination," still finds it difficult to take the tradition on its word. She says, "When the model used ... focuses on the procession of first to second to third, a subtle hierarchy is set up and, like a drowned continent, bends all currents of trinitarian thought to the shape of the model used." Johnson, supra note 3, at 196. Elsewhere she says:

The Father generates the Son and from one or both proceeds the Spirit, a pattern that presses headlong toward a first followed by a second and a third, in fact if not in intent. The impression is consistently given of an inherent inconsistency in classical trinitarian theology itself, which struggles to insist on equality of persons at the same time that it uses constructs that by their very design undermine equality and mutuality and introduce subordination in a subtle way.

Id. at 197. LaCugna, even while she embraces the Cappadocians for their "relationality," also cannot help but see the Cappadocian emanation scheme as a pattern of subordination - even if "the whole point of the doctrine of the Trinity was to renounce Arian subordinationism." LaCugna, supra note 14, at 91-92. As an antidote to this subordinationism, Johnson affirms that the "uniqueness [of the Divine Persons] arises only from their *esse ad*, from their being toward the others in relation," and not on account of relations of origin. Johnson, supra note 3, at 216 (emphasis added). As she says, "The hypostases are not determined by their point of origin or rank in the order of procession but exist in each other in genuine mutuality." Id. at 218 (emphasis added). Moreover, Johnson states:

**[\*142]** In sum, feminism, propelled as it is toward equality by its grievance against the male sex for what is perceived (rightly or wrongly) to be a long history of misogyny, offers as a solution "women's experience." That "experience," for its part, is not so much a correction of masculinity vis-a-vis the feminine as it is a declaration of independence from any such vis-a-vis. And this, as we have just said, should not be so surprising, given the insinuation of doubt about the goodness of dependence so deeply imbedded in the postlapsarian world. Indeed, it is little wonder that the much sought-after equality must "of necessity" be established far from any kind of dependence, either by existing in spite of sexual difference (egalitarian feminism) or inside the postmodern one, situated within that vast space separating the two, each girded securely with their respective "metaphysical chastity belts" (difference feminism) - in any event, protected from a constitutive relation to the other. What is surprising, by contrast, is when God is revealed in a Son who is coequal with the Father, and not only that, but coequal on account of the Father - on account of coming from Him - and who, by consequence, does not deem **[\*143]** equality something to be grasped.<sup>91</sup> It is this surprise stumbling block to which we will now turn.

## V. The Stumbling Block

### A. The "Positivity of the Other" in God

Hans Urs von Balthasar wrote that "the Catholic Church is perhaps humanity's last bulwark of genuine appreciation of the difference between the sexes. In the dogma of the Trinity, the Persons must be equal in dignity in order to safeguard the distinction that makes the triune God subsistent love."<sup>92</sup> In a word, Balthasar locates this "appreciation" of sexual difference in the Trinitarian revelation of the positivity of the other.<sup>93</sup> Leaving aside, for the moment, the question of whether or not there is a "nuptial mystery" in the Godhead itself - whether there is in God the ultimate foundation for the human relations which sexual difference posits - what has to be admitted about Christian revelation is that it effectively vetoed the universal "prejudice" of human thought that the other - and more fundamentally, the other who is *ab alio* - is a *fortiori* locked within the polarity of the "greater and the lesser."<sup>94</sup>

It is not necessary to rehearse the whole development of Trinitarian theology here. Suffice it to say that what the Council of Nicaea (AD 325) did with its *homoousios* was to categorically reject the prior identification of being generated with being created<sup>95</sup> - notwithstanding its almost identical spelling<sup>96</sup> - such that being generated from the Father would necessarily amount to some kind of subordination. And if the Nicean solution itself put the distinction of the persons **[\*144]** somewhat in the shadows (confirming subtly the prejudice),<sup>97</sup> the Cappadocians

There is no subordination, no before or after, no first, second, and third, no dominant and marginalized... .

....

... Divine life circulates without any anteriority or posteriority, without any superiority or inferiority of one to the other. Instead there is a clasping of hands, a pervading exchange of life, a genuine circling around together that constitutes the permanent, active, divine *koinonia*.

Id. at 219-20. LaCugna echoes this clearly when she says, "Feminism, and also a revitalized doctrine of the Trinity, agree on the equality of men and women; neither is the principle or origin of the other ... ." LaCugna, *supra* note 14, at 93.

<sup>91</sup> See Philippians 2:6-11; see also 2 Wolfhart Pannenberg, *Systematic Theology* 296, 375-76 (Geoffrey W. Bromiley trans., Wm. B. Eerdmans Publ'g Co. 1994) (1991).

<sup>92</sup> Balthasar, *supra* note 47, at 195.

<sup>93</sup> See 5 Balthasar, *supra* note 16, at 81-91 (1998) (1983).

<sup>94</sup> See Scola, *supra* note 11, at 32-52.

<sup>95</sup> See Letter of the Synod in Nicaea to the Egyptians (325), reprinted in 1 *Decrees of the Ecumenical Councils* 16, 16-17 (Norman P. Tamer ed., Sheed & Ward & Georgetown Univ. Press 1990) (1972).

<sup>96</sup> The words "un-generated" (*aghenetos*) and "un-created" (*aghenetos*) were separated by one letter. See Marcello Bordoni, *Gesu di Nazaret: Signore e Cristo* 360 (1986).

situated the divine unity of substance firmly within the "order" (taxis) by which each of the particular and distinct hypostases was itself. <sup>98</sup> Though the development of the Trinitarian doctrine did not come to a halt with the Cappadocians, what they did show (if not settle) was that the equality in divinity of the Divine Persons did not come at the expense of the order implied in generating, being generated, etc. On the contrary, they gave equality in divinity a new beginning within an order that could now be set forth more boldly, thereby putting the last nail in the coffin of subordinationism. This is evident, for example, in the thought of the great Latin doctor Hilary of Poitiers who, instead of playing down the Son's derivation from the Father, goes for the jugular itself, saying, "The Father ... is greater, because He is Father: but the Son, because He is Son, is not less." <sup>99</sup> And the paradox was not lost even later in the very different theological environment of the West, when St. Thomas, for example, addressing the problem of the Son's equality with the Father as Son, drew the distinction between, on the one hand, priority and posteriority - a succession implying inequality - and, on the other hand, order, "origin[] without priority" <sup>100</sup> - where the one proceeding [\*145] not only has no less divinity than the one from whom he proceeds, <sup>101</sup> but has it equally by virtue of such proceeding. <sup>102</sup>

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<sup>97</sup> For one century after the Council, the Church fought over what seemed to be a collapsing of the difference with a term (homouosios), which had itself been declared heretical in the orthodox Synod of Antioch in 269 because of its association with the "modalist" Saballianism. See C. FitzSimons Allison, *The Cruelty of Heresy: An Affirmation of Christian Orthodoxy* 96 (1994).

<sup>98</sup> See John D. Zizioulas, *Being as Communion: Studies in Personhood and the Church* 40-42 (1985).

<sup>99</sup> The full text is:

The Father, Who glorifies the Son, is greater: The Son, Who is glorified in the Father, is not less. How can He be less, when He is in the glory of God the Father? And how can the Father not be greater? The Father therefore is greater, because He is Father: but the Son, because He is Son, is not less. By the birth of the Son the Father is constituted greater: the nature that is His by birth, does not suffer the Son to be less. The Father is greater, for the Son prays Him to render glory to manhood He has assumed. The Son is not less, for He receives back His glory with the Father. Thus are consummated at once the mystery of the Birth, and the dispensation of the Incarnation. The Father, as Father, and as glorifying Him Who now is Son of Man, is greater: Father and Son are one, in that the Son, born of the Father, after assuming an earthly body is taken back to the glory of the Father.

St. Hilary of Poitiers, *On the Trinity*, Bk. IX, P 56 (W. Sanday ed., E.W. Watson & L. Pullan trans.), in *9 Nicene and Post-Nicene Fathers of the Christian Church: Second Series* 40, 175 (1902).

<sup>100</sup> Thomas Aquinas, *Summa Theologica*, Pt. I, Q. 42, Art. 3-4 (Fathers of the English Dominican Province trans., Christian Classics 1981) [hereinafter *Summa Theologica*]. St. Thomas, referring back to St. Augustine who pointed to an order "not whereby one is prior to another, but whereby one is from another," links the distinction to the absence of change from potency to act. *Id.* Pt. I, Q. 42, Art. 3 (emphasis omitted) (internal quotation marks omitted) (quoting Augustine, *Contra Maximinum Arianum* Bk. IV).

<sup>101</sup> Having in mind the Aristotelian opposition between "equality" and the "greater and lesser," St. Thomas asks the question about equality in God. *Id.* Pt. I, Q. 42. Not unaware of Jesus' own words suggesting the contrary, "the Father is greater than I," John 14:28 (Revised Standard, Catholic Edition), St. Thomas asks whether the Son is equal to the Father in greatness and responds in the affirmative, making use of the distinction between succession and change on the one hand, and simple provenance on the other. *Id.* Pt. I, Q. 42, Art. 4. The Thomistic distinction between *aliquid* and *ad aliquid* is also relevant here: "We must not say that the Father has something [*aliquid*] that the Son has not, but that something belongs to the Father in one respect [*ad aliquid*], to the Son in another." St. Thomas Aquinas, *On the Power of God*, Bk. I, Q. 2, Art. 5 (English Dominican Fathers trans., 1952).

<sup>102</sup> Luis Ladaria discusses what is often missed in accounts of Western Trinitarian theology, that the equality of the Divine Persons on account of the paternal origin in God is not only never repudiated, but is constantly maintained. Luis Ladaria, *Tam Pater Nemo: Quelques Reflexions sur la Paternite de Dieu*, 7 *Transversalites* 107, 109-11 (2008) (Fr.). This is clear enough in Augustine who, for example, ties the Son's equality to the Father's begetting: "Were He unable to beget [a Son] equal to Himself, where would be the omnipotence of God the Father?" See *Summa Theologica*, supra note 100, Pt. I, Q. 42, Art. 6 (internal quotation marks omitted) (quoting Augustine, supra note 100, Bk. III, Ch. 7). St. Thomas Aquinas argues that the divine essence and omnipotence is in the Son as received and that, with respect to divine causality *ad extra*, the power to create (*vis creandi*) is in the Son as received, *ab alio*. See *Summa Theologica*, supra note 100, Pt. I, Q. 45, Art. 6. In this direction - and with an eye on the ever-problematic quaternitas, where triunity would be some "penultimate principle behind which lies hidden an abyssal



Balthasar, who wants to show the seriousness of the "positivity of the other" in the Christian God, pushes the distinction even further when he, following St. Bonaventure, associates with the Father's begetting and the Son's being generated an active and passive "actio" respectively, but then immediately qualifies the "passive actio" as a "condition of the 'active actio' [that] imparts to the latter a certain quality of 'letting go.'" <sup>103</sup> In this way Balthasar shows, against any [\*146] inadequate notion of succession, that if the Father is *Fons*, his being so already includes the Son from the beginning, so that he is never simply "prior to the son" as an "absolute," existing, in the final analysis, in an economy of the single subject. <sup>104</sup> Moreover, by indicating the profound equality of the Second Person in his standing at the beginning of the Father's identity as Father, showing that the Father too is constituted by his relation to the Son, Balthasar also shows that the Son (and consequently the Holy Spirit) is truly other with respect to the Father (or the Father and the Son, in the case of the Holy Spirit). <sup>105</sup> It is on account of the Father's identity as always already conditioned by the Son that Balthasar can remove any suspicion of self-centeredness in the self-giving of the Father to the Son, where the Son would be "instrumentalized" as a mere alter ego, or "mirror image" of a Father dwelling in that economy of the single subject: "Absolute love is only realized where there is this surrender of what is one's own, where this separation is taken seriously (for the 'other' must be himself, and not I), where there is this 'going under' so that the Other can 'rise up' in himself ... ." <sup>106</sup> Because the Father is at no point simply absolute - neither temporally, ontologically, nor logically - the processions from the Father really bring forth (*producere*) an other. Moreover, it is for the same reason that Balthasar can remove all suspicion of subtraction or "alienation" in the Son's "separation" from the Father. It is because the Son is not originally alien to the Father, but the Father's "condition," that Gregory of Nazianzus can say that the Father has no envy. <sup>107</sup> On the [\*147]

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"essence" - Balthasar looks at the biblical texts such as John 5:20, 22: "The Father loves the Son and shows him everything that he does... He has made over all judgment to the Son." 2 Hans Urs von Balthasar, *Theo-Logic: Theological Logical Theory* 136, 148 (Adrian J. Walker trans., Ignatius Press 2004) (1985) (emphasis added) (internal quotation marks omitted). Balthasar concludes:

These statements ... surely have an intratrinitarian resonance and presupposition. Looked at in this way, the divine essence would not only be coextensive with the event of the eternal processions; it would also be concomitantly determined by the unrepeatably unique participation of Father, Son, and Spirit in this event and so would never exist except as fatherly, sonly, or spirit-ually.

Id. at 136-37. As for the challenge some contemporary theologians raise that the equality of the Persons is incompatible with the idea of the Father as origin, see Luis F. Ladaria, *La Trinidad, Misterio de Comunion* 147-48 (2002).

<sup>103</sup> See 5 Balthasar, *supra* note 16, at 81, 85-86 (1998) (1983) (emphasis added) (internal quotation marks omitted).

<sup>104</sup> See *id.* at 81-91.

<sup>105</sup> See *id.*

<sup>106</sup> Id. at 85. "Self-giving cannot be motivated by anything other than itself; hence it is a boundless love where freedom and necessity coincide and where identity and otherness are one: identity, since the Lover gives all that he is and nothing else, and otherness, since otherwise the Lover would love only himself." Id. at 83. On this point, see 7 Balthasar, *supra* note 56, at 399-415, for a Trinitarian argument concerning the appropriation of self through expropriation.

<sup>107</sup> See St. Gregory of Nazianzus, *Select Orations* 172 (Martha Vinson trans., *Fathers of the Church Series No. 107*, 2003). Hilary of Poitiers speaks also of the Father's lack of envy for the very reason that the Fatherhood is inconceivable without the Son:

But God can never be anything but love, or anything but the Father: and He, Who loves, does not envy; He Who is Father, is wholly and entirely Father. This name admits of no compromise: no one can be partly father, and partly not. A father is father in respect of his whole personality; all that he is is present in the child, for paternity by piecemeal is impossible ... . God, however, has no body, but simple essence: no parts, but an all-embracing whole: nothing quickened, but everything living. God is therefore all life, and all one ... . The Father, must be Father to His begotten in all that He Himself is, for the perfect birth of the Son makes Him perfect Father in all that He has.

St. Hilary of Poitiers, *supra* note 99, Bk. IX, P 61.

contrary, it can be and must be said that the Father needs the Son, and always, and for the same reason, in his otherness.<sup>108</sup>

In sum, the "positivity of the other" in God is so profound that at no point are any of the Persons foreign to the others. Moreover, the very way by which they are not foreign to the others is also the way by which they are equal (and therefore "positive"), neither being secondary or subordinate to the other. That way is what the theological tradition calls the "relations of origin," where in the very act of being constituted by the other, the Divine Person receives a full and equal measure of divinity. This is, of course, straightforward for the Second and Third Persons, though it begs the question, but it is also the case, as we noted via Balthasar, for the Father, whose identity as Father depends on that very reception. With that final qualification we have an equality which depends neither on a flattening out of difference, because of the assumed subordination, nor, for the same reason, a self-constituted difference between "centered" selves, equal "on their own terms."<sup>109</sup> We have, finally, an equality between two, who are distinct in two ways by virtue of each other such that they are not only intrinsically ordered to each other, but are so without threatening the difference or the equality lying therein.<sup>110</sup> On the contrary, the difference is confirmed in fruitfulness.

## B. Man and Woman

Perhaps the probing of these Trinitarian relations in their causality of the world can account for the rethinking of the almost universal rejection of the idea that the spousal couple as such could be said to be "in the image of God."<sup>111</sup> Putting aside the often sweeping judgments about the Church Fathers' "misogyny," there were several good reasons for this rejection.<sup>112</sup> Monotheism is of course one.<sup>113</sup> The **[\*148]** connection between procreation and death - and therefore sin - was another.<sup>114</sup> What is more to the point for the purposes here, however, is the reason that the woman qua woman, in her relation to the man, seemed to be identified in the first instance with creation (standing in relation to its Creator). The text of First Corinthians 11:7 - "Man ... is the image and glory of God; but woman is the glory of man" - seemed to give ample evidence of this, especially when (returning to Genesis) it added, "For man was not made from woman, but woman from man."<sup>115</sup> The argument was that if the man, by "playing God," is image, then the woman (mater), who as woman so easily represents the world (materia - the not-God), is not.<sup>116</sup> But probing, as we said, the Trinitarian foundation of the world, many in the twentieth century

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<sup>108</sup> See Ladaria, *supra* note 102, at 107-09 (discussing the anti-Arian arguments for the Father's need of the Son (of generation) in order to be Father).

<sup>109</sup> See *supra* note 22.

<sup>110</sup> See 5 Balthasar, *supra* note 16, at 82-83 (1998) (1983).

<sup>111</sup> See especially Balthasar's chapter "The World is from the Trinity," *id.* at 61-109, which begins with the provocation of Alexander Gerken: "The possibility of creation rests in the reality of the Trinity. A non-trinitarian could not be the Creator." *Id.* at 61 (internal quotation marks omitted) (quoting Alexander Gerken, *Theologie des Wortes* 81 (1963)).

<sup>112</sup> Cf. Elisabeth Behr-Sigel, *Woman Too Is in the Likeness of God*, 21 *Mid Stream* 369, 374 (1982).

<sup>113</sup> St. Augustine rejects the analogy for this reason. See St. Augustine, *supra* note 26, at Bk. XII, Ch. 6. Instead he adopts the psychological analogy (memory, intellect, and will) within the single subject to explain the meaning of the "image of God." See *id.* Bk. X, Chs. 11-12.

<sup>114</sup> This was especially prominent in the thought of the Greek Fathers. See Scola, *supra* note 11, at 45-48; Balthasar, *supra* note 34, at 92-103.

<sup>115</sup> 1 Corinthians 11:7-8 (Revised Standard, Catholic Edition) (emphasis added).

<sup>116</sup> St. Thomas uses this in his rejection of the "spousal analogy," echoing St. Augustine who had rejected it. See *Summa Theologica*, *supra* note 100, Pt. I, Q. 93, Art. 6; St. Augustine, *supra* note 26, Bk. X, Ch. 6. St. Thomas admits the obvious "primary sense" of the "image and likeness" language, where man and woman, taken as individuals endowed with a spiritual nature, are each made in the image of God, but then when considering the "secondary sense," where man and woman are considered as such, he says that "the image of God is found in man, and not in woman: for man is the beginning and end of woman; as God is the beginning and end of every creature." *Summa Theologica*, *supra* note 100, Pt. I, Q. 93, Art. 5. The

began to see a reason for establishing a Trinitarian analogy in the fruitful spousal relation between man and woman, such that, by consequence, the relation would not be in the first instance analogous to that standing between the Creator and his creation. <sup>117</sup> Pope John Paul II brought this to light in a particular way in *Mulieris Dignitatem*, wherein he connected the "unity of [man and woman] in a common humanity" with the divine *communio*, so that the imago [\*149] was directed not only toward man and woman qua human individuals with rational souls capable of knowing and loving God, but also to man and woman in their relation to one another. <sup>118</sup>

On this ground it could be said more convincingly, concerning the equality of man and woman, that "both man and woman are human beings to an equal degree"; but it could also be said that they are equal on account of their relation to each other, a relation that also bears the image. <sup>119</sup> Taking its cue from something even more ancient than the Creator-creation distinction - and from that which would in fact account for it, namely the Trinity - the "asymmetry" in the relation between man and woman, involving not only difference but distinct manners of being different vis-a-vis the other, is qualified by it. <sup>120</sup>

The first qualification is that being from another is not of itself a matter of subordination. This point, of course, regards the woman in a particular way for anyone who takes Genesis seriously, since she ("issah) is the one who comes out of man ("is), <sup>121</sup> as the Pauline text in Corinthians reiterates. <sup>122</sup> Naturally the world, which depends on God for its very being is subordinate (unequally) to God, but this is not because it is from God so much as because it is from God, and ex [\*150] nihilo. <sup>123</sup> What has been said about the Trinity on this point should suffice.

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analogy is fortified by the male representing the higher aspect within every human being, the spiritual side, which the woman by contrast does not represent in her relation to the man. See 2 Balthasar, supra note 16, at 367-68.

<sup>117</sup> This move was begun by M.J. Scheeben in his attempt to go beyond a Trinitarian analogy based on essential attributes (which do not, properly speaking, distinguish the Persons) to one that considers its "relations of origin." See Matthias Joseph Scheeben, *The Mysteries of Christianity* 181-89 (Cyril Vollert Trans., B. Herder Book Co. 1947) (1865); 1 Joseph Wilhelm & Thomas B. Scannell, *A Manual of Catholic Theology: Based on Scheeben's "Dogmatik"* 395-96 (4th rev. ed. 1909). Pryzwara, too, devoted much thought to the Genesis 1:26-27 text showing the far-reaching effects of the association of the "image of God" with "man and woman." See Erich Pryzwara, *Mensch: Typologische Anthropologie* (1959). Finally, Balthasar is well-known for his claim that sexuality participates in the imago Dei. See 2 Balthasar, supra note 16, at 371-73; Balthasar, supra note 34, at 224-49.

<sup>118</sup> *Mulieris Dignitatem*, supra note 26, P 7 (internal quotation marks omitted).

<sup>119</sup> Id. P 6 (emphasis omitted).

<sup>120</sup> The term "asymmetry" immediately seizes on the different manners of being different with respect to another in both the movement from and toward another. This is something other than a "simple complementarity" of "two halves." Simple complementarity either keeps differences apart rigidly (admitting no underlying unity) or overcomes them "androgynously," with the "negative" side being absorbed by (or in some sense subservient to) the "positive." See Scola, supra note 11, at 94-95. Sr. Prudence Allen proposes an "asymmetry" with her "integral sex complementarity." Allen, supra note 16, at 539-40. Walter Ong also refers to "asymmetric opposition" of two positives. Ong, supra note 9, at 31. Concerning the problem that these distinctions attempt to address, Marilyn Frye discusses the problem of the historic "dualities" that she, together with Irigaray, would lump all together, a bit simplistically, as false-dual monads, where the second term is nothing other than "not-A." Marilyn Frye, *The Necessity of Differences: Constructing a Positive Category of Women*, 21 *Signs* 991, 998-1001 (1996) (emphasis added).

<sup>121</sup> One could say that Pope John Paul II plays down this point in his commentary of Genesis 2, where he considers the movement in Genesis from Adam to "is and "issah as two "moments," in which man is first considered as such in his unique relation to God (in his state of "original solitude"), and then in his "horizontal" condition in a "unity of the two." See Pope John Paul II, supra note 34, at 156-58. This is indeed the case with Pope John Paul II, though it is implied in the head-body analogy of the Ephesians 5:21-33 text, on which he comments. Id. at 479. Balthasar, by contrast, is unabashed in his "anachronistic" association of the "male" with the Adam prior to the "division." See 2 Balthasar, supra note 16, at 372-73; 3 id. at 284-87 (1992) (1978).

<sup>122</sup> Cf. 1 Corinthians 11:11-12.

<sup>123</sup> The point is that a constitutive relation of dependence does not of itself signal subordination. The reason for the subordination of the world to God is another: the ontological distinction, whereby the world, though *de Deo*, is not *ex Deo*.

The second qualification helps to substantiate the equality that is affirmed in the first: the man, who has a certain "priority," is not simply prior to the woman. He is from the beginning unthinkable without the woman. As Balthasar comments, the "it is not good" of the Genesis text "banishes the idea of a primal, androgynous human being [in whom there is no hint of the male-female difference], supposedly originally at peace with himself and only subject to unsatisfied longing after being split into two sexes."<sup>124</sup> The woman, therefore, does not represent an alienating subtraction, nor does she represent a "splitting up" of a more perfect androgynous whole. She is rather the perfection and fulfillment of something foreseen from the very beginning.<sup>125</sup> Thus, instead of inducing envy, she brings forth the man's sigh of relief ("At last!"),<sup>126</sup> and this because there had to be a woman ("issah) for there to be a man in the fullest sense ("is). Woman is from man, but man, as the Corinthians text adds, is born of woman.<sup>127</sup>

But the man is also not simply prior to woman for the even deeper reason that he is not unoriginated. If he "plays God," imaging him, **[\*151]** he does so in the first instance as a son who is himself of another, of an unenvious Father on whom he continues to depend.<sup>128</sup> This is perhaps the deep significance of the fact that Adam does not in the end "make" Eve, but receives her in his sleep.<sup>129</sup> So then it is on account of the fact that man's priority is not absolute both in the direction of woman (who was there from the beginning) and also in the direction of God the Father (man being first a son) that we can see another feature of her equality with man, namely, that she is not simply an extension of him and of his projects. She is not, as many feminists see in the historic "woman as other" or "second sex," a simple "mirror image" constructed by the man mischievously so that he can narcissistically look back at his individual self.<sup>130</sup> That she comes forth as other in sexual difference is the clue that, where there is constitutive relation (or duality) at the beginning, there can indeed be another as such. This can be finally perceived in the fact that, though she is his fulfillment, his "answer," she fulfills not by giving him simply what he wants or more

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<sup>124</sup> 2 Balthasar, *supra* note 16, at 373; cf. Genesis 2:18.

<sup>125</sup> Annie Devlin (a student at the John Paul II Institute) expressed this nicely in a seminar paper:

Precisely in that "first, lone" human being, there is already present (in the mode of anticipation) the "second" human being. The event of the creation of this "second" does not simply bring another, "in addition to" the man who is already there. Rather, the "second" moment is the one which catches up the initial movement of the creation of humanity from the other side, as it were, filling out the whole of what was there from the beginning and revealing not only the meaning of the beginning but that of its completion, and the whole. In this way, the "two steps" that comprise the creation of humanity found in Genesis 2 should be understood as the full wealth of the one human creation.

Annie Devlin, *The Gift of Woman as the "Vessel for Man's Fulfillment"* 4-5 (May 1, 2008) (unpublished M.A. seminar paper, Pontifical John Paul II Inst., Catholic Univ. Am.) (on file with the Ave Maria Law Review).

<sup>126</sup> See Genesis 2:22-23.

<sup>127</sup> Cf. 1 Corinthians 11:12. Apropos of the general tendencies associated with the defense of equality, if one attends carefully to the details of the Genesis account, one can see therein that equality between man and woman is established in virtue of being "helped to be" by the other as other, and that therefore the "mutuality" (or "relationality") between the two is grounded in unique differences that are, as such, not mutual. Cf. Devlin, *supra* note 125, at 5-6.

<sup>128</sup> This seems to be the sense of Balthasar's calling the Eternal Son first "(super-) feminine," as one who first receives being from the Father, and only subsequently "(super-) masculine," together with the Father, in breathing forth the Spirit. See 5 Balthasar, *supra* note 16, at 91 (1998) (1983).

<sup>129</sup> Genesis 2:21-22. Considering the "deep sleep" of Adam, Balthasar writes, "Although potentially and unconsciously he bears the woman within him, he cannot give her to himself." 2 Balthasar, *supra* note 16, at 373.

<sup>130</sup> According to Irigaray's criticism of "specularization," the woman, who is allegedly the other, is in fact "samed" by the man who uses her in order to see himself, and this chiefly by having her bear all the "cast offs" that man would exclude from his identity as man. See Butler, *supra* note 8, at 149; see also *supra* note 76 and accompanying text.

of the same, but by giving him himself in the gift of the other, an "answer" which always contains something of the unexpected.<sup>131</sup>

## VI. Conclusion

Relations between creatures are not unaffected by the kind of relations that stand between the Creator and the world or by those relations that do or do not exist within the Creator himself. It is thus in the novelty of the unfolding of Divine Revelation, as testified in the biblical account, that we find between the first human pair both dependence of the most radical kind (in both directions, though differently), and by virtue of that very dependence a radical equality [\*152] of the most interesting and fruitful kind. We find finally an equality in difference, between differences that can be "added up" (contra postmodern feminism), and added up to something more than one (contra egalitarian feminism), and even to more than the sum of its parts. If man and woman are equal as man and woman, they equal three.<sup>132</sup> And thanks to the culmination of that revelation, which brought both healing to an ancient experience of conflict and fulfillment of an even more ancient experience, we have finally an equality which is no longer "something to be grasped."

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<sup>131</sup> See 3 Balthasar, *supra* note 16, at 283-360 (1992) (1978). As Balthasar says, "[The woman] gives [the man] something new, something that integrates the gift he gave her but that 'faces' him in a totally new and unexpected form." *Id.* at 286.

<sup>132</sup> Having in mind the "sterility" of common ideas of equality, Sr. Prudence Allen writes, "We can now see that in fractional complementarity the whole is simply the sum of the parts. It is a sterile form of relatedness. On the other hand, integral complementarity is always synergetic, so that the whole is always more than the sum of the parts." Allen, *supra* note 16, at 540.