



Debating Women's Equality: Toward a Feminist Theory of Law from a European Perspective

Ute Gerhard

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Ute Gerhard places women's rights at the center of legal philosophy and sees the struggle for equality as a driving force in the history of law. Focusing on Europe and taking the course of German feminism and law as primary examples, she incorporates the various social contexts in which questions of equality and gender difference have been raised into an analysis that challenges misconceptions about the principle of equality itself.

Gerhard reviews the history of women's movements in the nineteenth and twentieth centuries and traces the historical development of claims to gender equality as well as obstacles to these claims. Critically exploring the influence of philosophers such as Rousseau, Fichte, and Kant, Gerhard concludes that women need to be recognized as both equal and different—that claims to equality do not simply eliminate difference, but also articulate it. Mindful of the social and political contexts surrounding equality arguments, Gerhard probes three legal issues: women's rights in the public sphere, especially the right to vote; women's legal capacities in private law, or the legal doctrine of so-called gender tutelage; and women's human rights, a prominent concern in the current international women's movement.

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