Lecture III: Mill on Slavery

1. Recap

Mill is trying to argue that ‘... the legal subordination of one sex to the other ... is wrong in itself, ... and ... ought to be replaced by a principle of perfect equality ...’. He has been arguing that (1) its being customary is not a relevant point in its favour as many unjust things have been customary; (2) its being grounded in the natural inferiority of women might be a point in its favour if true, but there are no good grounds for thinking that it is; (3) its historical origin in arbitrary power shows it to be unjust, and also (4) an aberration in a self-described progressive society supposedly committed to the elimination of institutions based on arbitrary power. These themes recur in a powerfully concentrated passage of argument and rhetoric where he likens the condition of women to that of chattel slaves.

NB. If you’d like to discuss anything in the lectures, please use this link to book yourself into my weekly office hours: https://appoint.ly/s/nk459/office-hours-michaelmas

2. The Question: Mill and Slavery

Question: Does Mill’s analogy with slavery advance or undermine his case for female emancipation?

Answer sketch: Despite the risks that Mill’s readers will think him melodramatic, the analogy between the legal position of Victorian women and chattel slavery does advance his case by making vivid the many ways in which contemporary laws, in denying even upper-middle-class British women a number of the same rights denied to slaves (e.g. in the American south), constitute a serious injustice.

3. Reconstructions

Chattel slavery: The (de jure) ownership or one person by another such that the owner may, with legal sanction, require someone to labour for their owner’s benefit without remuneration.

The basic argument

(1) One is a slave if and to the extent that one is denied certain basic legal rights.
(2) Women in Britain, c. 1869, were denied many of the same basic legal rights as slaves.
(3) Women in Britain, c. 1869, were (to some extent) slaves.

The defence of (2)

Women
- Requirement of lifelong obedience to husband
- Property inherited by married women automatically becomes property of husband (modulo special contracts, settlements)

Slaves
- Requirement of lifelong obedience to master
- In Roman law, slaves guaranteed peculium for exclusive use
No legal entitlement to time off once house work done or to separate spaces
No legal right to refuse sex
No legal right to (access to, contact with) children without permission from husband
No provision of divorce on grounds of ill treatment (unless proof of adultery)
Defended by mainstream philosophers
Justified by reference to women’s nature

Some legal rights to time off work and separate spaces (‘Uncle Tom’s Cabin’)
Legal right to refuse sex to master
Ditto, mutatis mutandis
Some legal systems can require a slave-owner to sell a slave to a different master, on ground of ‘ill usage
Defended by mainstream philosophers
Justified by reference to natures of Africans
Known to be really a product of force

A radical feminist claim: maybe ‘woman’ should be thought of as being, like ‘slave’, a social and political, rather than biological category. It’s not simply that there is a natural category of ‘woman’ whose members are, in some historical periods, socially and legally subordinated. Rather, to be a woman just is to be subordinated as a consequence of certain actual/perceived bodily features conventionally linked to reproductive roles.

In which case, the aim of (one style of) radical feminism is the abolition of women in the way that the aim of 19th-century anti-slavery activists was the abolition of slavery, the creation of a world in which there are no more slaves. If the project succeeds, there will be no more women — just human beings, some of whom may (but none of whom need) think of themselves as women or even female. This is one possible development of the claims being made by Mill and Taylor, and incipient in their analogy with slavery.

4. Texts

T1  ... the aim of appeals to the emotion is not merely to shew the bitter and grievous nature of ills that actually are so, but also at once make ills which are usually regarded as tolerable seem unendurable, as for instance when we represent insulting words as inflicting more grievous injury than an actual blow or represent disgrace as being worse than death. For the force of eloquence is such that it not merely compels the judge to the conclusion toward which the nature of the facts leads him, but awakens emotions which either do not naturally arise from the case or are stronger than the case would suggest. This is known as deinosis [lit. ‘making terrible’] that is to say, language giving additional force to things unjust, cruel or hateful ... [Quintilian, Institutio Oratoria, Book VI Chapter 2 §20]

T2  It is by analytical examination that we have learned whatever we know of the laws of external nature; and if he [sc. Thomas Carlyle in his ‘Occasional Discourse’] had not disdained to apply the same mode of investigation to the laws of the formation of character, he would have escaped the vulgar error of imputing every difference which he finds among human beings to an original difference of nature. As well might it be said, that of two trees, sprung from the same stock, one cannot be taller than another but from greater vigour in the original seedling. Is nothing to be attributed to soil, nothing to climate, nothing to difference of exposure—has no storm swept over the one and not the other, no lightning scathed it, no beast browsed on it, no insects preyed on it, no passing stranger stript [sic] off its leaves or its bark? If the trees grew near together, may not the one which, by whatever accident, grew up first, have retarded the other’s development [sic] by its shade? Human beings are subject to an
infinitely greater variety of accidents and external influences than trees, and have infinitely more operation in impairing the growth of one another, since those who begin by being strongest, have almost always hitherto used their strength to keep the others weak. What the original differences are among human beings, I know no more than your contributor, and no less; [...] No argument against the capacity of negroes for improvement, could be drawn from their not being one of these rare exceptions [to the rule that circumstances determine development]. [CW XXI: 93]

T3 But there has been no political community or nation in which, by law, and usage, women have not been in a state of political and civil inferiority. In the ancient world the same fact was alleged, with equal truth, in behalf of slavery. It might have been alleged in favour of the mitigated form of slavery, serfdom, all through the middle ages. It was urged against freedom of industry, freedom of conscience, freedom of the press; none of these liberties were thought compatible with a well-ordered state, until they had proved their possibility by actually existing as facts. [Harriet Taylor, The Enfranchisement of Women; CW XXI: 399]

T4 The world is very young, and has but just begun to cast off injustice. It is only now getting rid of negro slavery. It is only now getting rid of monarchical despotism. It is only now getting rid of hereditary feudal nobility. It is only now getting rid of disabilities on the ground of religion. It is only beginning to treat any men as citizens, except the rich and a favoured portion of the middle class. Can we wonder that it has not yet done as much for women? [Harriet Taylor, Enfranchisement, 399–400]

T5 Slavery, from being a mere affair of force between the master and the slave, became regularized and a matter of compact among the masters, who, binding themselves to one another for common protection, guaranteed by their collective strength the private possessions of each, including his slaves. In early times, the great majority of the male sex were slaves, as well as the whole of the female. And many ages elapsed, some of them ages of high cultivation, before any thinker was bold enough to question the rightfulness, and the absolute social necessity, either of the one slavery or of the other. By degrees such thinkers did arise: and (the general progress of society assisting) the slavery of the male sex has, in all the countries of Christian Europe at least (though, in one of them, only within the last few years) been at length abolished, and that of the female sex has been gradually changed into a milder form of dependence. But this dependence, as it exists at present, ... is the primitive state of slavery lasting on ... It has not lost the taint of its brutal origin. [CW XXI: 264]

T6 No less an intellect, and one which contributed no less to the progress of human thought, than Aristotle, held this opinion without doubt or misgiving; and rested it on the same premises on which the same assertion in regard to the dominion of men over women is usually based, namely that there are different natures among mankind, free natures, and slave natures; that the Greeks were of a free nature, the barbarian races of Thracians and Asiatics of a slave nature. But why need I go back to Aristotle? Did not the slavowners of the Southern United States maintain the same doctrine, with all the fanaticism with which men cling to the theories that justify their passions and legitimate their personal interests?

T7 I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good – a positive good. [John C Calhoun, ‘Slavery a Positive Good’, 1837]
[...] while some are actually found so far to excel others both in respect of wisdom and benevolence, both in the knowledge of the principles of propriety, and a disposition to practice such principles, that the general end, happiness, would be better promoted by the exercise of authority in the former, though necessarily involving subordination in the latter, than by the enjoyment of equal Liberty in each, the exercise of such authority must be right, and never the less so, though the individuals by such an oecconomy subordinated, do not consent. [Theodore Parsons, *A forensic dispute on the legality of enslaving the Africans, held at the public commencement in Cambridge, New-England, July 21st, 1773*]

I have described the wife’s legal position, not her actual treatment. The laws of most countries are far worse than the people who execute them, and many of them are only able to remain laws by being seldom or never carried into effect. [CW XXI: 286]

... the theory of slavery as a natural arrangement would turn out to be (roughly) what modern mathematics calls omega-inconsistent: it would be natural and necessary that someone should be a slave, but for each person, it would not be natural that he or she should be one. ... Aristotle thus has to take the next step, which yields his distinctive conclusion. He argues not merely that it is natural that someone or other should be a slave, but that there are people for whom it is natural that they, rather than someone else, should be slaves. ... what was in the case of slavery a peculiar and strained conclusion of Aristotle's, that there were people who by nature filled the required role, was the conventional view with regard to women. There was by nature a position to be filled, and there were people who by nature occupied it. In trying to show that being a slave was a necessary identity, Aristotle was, up to a point, suggesting that if slavery were properly conducted, slaves would become what women actually were. [Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993), 114–18; discussing Aristotle, *Politics*, Book I Chs 4–8]

Our aim is that no one should be a slave, but it is not anyone’s aim, even the most radical, that no one should be a woman: it is a question of the social construction of what it is to be a woman. [Williams, *Shame and Necessity*, 122]

* S is a woman iff
  (i) S is regularly and for the most part observed or imagined to have certain bodily features presumed to be evidence of a female’s biological role in reproduction;
  (ii) that S has these features marks S within the dominant ideology of S’s society as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S’s occupying such a position); and
  (iii) the fact that S satisfies (i) and (ii) plays a role in S’s systematic subordination, that is, along some dimension, S’s social position is oppressive, and S’s satisfying (i) and (ii) plays a role in that dimension of subordination. [Sally Haslanger, *Resisting Reality: Social Construction and Social Critique* (New York: Oxford University Press, 2012), 234]

I believe it is part of the project of feminism to bring about a day when there are no more women [Haslanger, *Resisting Reality*, 239]

**Next week:**

‘The family is a school of despotism, in which the virtues of despotism, but also its vices, are largely nourished’ (MILL). Discuss.