

JOHN STUART MILL AND GENDER VIOLENCE: WEAKNESSES AND STRENGTHS OF MILL'S THOUGHT*

JUANA MARÍA GIL RUIZ
Faculty of Law, University of Granada

ABSTRACT

Today as yesterday, gender violence continues to be a cancer in society and is one of the principal causes of death and injury to women in the world, according to the latest report from the World Health Organization.

In fact, concern about mistreatment of women is present in Mills' work, showing that when we speak of domestic violence we speak not of a new social phenomenon, of the 21st century, but of an evil silent in private, and silenced in public throughout history.

This article tackles the different dimensions of gender violence, not focused only in the family, and analyses the alternatives—with all their weaknesses and strengths—put forward by John Stuart Mill to eradicate the so-called domestic terrorism of the 19th century. Again liberty and equality must go hand in hand in a democratic state to guarantee the safety of citizens and the full development of their subjective rights.

Keywords: John Stuart Mill and Harriet Taylor, gender violence, differentiated education, equality

RESUMEN

Hoy, tanto como ayer, la violencia de género sigue erigiéndose en lacra social por antonomasia, constituyendo una de las principales causas de muerte y agresión de mujeres en el mundo según el último informe de la Organización Mundial de la Salud.

De hecho, la preocupación por los malos tratos aparece más que presente a lo largo de la obra de los Mill, lo que viene a demostrar que cuando hablamos de Violencia de Género no hablamos de un fenómeno social nuevo, propio del contexto del siglo XXI., sino de un mal silencioso en lo privado y silenciado por lo público.

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En este artículo abordaremos las distintas dimensiones de la Violencia de Género, no sólo centrado en el contexto familiar, y analizaremos las alternativas —con sus limitaciones y grandezas— ofrecidas por John Stuart Mill para erradicar el llamado terrorismo doméstico del siglo XIX. Nuevamente libertad e igualdad deben darse la mano en el Estado de Derecho para garantizar la seguridad de la ciudadanía y el desarrollo pleno de sus derechos subjetivos.

Palabras clave: John Stuart Mill y Harriet Taylor, violencia de género, educación diferencial, igualdad.

INTRODUCTION

We are celebrating the second centenary of the birth of a thinker, John Stuart Mill, who in the opinion of one of his contemporaries, Odysse Barot, “is the intellectual pilot of our (19th) century, the name that contributed, more than any other of this generation to mark out the route of thought for his contemporaries. Perhaps he has invented nothing, has not created any system, and the greater part of his fundamental ideas are derived from his predecessors, but he has transformed everything, and has changed the direction of the huge ship of the human spirit”¹.

Proof of the extraordinary topicality of Mill’s thought, two centuries later, is shown in his most daring and innovative essay: *The Subjection of Women* (1869). From then until our times, as Alice Rossi has pointed out, this essay remains almost unique as an intellectual analysis of the situation of women, and as a call to political action to achieve the equality of the sexes”².

Nevertheless, Mill’s work devoted to denouncing the situation of subordination of women has not been considered as fundamental as others, for despite being quoted by scholars of his work, it is not usually included in collections of his essays on liberty and egalitarianism. This short speech is intended as a tribute to his brave and pioneering efforts, at both the theoretical and political levels, to denounce the subjection of women, while at the same time, discussing the weaknesses of his theoretical position, probably due to the narrowness of the dominant thought at that time.

I. GENDER VIOLENCE: A SOCIAL CANCER OF THE PAST AND THE PRESENT

Today as yesterday, gender violence continues to be the cancer in society *par excellence*, responsible for more than 68% of the violent deaths

1 BAROT, O., *Historia de la literatura contemporánea de Inglaterra* and quoted by PARDO BAZÁN, E., in “Stuart Mill”, *Nuevo Teatro Crítico*, año II, n° 17, mayo, 1892, pp. 41-76.

2 Vid. ROSSI, Alice S., “Sentimiento e intelecto. La historia de John Stuart Mill y Harriet Taylor Mill”, estudio introductorio de la obra de John Stuart Mill y Harriet Taylor Mill, *Ensayos sobre la igualdad sexual*, ediciones de bolsillo Península, Barcelona, 1973, p. 14.

of women in the world, according to the latest Report from the WHO. In some countries, such as France, new words have been coined —La maltraitance— that serve to highlight this social plague. This degree of violence has generated social alarm among ordinary people and raises a multitude of questions about abuse.

However, the phenomenon of gender violence is nothing new. In fact, Mill's concern about it appears throughout his works, demonstrating that when we speak of it, we are not talking of a new social phenomenon, typical of the 21st century, but rather of a silent evil in private that is silenced in public.

"There is never any want of women who complain of ill usage by their husbands. There would be infinitely more, if complaint were not the greatest of all provocatives to a repetition and increase of the ill usage. (...) In no other case (except that of a child) is the person who has been proved judicially to have suffered an injury, replaced under the physical power of the culprit who inflicted it. Accordingly wives, even in the most extreme and protracted cases of bodily ill usage, hardly ever dare avail themselves of the laws made for their protection: and if, in a moment of irrepressible indignation, or by the interference of neighbours, they are induced to do so, their whole effort afterwards is to disclose as little as they can, and to beg off their tyrant from his merited chastisement."³ "But no amount of ill usage, without adultery superadded, will in England free a wife from her tormentor"⁴.

The situation now in Spain is similar. This has caused an institutional reaction and urgent legal changes. According to data from the Ministry of the Interior and of the Secretary for Equality the number of women murdered by their partners in 2004 rose to 100; more than two million Spanish women annually suffer physical- not to speak of psychological —abuse—; those women who decide to report their situation to the police have put up with an average of 10 to 20 years of violence; only 10% of assaults are reported; of these, 43% of the victims do not attend the trial; when they do, 45% do not always confirm their complaint; 11% of this ridiculous percentage attend court and forgive their aggressor; so that they can end up with him, "to begin again", 1% admit that there were mutual assaults.

However, the "legal efforts" of yesterday and today still fail to eradicate, or even palliate, the consequences of so-called domestic terrorism. Mill himself recognised the original lack of interest in the Law on domestic violence and the reasons for its legal failure.

3 MILL, J. S., *The Subjection of Women* (1869), in *On Liberty and Other Essays*, edited with an introduction and notes by J. Gray, (Oxford, 1991), pp. 485-486.

4 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 506.

"The law, which till lately left even these atrocious extremes of domestic oppression practically unpunished, has within these few years made some feeble attempts to repress them. But its attempts have done little, and cannot be expected to do much, because it is contrary to reason and experience to suppose that there can be any real check to brutality, consistent with leaving the victim still in the power of the executioner."⁵ He then went on to argue for violence, or at least a repetition of it, to be grounds for divorce.

Unarguably the measure proposed by Mill was essential and fundamental to avoid meeting the aggressor again and the probability of a further attack. The situation has not changed. At present, more than 60% of the episodes of domestic violence that end in the woman's death result from her application for a legal separation or an expression of dislike. And we know that the reasons for a great proportion of the assaults that occur between spouses or couples living together but in course of separation are that the degree of violence increases or is triggered by the initiation of the separation proceedings; the refusal by the aggressor to accept that his partner wishes to put an end to their relationship and to leave him, and finally, by the tension between them over the settlement of financial and personal matters after the separation.

But the fatal victims of gender violence are only a symbol of the struggle to break the structural violence that holds women back in every facet of public and private life. "In struggles for political emancipation —says Mill—, everybody knows how often its champions are bought off by bribes, or daunted by terrors. In the case of women, each individual of the subject-class is in a chronic state of bribery and intimidation combined. In setting up the standard or resistance, a large number of the leaders, and still more of the followers, must make an almost complete sacrifice of the pleasures or the alleviations of their own individual lot". And Mill adds, "If ever any system of privilege and enforced subjection had its yoke tightly riveted on the necks of those who are kept down by it, this has".⁶ And we are speaking, simply, of a question of *Power*, or more accurately, of the *power to possess*. We understand that domestic ill treatment is raised up on the violence exercised on half the population, feeding on itself. We should not forget "the gender system imposes the predominance of men over women and grants them more privileges; it is a social organization structured on sexual power. It thus becomes a form of political expression; this should be understood not only as an activity, but also as an exercise of power. The existence of patriarchal society and male domination is only possible because at its basis there

5 MILL, J.S., *The Subjection of Women*, op. cit., p. 508.

6 MILL, J.S., *The Subjection of Women*, op. cit., p. 482.

is a complex network of power relationships”⁷. A society that continues raising a preassigned and hierarchised adjudication of the social roles of men over women, that is, on the structural subordination of one gender, cannot be truly free, quite the contrary, of the various forms of violence against women.

Mill affirmed this thesis when he said, “Men do not want solely the obedience of women, they want their sentiments”⁸, and he contrasted it with the experience that teaches that this is not just a desire, —as is sometimes said— of unenlightened men of the lowest social classes, without money and problems of alcohol and drugs. “Whatever gratification of pride there is in the possession of power, and whatever personal interest in its exercise, is in this case not confined to a limited class, but common to the whole male sex. (...) The clothhopper exercises, or is to exercise, his share of the power equally with the highest nobleman”⁹. And of course, violence, manifestation of that lust to possess is exercised over the weakest, “for every one who desires power, desires it most over those who are nearest to him, with whom his life is passed, with whom he has most concerns in common, and in whom any independence of his authority is oftenest likely to interfere with his individual preferences”¹⁰.

Gender violence is assimilated, then to a form of discrimination, highlighting its inter-group character, of dominion and subordination of one gender (the masculine) over the other (the feminine). John Stuart Mill himself began his work *The Subjection of Women* (1869) reasserting his opinion “That the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other— is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other” (my italics)¹¹.

However, and despite Mill’s proclamation of this concept in 1869, it would have to wait —legally speaking— until 1992 for General Recommendation n° 19 of the Committee for the Elimination of Discrimination against Women to state “Violence against women is a form of discrimination that seriously impedes them from enjoying rights and liberties on an equal footing with men” and the UNO, in the IV World Conference on the legal and social condition of women in Beijing, overcoming its

7 Vid. ASTELARRA, J., “Las mujeres y la política”, in ASTELARRA, J., (ed.), *Participación política de las mujeres*, Colección “Monografías”, n° 109, Centro de Investigaciones Sociológicas (CSIC) and Siglo XXI de España Editores, Madrid, 1990, p. 12.

8 MILL, J.S., *The Subjection of Women*, op. cit., p. 486.

9 MILL, J.S., *The Subjection of Women*, op. cit., p. 481.

10 MILL, J.S., *The Subjection of Women*, op. cit., p. 481.

11 MILL, J.S., *The Subjection of Women*, op. cit., p. 473.

traditional dimension of a “private problem” —but not a crime—, would recognise that violence against women is an obstacle to achieving the aims of equality, development and peace and violates and diminishes the enjoyment of fundamental human rights and liberties.

And this is because, in years gone by, certain behaviour has been relegated to the private sphere, an untouchable space, where the concepts of crime and individual rights do not rule. In the extra-legal domestic jurisdiction, the figure of the *paterfamilias* is held up as the judge and patriarch, in pursuit of the principle of *fragilitas sexus*, directing his wife and children towards an established order. That “autonomous” order established by the man, the *paterfamilias*, is part of the *natural* dynamic of inter-gender relationships. This places him, *by nature*, as the legislator, police officer and judge of the actions and conduct of the wife and children who are minors and so subject to his protection. And any alteration of that customary order —the natural— justifies and legitimates the violent actions of the protector, not only in his eyes but also in those of society itself.

Some current data corroborate this thesis: 46% of the European population believes that in episodes of domestic violence, the woman must have provoked the aggressor in some way. 64% of young men and 34% of young women think that violence is inevitable; and the most dramatic fact, 14% of adolescent women believe that the woman, the victim of the assault is herself to blame¹².

Mill, with great foresight, spoke of present-day reality: “The subjection of women to men being a universal custom, any departure from it quite natural appears unnatural”¹³. Two centuries later, the aggressor continues inflicting punishment and cruelty because he is firmly convinced —without feeling responsible for the fact in question— that he is forced to do so because of bad behaviour of the victim, or that he acts from *motu proprio* in virtue of his educational and corrective capacity.

II. MILL’S ANALYSIS, PARADOXES AND PROPOSALS.

John Stuart Mill is aware of the trap of “the natural”. He asks himself “but was there ever any domination which did not appear natural to those who possessed it?”¹⁴ To put oneself in a position of submission and subordination was an easy task. “It arose —says Mill— simply from the fact that from the very earliest twilight of human society, every woman (owing to the value attached to her by men, combined with her inferio-

12 Data from the study of Prof. M^a José Díaz Aguayo, in LORENTE ACOSTA, M., *Mi marido me pega lo normal. Agresión a la mujer: realidades y mitos*, Madrid, 2001, p. 67.

13 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 484.

14 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 482.

erty in muscular strength) was found in a state of bondage to some man. Laws and systems of polity always begin by recognizing the relations they find already existing between individuals. They convert what was a mere physical fact into a legal right (...). Those who had already been compelled to obedience became in this manner legally bound to it"¹⁵.

However, in no issue more than this does *the natural* arise as a construction of the cultural, even being able to invade the feelings and reason of women and men. The former because the force of education trains them in submission and yielding to others, the latter because such a belief is deeply entrenched in their sentiments, so blocking any hint of rationality¹⁶. In fact, "All the moralities tell them that is it the duty of women, and all the current sentimentalities that *it is their nature*, to live for others; to make complete abnegation of themselves, and to have no life but in their affections. And by their affections are meant the only ones they are allowed to have —those to the men with whom they are connected, or to the children who constitute an additional and indefeasible tie between them and a man" (my italics)¹⁷.

Probably this is one of the constants —and one of the keys— that is still maintained in the context of inter-gender submission that we are examining. Women, nowadays, still accept their subjugation based on a mortgaged model of identity: an identity *dependent on the dependency of others*. And for Dio Bleichmar, "this identity of the ego, the I— in relation —that is to say, that the feeling of identity is only acquired when a bond is established— entails a problem of the first magnitude and a source of permanent conflicts for women, with differential characteristics from those of men"¹⁸.

Perhaps the question Mill asked is still relevant: Can it be doubted that any of the other yokes which mankind have succeeded in breaking, would have subsisted till now if the same means had existed, and had been as sedulously used, to bow down their minds to it?¹⁹

It seems clear that the first step to try to break the myth of "the natural subordination" between the sexes is to eliminate the fallacy of "nature" and the pre-assigned allocation of roles according to gender. This first step, as Mill points out, differentiates a "Modern rational reflection" from past dogmas. "It is, that human beings are no longer

15 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 475.

16 According to Mill, the difficulty in dealing with the problem of man's relationship of domination of men over women lies in the fact that men are always fighting against a multitude of deeply rooted feelings and not on the fundamentals of reason. Vid. MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 473.

17 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 486.

18 DIO BLEICHMAR, E., *La depresión en la mujer*, Madrid, 1999, pp. 56-57.

19 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 487.

born to their place in life, and chained down by an inexorable bond to the place they are born to, but are free to employ their faculties, and such favourable chances as offer, to achieve the lot which may appear to them most desirable”²⁰.

Mill avers “freedom of individual choice is now known to be the only thing which procures the adoption of the best processes”²¹ and combines it with the competence to find —without any authority, not even the law predetermines— the most able and best-suited person to carry out specific functions. But such a ground-breaking thesis, for the sake of consistency, demanded a further step directed at free, unfettered education for girls, and as a result, the opening up of the labour market to them.

“But if the principle is true, we ought to act as if we believed it, and not to ordain that to be born a girl instead of a boy, any more than to be born black instead of white, or a commoner instead of a nobleman, shall decide the person’s position through all life—shall interdict people from all the more elevated social positions, and from all, except a few, respectable occupations”²².

So in effect, Mill devotes the first part of his *Essay* to overthrowing the old idea of allocation of social roles according to nature. In fact, “Neither does it avail anything to say that the *nature* of the two sexes adapts them to their present functions and position, and renders these appropriate to them”²³, when it is not even possible to determine that there are any differences, let alone what the natural differences are, between the two sexes²⁴, that is, between two moral and rational beings.

No man can assume that he has the ability to prescribe what is or is not a woman’s vocation. Now, “For, according to all the principles involved in modern society, the question rests with women themselves—to be decided by their own experience, and by the use of their own faculties”²⁵. But if it is true that the myth of “nature” in modern society does not exist in matters of gender, and that no one can, *a priori*, know the capacities of an individual, whether woman or man, it is hard to know why Mill was so sure of one thing. “One thing we may be certain of—that what is contrary to women’s nature to do, they never will be

20 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 488.

21 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 489.

22 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 490.

23 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 493.

24 “The profoundest knowledge of the laws of the formation of character is indispensable to entitle any one to affirm even that there is any difference, much more what the difference is, between the two sexes considered as moral and rational beings”, MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 495.

25 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 499. Mill says as well that: “The division neither can nor should be pre-established by the law, since it must depend on individual capacities and suitabilities”, p. 513.

made to do by simply giving their nature free play. (...) What women by nature cannot do, it is quite superfluous to forbid them from doing. (...) If women have a greater natural inclination for some things than for others, there is no need of laws or social inculcation to make the majority of them do the former in preference to the latter"²⁶.

This same line, without doubt, crosses another paradox of Mill *par excellence* in his reflection on sexual equality. Women decide "freely" to marry, and in consequence, "Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes the choice of the management of a household, and the bringing up of a family, as the first call upon her exertions, during as many years of her life as may be required for the purpose".²⁷ And in this sense, work outside the home, —Mill declares— would be practically forbidden for the majority of married women, although there could be honourable exceptions to the rule²⁸.

This paradox is based on what is described as the maintenance of the domestic fiction, which clashes with Mill's criticism of the ideal of gentlemanliness and the sexual-family contract, based on the equality he defends in theory. If it is true that the author launches himself in defence of the separate ownership of goods as the desirable matrimonial economic regime, that he defends the warm "conjugal" society between equals, that he warns of the danger of allotting roles *by nature*, and of the flattering academics²⁹ who curiously intend with their paternalist discourse to keep them in a culturally constructed position of submission, we do not understand well his arguments to put women back in the home and pigeonhole them in their mission of carers. And this becomes even stranger in the light of Mill's commentary as to why women show greater skill for domestic function. "If women are better than men in anything, it surely is in individual self-sacrifice for those of their own family. But I lay little stress on this, so long as they are universally taught that they are born and created for self-sacrifice"³⁰.

If in his essays on marriage and divorce Mill states that the first and indispensable step toward the emancipation of women is for them to receive an education that will leave them independent of their fathers and husbands, he will surprise us a few paragraphs later with the

26 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 499.

27 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 523.

28 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 523.

29 "On the contrary, we are perpetually told that women are better than men, by those who are totally opposed to treating them as if they were as good; so that the saying has passed into a piece of tiresome cant, intended to put a complementary face upon an injury, and resembling those celebrations of royal clemency which, according to Gulliver, the king of Lilliput always prefixed to his most sanguinary decrees", MILL, J.S., *The Subjection of Women*, *op. cit.*, pp. 515-516.

30 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 516.

assertion that because a woman is able to maintain herself it should not be presumed that she ought in fact to do so, since normally she will not. He adds that it is not desirable to overload the labour market with twice the number of competitors³¹. From this we understand that to commit oneself to the individual liberty of modernity and the free development of one's capacities means breaking with formation of castrated and diminished human beings.

However, the contradictions and paradoxes on this problem continue throughout the essay. The reason for not advising women to access the labour market is not merely "economic policy". "In an otherwise just state of things, it is not, therefore, I think, a desirable custom, that the wife should contribute by her labour to the income of the family",³² In fact, "When the support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of labour between the two persons"³³. This opinion virtually repeats, using almost the same words as he had 37 years earlier in his *First Essays on Marriage and Divorce*. There, too he declared that in a healthy state of things, the husband should earn enough from one job all that was needed for two and that the wife should not need to work for the necessities of life, but for the little extras that make it pleasanter. And he added that except in the case of the working class, this was her normal task, if task it could be called, since she does more by *being than doing*³⁴. Mill insisted that it should be mothers who educated their daughters, for if not it would be hard them to obtain the minimum of perfection in affection, conscience and all that it is to be moral. But vital though this task was it took no time, it was just a matter of being with the child, making it happy and loved, and eliminating bad habits from the beginning³⁵.

31 MILL, J.S and TAYLOR, H., *Primeros ensayos*, (see fn.1) p. 97. The economic reasons alleged by experts –especially by Mill– to maintain women out of the labour market, the "inconvenience of adding more competition to the already excessive pressure in all classes of professional or lucrative employments" are, however, overcome authoritatively by Harriet Taylor in her essay on *Enfranchisement of Women*, (http://www.pinn.net/sunshine/book-sum/ht_mill3.html). She begins by stating "this argument, it is to be observed, does not reach the political question. It gives no excuse for withholding from women the rights of citizenship. The suffrage, the jury box, admission to the legislature and to office. It bears only on the industrial branch of the issue". She goes on to say that even in the case that working men and women's salaries fall, this would be a better state of affairs "since the woman would be raised from the position of the female servant to that of a partner" and would allow her not to be "treated in the same contemptuous tyrannical manner as one who, however she might toil as a domestic drudge, is dependant on the man for her subsistence". She finishes, categorically asserting "But so long as competition is the general law of human life, it is tyranny to shut out one half of the competitors. All who have attained the age of self-government have an equal claim to be permitted to sell whatever kind of useful labour they are capable of, for the price which it will bring".

32 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 522.

33 MILL, J.S., *The Subjection of Women*, *op. cit.*, p. 522.

34 MILL, J.S. and TAYLOR, H., *Primeros ensayos*, *op. cit.*, p. 98.

35 MILL, J.S. and TAYLOR, H., *Primeros ensayos*, *op. cit.*, p. 99.

But this position contradicts, again, his defence of individual liberty in another passage of his work. In the *Autobiography* he states that we have had the morality of submission and the morality of gentlemanliness and generosity, and that the time for justice had arrived. "The basic principle of the modern movement in morals and politics is that conduct, and conduct alone, gives the right to respect; that the right of man to public consideration was founded *not on what he is, but what he does*. Modern values do not accept predetermined legal situations and that the individual option is now the model"³⁶. According to these reflections where shall we find communion between liberty and free competition defended by Mill not only in *The Subjection of Women*, but also in *On Liberty*, or his famous *Principles of Political Economy*?

This ambiguity³⁷ has been called the case of "Mill vs. Mill", because while on the one hand, he defends equality of rights and opportunities for women, on the other, he argues that matrimonial and maternal duties are the "free choice" for women for the simple fact of being so. In Goldstein's words, "For Mill it is unthinkable that men should want to dedicate themselves to the work of caring for their children (...). The solution is to hold the opinion that teaches women that if they marry they are freely choosing the duties of the housewife"³⁸. The inequality of opportunities resides now, not on the basis of the prejudice about their lack of ability, but on women's assumption of the social role that as women they must play.

Mill's thought perishes then, prey to the three structures that should be neutralized to eradicate gender violence and to achieve, in consequence, full citizenship for women: sexual ideology, sexual norms and sexual stereotypes. The first of these explains the manner and the reasons for differentiating between men and women, and adjudicating subordinating and subordinated positions and values accordingly. In this way, sometimes alleging biological reasons, sometimes softening the argument of the "natural characteristics" appropriate to their sex devoted to the care of the species, it was never considered unjust that the women should not be part of the labour market but on the contrary it was thought to be "healthy".

The second of these structures —sexual norms— in tune with sexual ideology, marked out the conduct that was expected of people according to sex. In this way, Mill determined in his thinking —as referred to

36 MILL, J.S., *Autobiography*, edited with an introduction and notes by J. Stillinger, Oxford, 1971

37 Cf. CAMPILLO, N., "J.St. Mill: Igualdad, criterio de la modernidad", in DURÁN, M.A., (coord.), *Mujeres y hombres en la formación de la Teoría Sociológica*, Centro de Investigaciones Sociológicas, Madrid, 1996, p. 89.

38 GOLDSTEIN, L., "Mill, Marx and Women's Liberation", *Journal of the History of Philosophy*, vol. XVIII, 3, July 1980, p. 326.

earlier— on the position of the woman in the marriage, her responsibility in the home and even the type of mission she should carry out.

Mill also stumbled against the third of these structures, succumbing to the trap of sexual stereotypes, that is, the perceptions and beliefs that the sexes are fundamentally different and to the adjudication of the characteristics assigned to each sex.

Mill's inconsistency puts a very serious limit to his argument on equality, and results in it, paradoxically, being little analysed and emphasised by the experts on Mill. However, as a way of understanding Mill's admittedly paradoxical pronouncements, within the social and personal coordinates, it seems that Mill's defence and maintenance of the domestic fiction comes first from his childhood memories. In relation to that, the only reference that he makes to his mother in the early draft of his *Autobiography* (which was removed from the final version) is when reflecting on the figure of his father, James Mill, and it is simply sad. The blame for his father being so cold, upright and rational, lacking all sentiments, lay with his mother— "In an atmosphere of tenderness and affection he would have been tender and affectionate; but his ill-assorted marriage and his asperities of temperament disabled him from making such an atmosphere." As a result John Stuart Mill grew up "in the absence of love and in the presence of fear"³⁹. In this way, regrettably, we find a human being— the mother personified as his mother— without education, good, who "passed her life drudging" to care for her six children⁴⁰, with no chance of entering the labour market in equal conditions and training to men, and who in turn was held responsible for the misfortunes in the lives of her husband and children. All this contrasts with the recognition that Mill devotes to his father⁴¹ in the *Autobiography*, aware that his own mental superiority to the immense majority of people of his time was due to the rare privilege of having a father able to teach him and willing to sacrifice himself by dedicating his time to his son. In his *Autobiography*, he wrote on his father's death "Until the last few days of his life there was no apparent abatement of intellectual vigour...His principal satisfaction, after he knew his end was near, seemed to be the

39 STILLINGER, J., *op .cit.*, p. 33.

40 John Stuart Mill was the oldest of the six children: his brother Henry died at 20; George, "his favourite brother" committed suicide; his sister Clara, 4 years younger than John; Mary Elizabeth, probably the member of the family with most personality and who dared stand up to her eldest brother, and finally, the youngest, Harriet. From reading John Stuart's private correspondence with his brothers and sisters, particularly with Mary Elizabeth, one gets the impression of his mother as weak and vulnerable, rather faint-hearted, as well as the deteriorated relationship between them all.

41 These words show Mill's profound admiration for his stern and upright father "In the power of influencing by mere force of mind and character the convictions and purposes of others, and in the strenuous exertion of that power to promote freedom and progress, he left, as far as my knowledge extends, no equal among men, and but one among women." MILL, J.S., *Autobiography, op. cit.* p. 123.

thought of what he had done to make the world better than he found it; and his chief regret in not living longer, that he had not found time to do more"⁴². *Being* and *doing* as represented by mother and father, by woman and man. The references to time and his recognition and evaluation are totally distinct. The time of the life of the former—let us remember that life is nothing more than time—that of being, is undervalued, while the time of the second, that of doing is overestimated.

All this makes us reflect on the characteristics that result from the differentiated socialisation of the sexes and how they are valued by society; curiously, Harriet Taylor prophetically put this forward in contrast to Mill. In the 19th century she was already denouncing the division into two spheres, the private domestic and the public, with which sexual inequality was justified, stating categorically, "The proper sphere for all human beings is the largest and highest which they are able to attain to. What this is cannot be ascertained without complete liberty of choice". Likewise, she distanced herself from Mill and his domestic fiction when she asserted "To interfere beforehand by an arbitrary limit, and declare that whatever be the genius, talent, energy or force of mind of an individual of a certain sex or class, those faculties shall not be exerted, or shall be exerted only in some few of the many modes in which others are permitted to use theirs, is not only an injustice to the individual, and a detriment to society, which loses what it can ill spare, but is also the most effectual mode of providing that, in the sex or class so fettered, the qualities which are not permitted to be exercised shall not exist."⁴³ The author is shocked and denounces the dangers of a different education and the allocation of roles that denies certain human beings the right to carry out certain functions which is what those who argued for a separate sphere for each sex demanded, to mould individuals according to pre-assigned patterns, according to sex. The world of being, and the home were the spheres of action of the woman and where she belonged, against doing and the world, only appropriate for the role that men should play⁴⁴. Therefore, as Mill knew, "It is not law, but education and custom which makes the difference" (author's translation)⁴⁵.

42 MILL, J.S., *Autobiography*, *op. cit.*, p. 122

43 TAYLOR, H., *Enfranchisement of Women*, *op. cit.*

44 The treatise of Maréchal clarifies poetically the place and mission of man and woman:

"The haughty eagle brings the thunder,

In the skies he dwells

The pigeon scratches the earth

She is made only for love" (author's translation)

This is from the work of Sylvain Maréchal. Radical democrat, revolutionary and anti-clerical, entitled *Draft Law Forbidding Women to Learn to Read*. It was a fictitious law although it was drafted in exactly the terms of any law. It was published in Paris by the editorial Massé in 1801 under the initials S**M**. Although it may seem that this was a mere "innocuous provocation", yet the fact that it was subsequently reprinted in Lille in 1841 and in 1843 by Gustave Sandré, alias Adolphe Ricard, who had edited various other works on women, makes us take it seriously.

45 MILL, J.S. and TAYLOR, H., *Primeros ensayos*, *op. cit.*, p. 98.

Two centuries later the problem still falls on the subjection of women⁴⁶. Bleichmar argues “that identity, that I— in relation— that is to say that one only acquires a feeling of identity to the extent that one establishes a chain— is a problem of the first magnitude and a source of permanent conflicts for women, with different features for men⁴⁷. Against this the man knows who he is, and educating him in doing and having, a competent political model is complete. The woman never will be, or never will be enough, and as she is not taught to doing and having, she will never be ready to take part actively in the public world. All this pushes the woman to fall into a vicious circle that forces her to function in accordance with the established cannons; to do what society, what the others want her to do⁴⁸. And here lies the danger. But today, as in Mill’s time, the woman educated in being, characteristic of the private, confronts a world that, paradoxically, demands and values doing and having, characteristic of the public, and typical of the education of the man⁴⁹.”

Harriet Taylor also did not accept the other reasons put forward to keep women out of the labour market: the incompatibility of an active life with maternity and the care of the home and its hardening effect. In this sense she broke with the mystique of femininity and maternity. “It is neither necessary nor just to make imperative on women that they shall be either mothers or nothing; or that if they have been mothers once, they shall be nothing else during the whole remainders of their lives. (...) To say that women must be excluded from active life because maternity disqualifies them for it, is in fact to say that every other career should be forbidden them in order that maternity may be their only resource.”⁵⁰ This fusion of woman/wife—mother reminds us of Diderot’s theory⁵¹ of the situation of the soul in the light of potential female fertility: in childhood in the feet; in puberty, in the sexual organs; in maturity, its extinction in nothingness.

However, Rousseau’s reflection jumps forward to our times, as his thought impregnated a good part of educational theories of the time. “Is

46 “In short, against the rooted conceptions on the biological and bodily nature of the differences observed between the sexes, the present tendency of research underlines the capital role that these prevailing conceptions have on what it means to be a man or a woman in the creation of these differences: women become depressed, men become alcoholics”. See DIO BLEICHMAR, E., *La Depresión en la Mujer*, Temas de Hoy, Colección Vivir Mejor, Madrid, 1999, pp. 56-57

47 DIO BLEICHMAR, E., *La Depresión en la Mujer*, op. cit., pp. 78-79

48 Some of these reflections, focusing on the current problem of anorexia and bulimia that afflicts particularly young women, is discussed in GIL RUIZ, M. R., and BARRANCO CASTILLO, E., “Los trastornos de la conducta alimentaria en las mujeres y su influencia sobre la salud reproductiva” *Inv. Clínica*, vol V, n° 4, Oct-Dec. 2002, pp.337-342.

49 GIL RUIZ, J. M., *Las políticas de igualdad en España: avances y retrocesos*, Servicio de Publicaciones de la Universidad de Granada, Granada, 1996, p. 256.

50 TAYLOR, H., *Enfranchisement of Women*, op. cit.

51 DIDEROT, *Les Bijoux Indiscrets*, in *Ouvres de Diderot*, Bibliothèque de la Pléiade, Text established and annotated by André Billy, Editions Gallimard, 1951, chaps. XXIX and XXX.

it not a very sound form of reasoning to offer by way of reply exceptions to such well founded general laws. Women, you say, do not always have children. True, *but their ordained destiny is to have them*. Because there are a hundred great cities in the universe in which women, *living in licence, have few children, do you claim that the state of women is to have few?*⁵²

III. FINAL CONCLUSIONS

In any event, and even when Mill's theory founders on his acceptance of the domestic fiction, the truth is that it is ground-breaking for the model of marriage contract he proposed and in its demand for equality among the members of the family who decide to sign it and who have liberty to negotiate. Probably, having gone so far in creating an ideal situation of equality and liberty, he could not think that women would not choose to be wives, or that being a wife, one would not want to carry out the normal wifely duties, although these implied subordination despite legal equality. Harriet Taylor of course did detect this. We remember that already in 1832 she asserted that she was "sure that if the whole community were *really educated*, even though the present laws of marriage continued, they would be totally unnecessary, because no one would marry"⁵³. John Stuart Mill, breaker of universal customs and popular sentiment, however, fell into the trap of differentiated education—socialization—, even when his proposals for a model of female education were pioneering and daring for his time. And it is surprising that he succumbs to his own "patriarchal" socialization when, at least, in theory, he refers both to the problem of the mortgaged subjectivity of women and the "burdensome" consequences for the full development of citizenship. In this sense, Mill warns us, "Women, we are told, are not capable of resisting their personal partialities; their judgement in grave affairs is warped by their sympathies and antipathies, Assuming it is to be so, it is still to be proved that women are oftener misled by their personal feelings than men by their personal interests. The chief difference would seem in that case to be, that men are led from the course of duty and the public interest by their regard for themselves, women (not being allowed to have private interests of their own) by their regard for somebody else. It is also to be considered, that all education which women receive from society inculcates on them the feeling that the individuals connected with them are the only ones to whom they owe any duty—the only ones whose interest they are called upon to care for; while, as far as education is concerned, they are left strangers even to

52 ROUSSEAU, J. J., *Emile ou De l'éducation*, Classique Garnier, Paris, 1961

53 TAYLOR, H. *Primeros ensayos*, *op. cit.* p. 110. The italics and translation are mine.

the elementary ideas which are presupposed in any intelligent regard for larger interests or higher moral objects. The complaint against them resolves itself merely into this, that they fulfil only too faithfully the sole duty which they are taught, and almost the only one which they are permitted to practice".⁵⁴

However, this thought serves to make us recognise the enormous scope and topicality of Mill's proposals: his reflections on the laws of marriage, on divorce, changes in education, the desirability of women having access to the public sphere through her participation in the suffrage, the urgency of new forms of relationships between the sexes, that start from an independent individual with the capacity for an independent and individual will, free from limitations and deficiencies in favour of the making of an ideal of character opposed and complementary to the man, An individual —man/woman— free and equal to decide what s/he wants to be and what s/he wants to do. *To be and to do* go hand in hand, and come together in a project of a human being, but now complete, rich, different.

This article is intended to recognise the just merit of his intellectual and political daring as well as, after two centuries— the potentiality of his propositions, because adopting as my own, the words of Pardo Bazán, although "there are various points in which I dissent from Stuart Mill, what does that matter? On the whole it seems to me that a great rectification of errors throbs, and fertile teachings are can be gathered"⁵⁵.

54 MILL, J.S., *The Subjection of Women*, *op. cit.* p. 555.

55 PARDO BAZÁN, E. "Stuart Mill", *op. cit.*, p. 228.