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**Mary, Mary, Quite Contrary!**

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**1**

Speaking before dinner is especially difficult when everyone is quite ready for food but cannot eat until the speech is over and out. However, since that is the task I have been given, I will try to get on with it. But I begin, first, by welcoming you all to Oxford, a town where I worked for over a decade and which I still see as a place of my own. I also express my appreciation of the wonderful work that my friend Jane Humphries, our Conference Host, has done for us - I am always amazed that Jane can undertake such exacting organizational work on top of her heavy academic commitments and her outstanding creative achievements. I also congratulate Bina Agarwal, the President of IAFFE, for the skill with which she is leading this wonderful organization. She too is an old friend with whom I have been privileged to work over many years.

We have a wonderful programme for this conference. Since, alas, I am pushed into a position in which I increasingly find the necessity to be at three different places simultaneously, I am sad for myself that I shall miss quite a lot of the rich fare that has been put together for us by the programme committee of IAFFE. I express my appreciation, as a member of IAFFE, of the remarkably rich agenda that has been worked up for us.

This is meant to be a "keynote address" but it won't be anything weighty enough to be called that. As the title of my talk I have chosen a line from the old nursery rhyme:

"Mary, Mary, quite contrary!" And that is what my remarks are going to be about. The Mary referred to is Mary Wollstonecraft, who was born 245 years ago, in 1759, but whose ideas remain, I would argue, tremendously relevant - and also timely - today. Mary was indeed very contrary, as her critiques of the established figures of the day - Edmund Burke, Jean Jacques Rousseau and others - sharply bring out. What I would like to argue is that the reasons for which Mary was so contrary have not disappeared, and her insights and arguments have far-reaching relevance and use in contemporary debates on such subjects as human rights, social knowledge, the nature of gender inequality, and feminist philosophy.

But first a few words about Mary Wollstonecraft, the person, since she is not as widely known and read today as someone who has strong claims to be the founder of feminist thinking should be. Mary was born in London, but like many British radicals of her time, she was strongly inspired by the French Revolution. She was an elegant woman, as her portrait by John Opie in the National Portrait Gallery brings out, but also rather unadorned (she did, of course, express strong views on the way the priority of self-adornment contributes to the incarceration of women in a life of very limited creativity, placing them inside what she called "the world a vast prison"). Mary taught in a school, served as a governess, and worked for a London publisher. In 1792 in Paris, where she had gone to collect material for her book, View of the French Revolution (to be published two years later), she met an American timber-merchant called Captain Gilbert Imlay, with whom she had a daughter, but who abandoned her fairly soon afterwards. In 1797 Mary married William Godwin, the English radical thinker, with whose work she had been closely involved for a long time (she was active in the circle of so-called English

Jacobins). They had a daughter, also called Mary, who would later achieve much fame as Mary Shelley, the author of several successful books, including Frankenstein. Mary Wollstonecraft died from septicaemia, a few days after her daughter's birth. She was only 38.

## 2

What's so special about Mary Wollstonecraft's ideas and arguments? There are many things to which one can point, but I will separate out only a few of her extraordinary contributions that remain relevant today. One field of her major contribution is her understanding of human rights, and perhaps I can begin by commenting briefly on the state of that concept - and the related discipline - at Mary's own time. The American Declaration of Independence, in 1776, took it to be "self-evident" that everyone is "endowed by their Creator with certain inalienable rights," and thirteen years later, in 1789, the French declaration of "the rights of man" asserted that "men are born and remain free and equal in rights." But it did not take Jeremy Bentham long, in his Anarchical Fallacies written during 1791-2 (aimed against the French "rights of man"), to propose the total dismissal of all such claims. Bentham insisted that "natural rights is simple nonsense: natural and imprescriptible rights (an American phrase), rhetorical nonsense, nonsense upon stilts."<sup>1</sup> That view remains quite popular even today. Despite widespread use of the idea of human rights in worldly affairs, there are many who see the idea of human rights as no more than "bawling upon paper" - to use another of Bentham's barbed portrayals of natural right claims, such as the French "rights of man."

To Mary Wollstonecraft the idea of rights was not parasitic on any legislation or legalization. They are based on morality - reasoned morality - to which we would be led

by unprejudiced scrutiny, freed from unreflected preconceptions and from the pull of vested interests or parochial gut reactions.<sup>2</sup> The methodology of such a universalist approach requires elaboration and defence, building on Mary's own ideas and also, I would argue, those of Immanuel Kant and Adam Smith. I have tried to present an analysis of that kind in a paper that will come out in Philosophy and Public Affairs next month, called "Elements of a Theory of Human Rights," which is quite Wollstonecraftian in approach.

Mary wrote two books in succession, shortly after the French Revolution and the French declaration of the rights of man, called respectively A Vindication of the Rights of Men, published in 1790, and A Vindication of the Rights of Women, published two years later - in 1792. The first took the form of a letter - a very long letter - of rebuttal addressed to Edmund Burke, who too, like Bentham, was critical of the French Revolution and the declaration on human rights that went with it. Burke's critique came out in his Reflections on the Revolution in France, and Mary was extremely contrary to what Burke said there. She did not think Burke to be a nasty man, indeed told him in her letter: "I should believe you to be a good, though a vain man," and she was inclined to think that Burke was going for cheap acclaim, falling for "the instantaneous applause" that "eloquence extorts." She discussed, with considerable patience, why Burke's rapid dismissal of the ideas and ethical commitments behind the French Revolution do not stand up to scrutiny.

Even though Wollstonecraft did not respond to Jeremy Bentham, and took little notice of the leading moral philosopher and legal theorist of her time, her analysis of the rights of human beings - what we would today call "human rights" - threw much light on

the confusions that were generated by Bentham's own eloquence, which was no less than Edmund Burke's.

How does Mary Wollstonecraft's approach compare with Bentham's? Bentham was, of course, a utilitarian - indeed the founder of that school of thought, though the attempts of Mary's husband, William Godwin, to found another - a more humane - version of utilitarianism deserves to be examined more carefully (a subject on which the Professor of Moral Philosophy here in Oxford, John Broome, has a very interesting - but I believe still unpublished - monograph). The analogy between articulations of human rights and utilitarian pronouncements has considerable perspicacity, even though Jeremy Bentham managed to miss that connection altogether in his classic hatchet job - Anarchical Fallacies - on natural rights in general and on the "rights of man" in particular.

Bentham took the appropriate comparison to be that between the legal significance, respectively of: (1) declarations of human rights, and (2) actually legislated rights. This was an easy comparison, given the limited nature of the test: declarations of human rights lack legal status in a way that properly legislated legal rights don't. Bentham's dismissal of human rights came, thus, with amazingly swiftness.

Right, the substantive right, is the child of law; from real laws come real rights; but from imaginary laws, from "law of nature" [can come only] "imaginary rights."

It is easy to see that Bentham's rejection of the idea of natural "rights of man" depends wholly on the rhetoric of privileged use of the term "rights," in its specifically legal interpretation. However, insofar as human rights are meant to be significant ethical claims, the pointer to the fact that they do not necessarily have legal or institutional force

- at least not yet - is obvious as well as irrelevant. The right comparison is, surely, between: (1) a utility-based ethics (championed by Bentham himself), which sees fundamental ethical importance in utilities but none in human rights, and (2) an ethics that makes room for the significance of human rights (as the advocates of "rights of man" did), linked with the basic importance of human freedoms. The latter is the direction in which Mary Wollstonecraft, along with Tom Paine, was trying to take us. The full title of Mary Wollstonecraft's book is: A Vindication of the Rights of Woman: with Strictures on Political and Moral Subjects, makes clear that her approach takes human rights well beyond the limits of legal action to invoke political and moral engagement.

### 3

That Mary Wollstonecraft sorted out the conceptual issues much better than Bentham is clear enough, but it may be asked: does she remain relevant today? Surely, the literature over the two hundred years since these disputes, must have clarified what was involved in asserting or denying the cogency and relevance of human rights? I think the sad answer is, not so.

There have, of course, been important contributions to the concept of human rights and the theory behind them. A major departure came from Herbert Hart, who was Professor of Jurisprudence here at Oxford, and a leading legal theorist of the twentieth century. In a rightly celebrated essay "Are There Any Natural Rights?" Herbert Hart sorted out very well a part of Bentham's problems. Hart argued that people "speak of their moral rights mainly when advocating their incorporation in a legal system." He added that the concept of a right "belongs to that branch of morality which is specifically concerned to determine when one person's freedom may be limited by another's and so to

determine what actions may appropriately be made the subject of coercive legal rules." Whereas Bentham saw rights as a "child of law," Hart's view takes the form, in effect, of seeing some natural rights as parents of law: they motivate and inspire specific legislations. Even though in his paper Hart does not make any reference whatever to human rights, the reasoning about the role of natural rights as inspiration for legislation can be seen to apply to the concept of human rights as well.

This is entirely in line with a part of what Mary Wollstonecraft argued. There can, in fact, be little doubt that the idea of moral rights can serve - and has often served in practice - as the basis of new legislation. It has frequently been utilized in this way, and this is indeed an important use of human rights. That, for example, is precisely the way the diagnosis of inalienable rights was invoked in the American Declaration of Independence and reflected in the subsequent legislation (including the Constitution and the Amendments), a route that has been well-trodden in the legislative history of many countries in the world. Providing inspiration for legislation is certainly one way in which the ethical force of human rights has been constructively deployed. The framers of the Universal Declaration of Human Rights by the United Nations, in 1948, including Eleanor Roosevelt, hoped that this declaration would serve as a template for bills of rights for different nations, with national courts taking a lead in their enforcement. To some extent this is indeed happening.

However, to acknowledge that such a connection exists is not the same thing as taking the relevance of human rights to lie exclusively in determining what should "appropriately be made the subject of coercive legal rules." It is important to see that the

idea of human rights can be and is actually used in several other ways as well. Indeed, if human rights are seen as powerful moral claims - as "moral rights" (to use Hart's phrase) - then surely we have reason for some catholicity in considering different avenues for promoting these claims. The ways and means of advancing the ethics of human rights need not, thus, be confined only to making new laws (even though sometimes legislation may indeed turn out to be the right way to proceed). For example, monitoring and other activist support provided by such organizations as Human Rights Watch, or Amnesty International, or OXFAM, or Medicins Sans Frontiers, can themselves help to advance the effective reach of acknowledged human rights. In many contexts, legislation may not, in fact, be involved - a point that is entirely in line with Mary Wollstonecraft's ideas. Indeed, her particular focus on educational reform led to the understanding that the domain of work for vindicating the rights of women and men has to be much wider than a legislation-based view would allow. It is necessary to go much beyond seeing human rights either as a "child" of law" (as Bentham thought) or as "parents of law" (as Hart has emphasized).

There is also an interesting question about the appropriate field of action for the legislative route. In Mary Wollstonecraft's line of reasoning, it would be a mistake to presume in general that if a human right is important, then it must be ideal to legislate it into a precisely specified legal right. For example, recognizing and defending a wife's moral right to be consulted in family decisions, even in a traditionally sexist society, may well be extremely important. And yet the advocates of this human right, who emphasize, correctly, its far-reaching ethical and political relevance, can quite possibly agree that it is not sensible to make this human right into (in Herbert Hart's language) a "coercive legal

rule". The necessary change would have to be brought about in other ways - a subject on which Wollstonecraft had much to say. Because of the importance of education, communication, advocacy, exposure and informed public discussion, human rights can have influence without necessarily depending on coercive legislation. Mary Wollstonecraft's focus on "political and moral subjects" is the right domain for an adequate understanding of human rights, and the need for clarity on that subject is quite strong even today.

## 4

Before ending, I would briefly mention a few other subjects in which Wollstonecraft's ideas remain very relevant and quite central. One particular insight that Mary Wollstonecraft had is the basic commonality of different kinds of social deprivation and societal inequality, which have a uniting feature. The relevance of feminist thinking is not confined to gender inequality only, nor only to the pursuit of perspectives that a woman's position or a feminist commitment can bring out. It also links with problems of other types of deep inequality.

It is important in this context to see that Mary began with a defence of "rights of men" in general, using the language – then common - of referring to women inter alia under the generic description, "men." This was also the language of the French Revolution and the French declaration of "the rights of man" was defending women's rights as well as men's. By the time Mary wrote the second of those two books on rights - A Vindication of the Rights of Women - she had seen clearly the need to separate out the particular problems of women, in addition to the general problems of disadvantaged human beings - men as well as women.

In the first book, Mary finds difficulty with Burke's position not only regarding the French Revolution, but also with that of the American Revolution, of which Edmund Burke had been a strong supporter. In particular, she is appalled by Burke's general argument for the pre-eminence of the priority of conserving cultures (a subject of much contemporary relevance today), and the reactionary implications it may have. Mary takes up, in particular, the issue of slavery, and its continuation in the new republic of the United States. She puts it thus:

....on what principle Mr. Burke could defend American independence, I cannot conceive; for the whole tenor of his plausible arguments settles slavery on an everlasting foundation. Allowing his servile reverence for antiquity, and prudent attention to self-interest, to have the force which he insists on, the slave trade ought never to be abolished; and because our ignorant forefathers, not understanding the native dignity of man, sanctioned a traffic that outrages every suggestion of reason and religion, we are to submit to the inhuman custom, and term an atrocious insult to humanity the love of our country, and a proper submission to the laws by which our property is secured.<sup>3</sup>

Mary Wollstonecraft's constructive proposal was to see deprivations of every kind within a broad general framework, so that it would always be an incomplete exercise to protest about women's inferior position, without raising questions about gross inequalities of other kinds. And vice versa.

Mary raises, further, the important issue, in her critique of Burke, of the need to question cultural conservatism. There is a world of difference between defending cultural freedom (the freedom to choose how exactly we would like to live), on the one hand, and

to try to conserve, on the other, all cultural practices that we have inherited from the past - a position that many contemporary multiculturalists have tended to adopt, without adequate scrutiny of what we want and why. Some of the problems of the latter, including its inegalitarian implications, are captured well in Susan Okin's edited book, Is Multiculturalism Bad for Women? (Since Susan Okin died a few months ago, I take this occasion to remember a fine scholar, a good friend, and a powerful feminist thinker.)

Finally, I should very briefly mention a couple of issues in which Mary Wollstonecraft's social insights and political arguments still need to be more fully used in contemporary discussions. One concerns her focus on the way the victim of social inequality is often made into an accomplice in the continuation of the inequity. The basic idea is no longer new, though it certainly was so in Wollstonecraft's own time, nearly a hundred years earlier than Karl Marx's analysis of "false consciousness" and "objective illusion." But, I fear, the full implications of this profound line of investigation have not yet been adequately seized. The reach of the concept of "proper submission" (to use Mary's rhetorical language) is indeed large.

Mary was not only concerned that "taught from infancy that beauty is women's sceptre, the mind shapes itself to the body, and roaming round its gilt cage, only seeks to adorn its prison." She was also worried that, as she put it in a letter to a friend, "minute attention to propriety stops the growth of virtue." And no less profoundly, Mary noted the influence of our work on our ideas: "the character of every man is, in some degree, formed by his profession."

Not only was Mary Wollstonecraft's exposition and analysis of rights, to which she devoted such attention, not confined to legislation, but the reach of her approach

encompassed a totality of social and political concerns. Her faith in reason - for our morality and for our practice - was strong, but the domain of reason was as broad as the subject demanded. When Mary argued, "strengthen the female mind by enlarging it, and there will be an end to blind obedience," she had a very wide view of what such enlargement would demand. That broad view is needed even now. And not just for the rights of women, but for the rights of all, in particular of the disadvantaged of every kind.

In her introduction to *A Vindication of the Rights of Women*, Mary Wollstonecraft asks a rhetorical question. "From every quarter have I heard exclamations against masculine women; but where are they to be found?" The point that Mary Wollstonecraft was making was, of course, at some distance from the firm faith in gender-specific characteristics which led the Governor of California to talk recently about "girlie men." The Governor may have a big research programme in front of him, but Mary's scepticism was already disputing the most established theorists of gender of her time. In response to Rousseau's discussion of the respective nature of the male mind and the female mind, Mary Wollstonecraft wondered whether giving "a sex to mind" was "consistent with the principles of a man who argued so warmly, and so well, for the immortality of the soul"?

Mary Wollstonecraft's contrariness - her willingness to dispute, argue and suggest an alternative - has been a great source of wisdom and understanding for more than two hundred years. They remain centrally relevant today. This Association, in particular, has good reason to remember her warmly.

## Notes

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<sup>1</sup> Those who would like to check the references to the citations in this talk would find most of them in my forthcoming essay, "Elements of a Theory of Human Rights," to be published in the Fall number of Philosophy and Public Affairs.

<sup>2</sup> Mary Wollstonecraft's search was for "one rule of right, if morality has an eternal foundation." Mary Wollstonecraft's A Vindication of the Rights of Men and A Vindication of the Rights of Women (Cambridge: Cambridge University Press, 1995), p. 106.

<sup>3</sup> Wollstonecraft, p. 13.