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“Good Housekeeping”? Re-Assessing John Stuart Mill’s Position on the Gendered Division of Labour.¹

Abstract:

This paper considers an oft-criticised passage of John Stuart Mill’s *The Subjection of Women*, arguing that Mill’s position is misunderstood. In this passage, Mill identifies a trilemma facing women in non-ideal circumstances. Two elements of this can be satisfied, but not all three, so long as men continue to refuse to perform their domestic responsibilities. In these non-ideal circumstances, Mill privileges justice over autonomy – women ought only to be asked to do their fair share of labour, which, if they chose to marry and have children, will mean it is unfair to ask them also to work full-time outside the home.

John Stuart Mill is generally recognised as one of the earliest feminists, and his *The Subjection of Women* as a foundational feminist text.² However, flaws have been found in *Subjection* – and in Mill’s earlier essay, *On Marriage* – which, it is argued, compromise his feminism. This is because passages in these texts – for instance where Mill says ‘when a woman marries... she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions’³ – mean he endorsed (as any good feminist ought not) the traditional, gendered division of labour, and its attendant, gendered, views of women’s ‘nature’ and proper social, economic and political roles based.⁴

¹ I am very grateful for the help and advice given by Matthew Clayton and David Leopold in writing and improving this article, as well as for the comments from two anonymous reviewers.

² See, for instance, Leslie Goldstein, ‘Mill, Marx, and Women’s Liberation’, *Journal of the History of Philosophy* 18 (1980), pp.319-334 at 319; Susan Moller Okin, *Women in Western Political Thought* (Princeton, 1979), pp.197 and 203-5.

³ John Stuart Mill, *The Subjection of Women*, CW XXI (Toronto, 1984), p.298.

⁴ Okin, *Women*, pp.226-28; Okin, *Justice, Gender and the Family* (New York, 1989), pp.20-21; Goldstein, ‘Liberation’, pp.325-30; Jennifer Ring, ‘Mill’s *The Subjection of Women*: The Methodological Limits of Liberal Feminism’, *Review of Politics* 47 (1985), pp.27-44; Patricia Hughes, ‘The Reality Versus the Ideal: J.S. Mill’s Treatment of Women, Workers and Private Property’ *Canadian Journal of Political Science* 12/3 (1979), pp.523-42; Mary Lyndon Shanley, ‘Marital Slavery and Friendship: John Stuart Mill’s *The Subjection of Women*’, *Political Theory*, 9/2 (1981), pp.229-47 at 240-41;

In this article I present some defences of Mill's feminism, most importantly by offering an alternative interpretation of the passages in question. This reads Mill as presenting a radical and sophisticated analysis of what the 'best' outcome would be for women in terms of distributive justice in certain specific non-ideal circumstances. That is, in circumstances in which men refuse to either recognise or perform their joint-responsibilities for child-care and domestic labour, even when women have been accorded equal formal political, social and economic rights.

According to this interpretation, Mill recognises that our very existence necessitates a certain amount of labour, which has to be borne by *someone* in society⁵; that some of that labour is necessarily 'domestic'⁶; and that, currently, the brunt of this labour falls on women⁷. In doing this, Mill interestingly interrogates the public/private dichotomy in two ways. Firstly by recognising that 'private' labour (in the home) is vital for the continued 'public' existence not just of individuals but of the political community. Secondly, by arguing that justice also applies within the domestic sphere, such that domestic labour and child-rearing count as a part of the 'fair' contribution to society's and individual existence which women can rightfully be asked to make. Because he thinks this, Mill also argues that when women are asked to work full-time outside the home and also inside it, doing all the domestic labour, they are being exploited⁸, a position with clear and interesting links to contemporary feminist concerns about women working 'a double day'⁹. All of these are radical claims, for which Mill ought to be recognised.

In the passages in question, I argue that we see Mill identifying a trilemma arising from these non-normative facts about socially-necessary labour within this set of non-ideal circumstances. This trilemma arises with respect to the realisation of three ideals (children's needs being met;

Julia Annas, 'Mill and the Subjection of Women', *Philosophy*, 52/200 (1977), pp.179-94; Zillah Eisenstein, *The Radical Future of Liberal Feminism* (New York, 1981), p.136.

⁵ Mill, *Principles of Political Economy*, CW III (Toronto, 1963), p.758.

⁶ Mill, *Subjection*, pp.297-8.

⁷ *Ibid.*

⁸ *Ibid.*, p.298.

⁹ For instance, Arlie Hochschild with Anne Machung, *The Second Shift* (New York, 1989).

women only doing their fair share of labour; women working full-time outside the home) such that satisfaction of any two implies the non-satisfaction of the third. Mill proposes a particular way of resolving the trilemma (meeting children's needs, and women only doing their fair share of labour) which, although controversial, is not obviously mistaken. Moreover, the three ideals that form the trilemma – and his preferred solution – reveal Mill to be have interesting and important egalitarian commitments in his feminism (and wider work).

Contrary to the received view of *Subjection and Marriage*, which sees Mill as endorsing the 'traditional' gendered division of labour and gender-relations, even in ideal circumstances, I argue that Mill's recognition of the social necessity and importance of domestic labour, alongside his deeply-held commitments to distributive justice and fairness in shouldering the necessary (social) burdens of (communal) life, should be highlighted. Thus, Mill's position is revealed to be more revolutionary, more interesting, and safer from critique than is often supposed.

1. The Case against Mill

The passages that attract most criticism from feminists are these. From *Subjection*:

'[T]he common arrangement, by which the man earns the income and the wife superintends the domestic expenditure...[is] in general the most suitable division of labour between the two persons'.¹⁰

'In an otherwise just state of things, it is not...a desirable custom, that the wife should contribute by her labour to the income of the family'.¹¹

'Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes 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

¹⁰ Mill, *Subjection*, pp.297-8.

¹¹ *Ibid.* p.298.

the purpose: and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this.¹²

And from *Marriage*:

‘It does not follow that a woman should *actually* support herself because she should be *capable* of doing so: in the natural course of events she will *not*.’¹³

‘It is not desirable to burthen the labour market with a double number of competitors.’¹⁴

‘In a healthy state of things, the husband would be able by his single exertions to earn all that is necessary for both.’¹⁵

‘There would be no need that the wife should take part in the mere providing of what is required to *support* life: It will be for the happiness of both that her occupation should rather be to adorn and beautify it[,]...[e]xcept in the class of actual day-labourers, that will be her natural task.’¹⁶

‘The education which it...belongs to mothers to give...is the training of the affections: and through the affections, of the conscience, and the whole moral being...[t]hese things cannot be done by a hired teacher: and they are better and greater, than all the rest... [T]o impose upon mothers what hired teachers *can* do, is mere squandering of the glorious existence of a woman fit for woman’s highest destiny.’¹⁷

These passages have given rise to the following families of criticisms regarding Mill’s view of an ‘ideal’ society, and therefore of his feminism. Firstly, regarding his attitude towards marriage and (the gendered division of) domestic labour: that, even in ‘an otherwise just state of things’ (married) women should stay at home and ‘keep house’, choosing as their ‘career’ (responsibility for) doing all the domestic labour and child-rearing, whilst their husbands work outside the home,

¹² *Ibid.*

¹³ Mill, *On Marriage*, *CW* XXI, p.43.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p.44. (Many mitigating provisos have been left out.)

and earn a wage sufficient for the support of the whole family¹⁸. Thus, that Mill endorsed as ‘natural’¹⁹ and just²⁰ (and justly enforced by custom²¹) the ‘bourgeois’²² family with its traditional, gendered division of labour, and even went so far as to support the ‘back-to-the-home’ movement²³. That Mill thought all (or at least most) women would²⁴, or would prefer²⁵ or want²⁶ to, marry. That Mill wanted to bar almost all women from the labour market.²⁷ That he held it not only permissible but just not to pay women as much as men, even if they do go out to work²⁸ (and it would be better if they did not, because of the depressing impact of ‘flooding’ the labour-market with female labour²⁹). That, therefore, Mill left women vulnerable to unequal power relations.³⁰

Secondly, regarding his views on motherhood and parenting: that Mill thought mothers are the best early-educators, and are somehow either perhaps naturally best-fit³¹ or otherwise best-suited³² to domestic labour and, particularly, child-rearing. That he still believed there was something we could say about women’s ‘natures’.³³ That Mill equated parenthood with motherhood.³⁴ That Mill ought to have been more ‘progressive’ and ‘creative’³⁵ in his ‘timid’³⁶ proposals for reform; in particular, that he should have advocated men taking an equal role in parenting and domestic labour.³⁷

¹⁸ Hughes, ‘Reality’, p.540.

¹⁹ Okin, *Women*, pp.226-8; Okin, *Justice*, pp.20-21; Hughes, ‘Reality’, p.531.

²⁰ Shanley, ‘Slavery’, pp.240-41.

²¹ Goldstein, ‘Liberation’, pp.325-6.

²² Okin, *Women*, pp.226-8.

²³ Hughes, ‘Reality’, p.533.

²⁴ Okin, *Justice*, p.227.

²⁵ Goldstein, ‘Liberation’, p.327.

²⁶ Annas, ‘Subjection’, p.189.

²⁷ Hughes, ‘Reality’, p.533.

²⁸ *Ibid.*, p.540.

²⁹ *Ibid.*, p.533.

³⁰ *Ibid.*, p.532.

³¹ Okin, *Women*, pp.226-28; Okin, *Justice*, pp.20-21; Hughes, ‘Reality’, p.531.

³² Okin, *Women*, p.227.

³³ *Ibid.*, pp.226-28; Okin, *Justice*, pp.20-21; Hughes, ‘Reality’, p.531.

³⁴ Okin, *Women*, p.236; Shanley, ‘Slavery’, p.242.

³⁵ Hughes, ‘Reality’, pp.531-2.

³⁶ Annas, ‘Subjection’, p. 189.

³⁷ Hughes, ‘Reality’, p.533.

Thirdly, regarding the connection between his liberalism and his feminism, that, though he might have allowed some ‘exceptional’ women access to the labour market, and a free-pass on doing domestic labour, this is both unfair and illiberal, as he affords that liberty to ‘even the most mediocre of men’.³⁸ Thus, that he betrays his liberal principles, thereby undermining the very foundation of his feminism, which (it is argued) is based on the idea that both genders have a right to equal liberty.³⁹

2. An Initial Assessment of the Case against Mill.

As it stands, it is a fairly damning case against Mill. Is it not, however, a proven one. There is not the space to go into detail regarding specifics here, but six main lines of defence can be sketched out against these criticisms as they currently stand (two pre-existing, and four new).

Firstly (which is the line adopted by Feaver, Urbinati and, to some extent, Okin⁴⁰), what might be called an ‘historical’ defence: that we ought not to expect Mill’s to be a ‘perfect’ feminism given a) that many modern changes (to the family and women’s roles in society) would have been unimaginable to anyone in his period, and b) the extent to which a-hundred-and-fifty-years of further female experience have developed feminist thinking.

Secondly, what we might call the ‘charitable’ defence: that even if there are flaws in Mill’s feminism, we ought not to overlook his important contribution not just to feminist theory but to the practical, political achievement of female emancipation. For instance, Mill campaigned for female suffrage (introducing, when an MP, the amendment to the 1868 Reform Act which, if passed, would have given women the vote on equal terms with men); other important rights for women (including to divorce and to own property); equal educational opportunities; and access to

³⁸ *Ibid.*, p.532.

³⁹ *Ibid.*; Okin, *Women*, p.228.

⁴⁰ George Feaver, ‘Comment: Overcoming His-story? Ms Hughes’s Treatment of Mr Mill’, *Canadian Journal of Political Science* 12/3 (1979), pp.543-54; Nadia Urbinati, ‘John Stuart Mill on Androgyny and Ideal Marriage’, *Political Theory*, 19/4 (1991), pp.639-40; Okin, *Women*, p.228.

the professions. In addition, he fought against domestic violence and unfair discrimination against women.

There is something to be said for both these pre-existing defences, but four stronger ones can also be made, as I will now show. As I have argued elsewhere⁴¹ many of the criticisms levelled at both *Subjection* and *Marriage* rely on an uncharitable, and indeed mis- or partial-reading of the text.⁴² In-particular, Mill is not speaking of *all* women, and his suggestions would not bar *all* married women, or even all married mothers, from the work-place at all times in their lives.⁴³ Instead, we should see Mill as doing two things. One, recognising that motherhood generates certain practical barriers to working full-time outside the home (something which, after all, any modern supporter of maternity and paternity leave also recognises without necessarily being a ‘bad’ feminist). Two, suggesting that those women who do marry take on *prima facie* responsibilities for seeing domestic labour done. These are responsibilities they might discharge themselves, or pay someone else to do out of income they earn themselves.

Of course, this is, in itself, not perfect feminism (why should this duty fall on women and not on men, or on both genders equally?) and Mill would still be liable for *some* criticism. Moreover, we might also engage in a form of the existing criticism that Mill leaves women open to unequal power relations, because if women are not working full-time outside the home, then they are liable to be working in less-secure, less-prestigious, less-well-remunerated jobs, where they might be vulnerable to unequal power relations (whether or not they were also vulnerable to them *inside* the home). However, even if this is Mill’s ideal conception of gender-relations and the division of labour between the sexes, his position is not as bad as is often claimed.

A fourth line of defence would be that, several of these criticisms (particularly from the second ‘family’ sketched above regarding Mill’s views on motherhood and women’s ‘natures’) are

⁴¹ Helen McCabe, ‘John Stuart Mill, Utility and the Family: Attacking ‘the Citadel of the Enemy’’, *Revue Internationale de Philosophie* (2015), pp.225-35 at 225-7.

⁴² The assertion that Mill thought it permissible to pay women less than men is also based on a mis-reading of *Principles*, as Feaver ably shows (‘His-story?’, pp.543-54).

⁴³ McCabe, ‘Citadel’, pp.225-7.

based on an un-justified extension of what Mill says in *Marriage* to his feminism overall. This is despite evident changes in Mill's position from *Marriage* in *Principles of Political Economy* on the benefits to women of working outside the home, and *Subjection* on the impermissibility of basing arguments about women's social and political roles on some notion of their 'nature'.⁴⁴ Though *some* elements of Mill's position in *Marriage* remained in his mature works, we ought to be cautious of using the oft-criticised passages from *Marriage* to identify apparent hidden misogyny in his later works such as *Subjection*. In-particular, we ought to recognise the influence of Romanticism on Mill at the time, which later dropped away, particularly in Mill's use of words such as 'beautifying life'.⁴⁵ By this Mill means something rather different to what we might assume, as can be seen by his utilisation of the category of 'the aesthetic' as an element of the 'good' in *Bentham* and *System of Logic*.⁴⁶ It has much more in common with freely developing ones individuality than with, for instance, physical attractiveness; and his classic example of 'the beautiful', is the nobility of the Elder Brutus (who executed his sons when they tried to overthrow the fledgling Roman Republic).⁴⁷ In addition, we ought to bear in mind the implications of the context of *Marriage* being not a public, published piece on feminism, but a love-letter (and perhaps even an enticement to elopement).⁴⁸

Fifthly, we ought to take more cognisance of the political and persuasive context of *Subjection*: some criticisms simply demand too much of this text, which has a specific political goal in mind and is not intended as a complete expression of Mill's feminism. *Subjection* was published as a contribution to the debate concerning the extension of the franchise in 1868. It is aimed at persuading the men who currently hold power to share that power with women. It would not do to alienate the audience of the text too much, as that handful of more-radical writers with proposals

⁴⁴ Mill, *Principles*, p.394; Mill, *Subjection*, pp.269 and 276-82.

⁴⁵ Mill, *Marriage*, p.43.

⁴⁶ Mill, *A System of Logic*, *CW* VIII (Toronto, 1974), p.949; Mill, *Bentham*, *CW* X (Toronto, 1969), pp.112-13.

⁴⁷ *Ibid.*

⁴⁸ John Robson, 'Textual Introduction', *CW* XXI, pp. lviii-ix.

for female equality and the radical restructuring of the family had done.⁴⁹ Given that we know Mill took very seriously the timing of publications and his mode of addressing his target audience in order to achieve maximal positive impact⁵⁰, and given what a struggle it was in fact to persuade men to give women political rights, we ought to see that these considerations may well trammel Mill's radicalism in *Subjection*.

Between them, these five briefly-sketched defences of Mill go a long way to defending Mill from the criticisms previously levelled at these specified passages in *Subjection* and *Marriage*. There is a further possible defence, however, on which I wish to concentrate in the rest of this article, which renders the previous criticisms in an important way irrelevant or lacking in real bite. The main critical force of all these previous objections is that Mill's *ideal* of gender-relations and the gendered division of labour, as evidenced in *Subjection*, falls short in some important way – a contention which is backed-up by showing that Mill's position in *Marriage* is also problematic. I have just noted that we ought not to see the problematic passages in *Marriage* as having this relationship to *Subjection*, but accept that Mill changed his position in several important respects during the period between the two texts. The additional step towards a further line of defence is to interrogate the supposition that, even when he uses the phrase 'an otherwise just state of things', Mill is expressing his view of a *most-ideal* society.

I have already hinted that Mill may not be discussing really 'ideal' gender-relations in *Subjection* for politically-expedient reasons. But even just considering the criticised-content of *Subjection* itself, it is clear that Mill is not talking about *really-ideal* gender-relations or divisions of

⁴⁹ For instance, Mary Wollstonecraft was disparaged and ignored. William Thompson's (author of *An Appeal on One Half the Human Race, Women* which advocates men taking on some domestic and child-rearing labour) family won ownership of Thompson's estate on the grounds that, in leaving the money to foster cooperation, he had left it for furthering 'immoral ends' such as the abolition of marriage (they also tried to get him declared insane) (Richard Pankhurst, *William Thompson* (London, 1954), pp.189-91). *The Times* recommended tarring, feathering and ducking in a horse-pond Saint-Simonians preaching 'community of women' in London (31 August 1832 and 8 November 1833). Charles Fourier's followers took many of his more-radical suggestions concerning women, domestic labour and family life out of published versions of his works, because they knew they would alienate the public (Jonathan Beecher, *Victor Considerant and the Rise and Fall of French Romantic Socialism* (Berkeley, 2001), p.172).

⁵⁰ Stefan Collini, 'Introduction', *CW XXI*, pp.viii-xix; McCabe, 'John Stuart Mill's Philosophy of Persuasion', *Informal Logic*, 34/1 (2014) pp.38-61.

labour. Instead, he is contemplating what would be the best-approximation of justice in non-ideal circumstances which, though an improvement on contemporary society, would still not be fully-just. In this case, then, the claim that Mill's feminism does not go far enough for a *really* just society fall away, for he is concerned with non-ideal, not ideal, circumstances. Similarly, the assertion that his illiberality undermines his whole feminist argument also loses its critical force, for his feminism is evidently not *only* based on liberal principles, but on claims of justice. It is with this defence that I will be concerned in the rest of this article.

3. Reconsidering Mill's 'Ideal' View of the Gendered Division of Labour.

I suggest that we should see Mill – in *Subjection* – as considering what would be the best set-up regarding domestic labour and child-rearing in a specific set of non-ideal circumstances. Mill identifies a trilemma facing women, even if they are granted equal rights, if men refuse to take on responsibilities for domestic labour and child-rearing. To this trilemma, he suggests an egalitarian rather than liberal solution. We may disagree with his solution, but we ought to recognise that this is what he is doing. Moreover, the very fact of his choice reveals interesting egalitarian foundations to his thought which are often overlooked.

3.1 Different Conceptualisations of the Ideal.

We can usefully think of 'ideal thinking' having in view three different kinds of 'ideal': best imaginable, best-feasible, and best-accessible.⁵¹ Which one a writer has in mind makes an important difference to how we ought to assess their thought.

⁵¹ These distinctions are taken from David Leopold, 'The Structure of Marx and Engels' Considered Account of Utopian Socialism', *History of Political Thought* 26/3 (2005), pp.433-66; Leopold, 'On Marxian Utopophobia', *Journal of the History of Philosophy* 54/1 (2016), pp.111-34; Allan E. Buchanan, *Justice, Legitimacy, and Self-Determination* (Oxford, 2007), p.38 footnote 44; and Eric Olin Wright, *Envisioning Real Utopias* (London, 2010), pp. 20-25.

Best-imaginable refers to ‘ideal’ societies or states of affairs as ‘that which nothing better can be conceived’. Perhaps this is generally what we assume people to be doing when writing utopias (though it is not always the case that they are). If Mill was using the phrase ‘in an otherwise just state of things’ to refer to a best-imaginable state of affairs, then there would be some good grounds for criticising his feminism (though, still, not as many as prior critics have made out). But, as noted above, I do not think we are warranted in seeing *Subjection* as being an essay in this form of ideal thinking.

Best-feasible means a vision of the best-possible society which conforms to certain ‘feasibility’ constraints which might limit what is possible, for instance regarding the laws of physics or apparently-necessary truths about human nature. However, as part of the vision of this best-feasible society, some of the limitations imposed by these apparent laws might have been overcome (for instance, by warp-speed). Alternatively, particularly in the case of ‘laws’ of human psychology or ‘facts’ about human nature, the rules themselves might have been shown to be mutable, untrue or surmountable (for instance through (re-)education or (re-)socialisation). Best-feasible worlds, then, are *possible*, but they may be a very long way away. Indeed, they may be *practically* impossible to institute at all, either for structural reasons or because of motivational failure. (That is, one might think anarchism not only the best-imaginable state of human affairs, but also the best-feasible, but not achievable because of the entrenched fact of state-structures, capitalism and a lack of motivation and belief on the part of ordinary citizens that anarchism is desirable, achievable or worth the risk of revolutionary action.) If Mill meant this kind of ‘ideal’ in *Subjection*, he might still be open to some objections (more than he supposes is, in fact, feasible). But already, claims that he was contemplating best-imaginable gender-relations would have lost much of their critical bite.

Best-accessible describes an ‘ideal’ society which is more than just feasible: it is reachable through really-achievable changes to structures and institutions, and perhaps also to culture, custom and attitudes (though, again, these may not be achieved, because of motivational failure).

That is, best-accessible societies are the most-desirable attainable states of affairs.⁵² If *this* is what Mill has in mind, then we might still criticise him for ‘timidity’ in his conceptualisation of the most-desirable attainable state of affairs, given what others in his period thought.⁵³ But this might be a little churlish. After all, even the reforms which Mill did think were attainable in his own life time proved not to be in reality – for instance, women were not granted the suffrage on *any* terms until 1918 and not on equal terms until 1928. That is, whether Mill was too-timid depends not just on whether the content of what he thought the most-desirable attainable state of affairs was really *desirable*, but on his assessment of what was *attainable*. We might think Mill was too pessimistic in his assessment of what political change really was possible – but, in actual fact, he was too optimistic. Moreover, it is not clear that one’s assessment of what improved states of affairs are achievable has much bearing on one’s feminist credentials. Though someone who thought female oppression, though undesirable, was an unchangeable state of things in any achievable world so women should just ‘put up and shut up’ wouldn’t be a *great* feminist, it is the ‘put up and shut up’ element which undermines their feminism, not their pessimistic assessment of the possibilities of change.

Mill has been taken by his critics to mean ‘best-imaginable’ when he says ‘in an otherwise just state of things...’. But this reading ought to be challenged. It seems much more plausible to see Mill as describing a ‘best-accessible’ state of affairs where women will have been granted equal political, social, economic and legal rights. In this improved state of things the injustice of women’s current position as (as Mill sees it) slaves would have been overcome. However, this does not mean that *all* the problems facing women would have been resolved. In-particular, though such an agreement to power-sharing would involve a certain change of attitude on men’s part, it would not necessarily mean that men had changed their attitudes towards their responsibilities regarding child-care and domestic labour. Thus, women, even in much-more-just-than-contemporary

⁵² Of course, conceptions of the ‘ideal’ could be more than one of these at once.

⁵³ Which would be a charitable way of reading Hughes’ complaint.

circumstances would be faced with a trilemma, and it is this trilemma that Mill is considering in the problematic passages of *Subjection*. It is to a closer examination of this idea that I now turn.

3.2 A Trilemma Facing Women in Non-Ideal Circumstances.

This trilemma comes about because of the following three non-normative facts:

- i) The human condition means people (will always) generate a certain amount of necessary labour by their mere existence (some domestic, some not).
- ii) Children are not in a position to do this necessary labour for themselves.
- iii) It is a fact of contemporary society that (most if not all) men refuse to perform domestic and child-rearing labour.

The trilemma is generated by the additional normative claims:

- iv) Parents have a duty to look after their children, and meet their physical, psychological and emotional needs.⁵⁴
- v) People ought – but also ought *only* – to do their ‘fair’ share of labour.⁵⁵

Given these facts/claims, there is a trilemma between the following:

- 1) Children’s needs being met.
- 2) Women only doing a fair share of labour.
- 3) Women working full-time outside the home.

If the non-normative facts are taken as given, particularly the unwillingness of men to perform child-rearing/domestic labour, satisfaction of any two desiderata rule out satisfaction of the other one. That is, women cannot meet children’s needs and work full-time outside the home whilst (only) doing a fair share of labour. If they do (only) a fair share of labour and meet children’s needs, they cannot work full-time outside of the home. If they only do a fair share of labour, but

⁵⁴ This is the essence of Mill’s claims about the magnitude of the decision to become a parents (*Liberty*, p.304).

⁵⁵ Mill, *Autobiography*, p.239; Mill, *Principles*, p.758; Mill, *Subjection*, p.298.

do it by working full-time outside the home, then children's needs will not be met (because men refuse to meet them).

Obviously, this trilemma holds in Mill's contemporary society. Working-class women are expected to do all the domestic labour and also generally need to work full-time outside the home in order to contribute to household income, raising it (hopefully) to a level at which children's needs can in-fact be met. But this (option 1+3) means they are being exploited.⁵⁶ Middle- and upper-class women find it harder to access the workplace, in part because of legal restrictions on what jobs they can do (e.g. barring them from the professions), and partly because of social *mores* which see it as a mark of their class-membership and respectability that they do not work outside the home. They, then, are forced into opting for 1+2.⁵⁷

What is important is that this trilemma would *still* hold in a society which had accorded women equal political, legal and economic rights, and where women were not forced into marriage as their only means of security and respectability, so long as it remained true that men refused to take on domestic/child-rearing responsibilities. (As, in fact, history has shown that it generally does.) That is, it would still hold in 'an otherwise just' society, where by 'just' we mean 'where there is formal equality between the sexes, and women are not denied vital rights'. This would be a much *more* just society than Mill's contemporary one. But that does not need to mean it would be the best society imaginable.

Evidently, Mill thought that such a society was both better than his own, and accessible from it. What was needed to achieve it was a change in the law, and a change in men's attitudes towards women, and in women's attitudes towards themselves and their 'proper' social roles – all things he campaigned to see achieved in his own lifetime. But it seems unlikely that he thought

⁵⁶ *Ibid.*

⁵⁷ This, too, *Subjection* (p.298) would suggest Mill would have a problem with, because 1+2 (though his preferred option in improved circumstances) is *forced*, and for reasons not to do with justice but because of subjugating social facts: women might have a *prima facie* obligation in his preferred solution to the trilemma, but this would not justify limiting their (formal) liberties.

such a society would be best-imaginable, given that in *Principles* he says that fully-equal female participation in workers-cooperatives would be ‘the closest approximation to social justice it is currently possible to foresee’⁵⁸, and that in his *Autobiography* he says he looked forward to a time when the distribution of the product of labour would be according to publicly-determined principles of justice and not, as was currently the case, according to ‘accidents of birth’ – of which sex and gender are obvious examples.⁵⁹

Of course, we might think that these were not obvious examples *to Mill* – perhaps he only had in mind ‘accidents of birth’ to do with (inherited) class and wealth. But this is not obviously a plausible reading of Mill’s position, given his recognition of the social-construction of gender⁶⁰; his assessment of how much gender-assumptions and views on both sex and gender ‘subjected’ women⁶¹; and his dismissal of all arguments that women were biologically inferior to men.⁶²

3.3 Mill’s Preferred Solution to this Trilemma.

Mill’s preferred solution to the trilemma, where the latter exists, is options 1+2. That is, faced with these normative and non-normative facts, he prefers that the necessary domestic labour is done – and particularly, that children’s needs are met – and that women only do their fair share of labour, rather than that women are exploited. Given that men refuse to take on responsibility for domestic labour, this falls on women’s shoulders when they marry. This means women ought not to be *expected* to work full-time outside the home.

Importantly, however, it does not mean they ought not to work part-time, either from the home, or outside it. And if there are no young children involved, then it does not preclude women working outside the home almost full-time, apart from what time it takes them to ‘superintend’ the domestic work done by others – others who, of course, women can pay out of their own

⁵⁸ Mill, *Principles*, p.794.

⁵⁹ Mill, *Autobiography*, p.239.

⁶⁰ Mill, *Marriage*, p.41; Mill, *Subjection*, pp.260-340.

⁶¹ *Ibid.*

⁶² *Ibid.*, p.277-82; Mill, *Marriage*, p.42.

earnings, given their equal access to education and the labour-market. What is more, it does not preclude any women from opting for options 1+3 if they preferred it or if circumstances necessitated it. Again, it cannot be emphasised too much that Mill was only *suggesting* this as a better solution – in terms of justice – than exploiting women by demanding that they work full-time outside the home *and* do all the domestic labour. He specifically argues against *laws* enforcing this solution, and clearly advocates both the exercise of individual choice within couples as to how to best negotiate this trilemma, and by women themselves, depending on their ‘suitabilities’.⁶³

This solution to the trilemma privileges justice over autonomy. That is, women only do their fair share, but this means their options are (morally, though not legally) partially limited by a *prima facie* duty to ensure domestic labour and child-rearing are properly done (which, as just noted, it is not impossible to circumvent so long as women ensure that *someone* performs the necessary labour). Mill prefers that this labour happens in a non-exploitative fashion, which necessitates most married women with small children not working full-time. Thus, we might say that justice would here constrain autonomy, but not (formal) liberty. That is, women would remain legally free to choose what solution to the trilemma they pleased, but what it is morally permissible for them to do would be constrained by a *prima facie* obligation to ensure children’s needs were met (and other domestic labour done) by someone.

We may disagree with Mill’s choice, preferring that, in the same non-ideal circumstances, children’s needs are met *and* that women work full-time, though this will necessitate their exploitation, because we give greater weight to autonomy than to justice. But it is not obviously right to prefer increased autonomy which necessarily leads to exploitation over justice which partially limits autonomy.

Moreover, it is not obviously even permissible to choose 2+3 (that is, women only doing their fair share through working full-time outside the home, with children’s needs not being met),

⁶³ Mill, *Subjection*, p.298.

because there does seem to be an important duty to meet children's needs (and do the other necessary labour caused by human existence). Of course, 2+3 is a viable option once the non-normative fact of men refusing to take responsibility for domestic labour and child-care no longer holds. But then there would simply be no trilemma at all. And in that case, any choice between options becomes moot.

As noted above, Mill has been criticised for not advocating this way out of the trilemma. However, three things should be noted. Firstly, as mentioned above, there are several good contextual reasons for thinking we ought not to expect him to have done so in an essay trying to persuade men to give up their power (an important part of which might be trying to reassure them that nothing would change too-seriously, except that they would now be acting more morally and more in-keeping with their own self-professed values regarding (anti-)slavery and the Christian ideal of marriage as a loving partnership). Secondly, though Mill does not directly endorse men taking a fairer share of domestic duties, he nowhere directly speaks against it, and he does endorse both as ideals of justice and in terms of practical experimentation and institution the ideas of socialists who advocated abolishing the gendered division of labour.⁶⁴ Thirdly, in his more-explicit discussions of what he calls 'the nearest approach to social justice'⁶⁵, it would appear that men might have taken on more-equal roles in domestic labour and child-rearing.

This is because what Mill describes as 'the nearest approach to social-justice' is a system of decentralised worker-cooperatives in which women take a fully-equal role in the work, co-ownership, organisation and management.⁶⁶ But this, of course, means women would be working (and probably full-time). Given that the first 'horn' of the trilemma cannot simply have gone away (children's needs would still need to be met), Mill is either endorsing 1+3 (children's needs being met, and women working full-time outside the home, though being exploited) as the closest-

⁶⁴ Mill, *Principles*, pp.203-15 and 758-94.

⁶⁵ *Ibid.*, p.794.

⁶⁶ *Ibid.*, pp.793-4.

possible approximation of social justice (in which case *Principles* simply conflicts with *Subjection*, and we would have to consider which to privilege), or he thinks certain non-normative facts have changed, and therefore women's *prima facie* duties have also changed.

There are two possibilities for how that might happen under the form of socialism Mill is endorsing in *Principles*. Firstly, men might have taken on (more) equal responsibility for seeing domestic labour and child-rearing is done properly (as many socialists who supported workers' cooperatives advocated). Secondly, we may have restructured the 'bourgeois' family (as Mill notes we will have to do to properly emancipate women⁶⁷) and adopted some more-communal form of living (as, perhaps, Mill is hinting at in *Marriage* where he talks of communal family living amongst ex-partners and their children and new partners⁶⁸, or as was endorsed by socialists such as Fourier, whose experiments Mill advocated trying out in practice⁶⁹).

Of course, a critic might here say that Mill is only trying to ensure that *single* women would enjoy equal rights in worker-cooperatives, but that he still thought on marrying women would take on a *prima facie* responsibility for domestic labour and child-care, which would lay some (moral) restrictions on their full-time participation in the workplace. Given the brevity of Mill's remarks, this is not wholly impossible. On the other hand, given how key restructuring of the 'bourgeois' family was both for Mill and for the kinds of socialists of whom he approved⁷⁰, there are good reasons for thinking that Mill was not *only* thinking of single women. Moreover, he is, in this chapter of *Principles*, speaking specifically of working-class women, and he evidently already thought that married working-class women were more likely than other women to need to go out to work as well as do domestic labour.⁷¹ So it seems likely married women are included. And, from this, we might also think that when Mill says earlier in the same chapter that he thinks there

⁶⁷ Mill, *Subjection*, pp.324-5.

⁶⁸ Mill, *Marriage*, pp.48-9; Mill, *Principles*, pp.203-15.

⁶⁹ *Ibid.*, pp.203-15 and 758-94.

⁷⁰ *Ibid.*, pp.203-15.

⁷¹ *Ibid.*, pp.297-8; Mill, *Marriage*, p.43.

should be *no* non-labouring class⁷², and that he has elsewhere said that domestic labouring and child-care is not *necessarily* a full-time job⁷³ (though doing it counts as labouring), then this would necessitate (at least some) married women working outside the home in worker-cooperatives.

All things considered, then, there seem good grounds for thinking that Mill preferred a solution to his trilemma (where the non-ideal circumstances which generated it still held) which privileged justice over autonomy, but not that he thought such a solution was, in itself, best-imaginable or best-feasible – or, even, best-achievable in more than the very short-term. Clearly, he had high hopes for a cooperative-socialist transformation of the economy, and evidently thought it not only feasible, but accessible from his own society (as *Principles* shows⁷⁴) though he seems to have thought that transition to a more-just society through the granting of equal rights could be achieved even more swiftly.

This reading, then, offers a good defence of Mill against charges of holding less-than-perfect views on gender-relations and the gendered division of labour because, even in his best-imaginable world, married women would (at best) face a *prima facie* responsibility for domestic labour (and the other, more-extreme criticisms noted above). Instead, we can see that Mill is *not* referring to his ideal society in *Subjection*; and where he does speak of an ideal society, there are good reasons for thinking the trilemma he identified in *Subjection* no longer held, and thus he would no longer endorse the arrangement he prefers in *Subjection*.

In addition, his conviction that women ought not to be expected to do more labour than men; that the domestic labour women do counts as labour in this comparison; and thus his preference for options 1+2 rather than 1+3, shows a strong egalitarian element in Mill's thought. This is noteworthy in itself, and is, indeed, something which is often overlooked in Mill

⁷² Mill, *Principles*, p.758.

⁷³ Mill, *Subjection*, p.298 (household superintendence has 'first call' on a woman's time – it does not necessarily take up all of it); Mill, *Marriage*, pp.43-5.

⁷⁴ Mill, *Principles*, pp.793-4.

scholarship.⁷⁵ It ought also to go some way to dispelling the thought that his feminism has a solely-liberal foundation (and thus that any apparent ‘illiberalism’ would undermine it or be self-contradictory to the point of destroying the argument). Because of this, it is worth considering what forms of egalitarianism are revealed by this new way of looking at Mill’s position in *Subjection*.

3.4 Some Thoughts Concerning Mill’s Egalitarianism.

It is not as odd as it might at first appear to think of egalitarianism in relation to Mill, even though he is more famous as a theorist of liberty. Mill spent a good deal of his life considering egalitarian questions of distributive justice from his debates on this topic with Owenites in London in the early 1820s, through a series of economic essays in the 1830s and 40s, and seven editions of *Principles* (from 1848 to 1871) to his posthumously published *Autobiography* and *Chapters on Socialism*. His opinion on what just distributive principles were best-imaginable, best-feasible and best-accessible clearly changed over time, from his debates against the Owenites and their ideas of equal shares in the 1820s⁷⁶, to his endorsement of Fourierist, Blancian and even Saint-Simonian principles of justice in *Principles* depending on the stage to which society had progressed⁷⁷, but there are good reasons to think there were egalitarian strands (particularly concerning women) even in his earliest radical-utilitarianism⁷⁸.

There are two identifiable strands to this egalitarianism which are of relevance here. That is, the idea that people ought to be treated as (moral) equals brings with it certain rights, and it also brings with it an obligation to perform certain duties, specifically, to do our fair share within society. (Mill did not prescribe a specific distributive principle which would govern what this ‘fair share’ is, partly because he thought some principles, though good in themselves, were in-accessible

⁷⁵ Maria H. Morales emphasis on Mill’s commitment to ‘perfect equality’ and his ‘substantive egalitarianism’ in her *Perfect Equality: John Stuart Mill on Well-Constituted Communities* (Rowman and Littlefield, 1996) is, of course, an exception to this general trend, as is Greg Claeys’ mention of Mill’s egalitarianism in the context of his anti-paternalism (*John Stuart Mill and Paternalism* (Cambridge, 2014), pp. 15, 128 and 138).

⁷⁶ Mill, ‘Cooperation: First Speech’, ‘Cooperation: Intended Speech’, ‘Cooperation: Closing Speech’ and ‘Cooperation: Notes’, *CW* XXVI (Toronto, 1988), pp.308-25.

⁷⁷ Mill, *Principles*, pp.203 and 210-14.

⁷⁸ Mill, *Autobiography*, p.107.

and even infeasible, and partly because he thought determining what principles of justice we would implement politically ought to be a political, and thus democratic, decision made by those who were to live under them.⁷⁹)

In his era, women were treated unfairly in both respects. As regards the first kind of equality, women were denied equal political, social, legal and economic rights. Moreover, they were denied the status of ‘persons’ both morally (they were treated paternalistically, at best, and it was assumed they are incapable of managing their own affairs as adults) and legally (women were denied the legal status of ‘persons’ and (almost) always had ‘guardians’ who made decisions for them or owned property etc. on their behalf). As regards the second, women were also denied the opportunity to do their fair share, and thus meet their social obligations of justice.

This occurred in two different ways. Firstly, no women were allowed to perform their fair share of political duties, because they were denied the necessary political (and social and legal) rights. Secondly, women were also unable to perform their fair share of other important social duties, most obviously regarding socially-necessary labour. As noted above, for some women (particularly in the working-class), this was because they are asked to do too much (all the domestic labour/child-rearing *and* working full-time outside the home). For other women (particularly in the middle- and upper-classes), they are not allowed to do enough. This is because they are denied access to the professions and other areas of the labour-market, and are forced into domestic roles by convention and a lack of other viable options. What is more, many women are also denied the ability, to some extent, to contribute ‘morally’, in that their ability to freely develop their own individuality, and thereby help maximise not only their own but everyone else’s utility, is curtailed by the restrictions they face economically, legally and socially, through gender-norms, and through the power of public opinion (which also curtails women’s own imaginative capacities concerning what is possible for them).

⁷⁹ Mill, *Principles*, p.xciii.

These two thoughts help explain Mill's preference for options 1+2 rather than 1+3, as outlined above (that is, his preference for women doing their fair share, which means – because only they will meet children's needs, given certain non-normative facts about men – not working full time outside the home). In this case, women are allowed to do their fair share of socially-necessary labour – but not exploited and asked to do *more* than their fair share. As 'an otherwise just state of things' means that they have been accorded equal political, legal, social and economic rights, the first element of his egalitarianism has been met (at-least-formal treatment as equals), and this means no women will be denied the opportunity to fulfil their fair share of political duties. So, women will be accorded equal rights; and they will perform the duties generated by egalitarian principles of justice both politically and socially/economically, without being exploited by being asked to do *more* than their fair share.

If, instead, Mill endorsed options 1+3, where women work full-time outside the home *and* also meet children's needs by performing all the domestic labour, then, although the accordance of equal rights would still ensure one element of his egalitarianism was assured, the other would not be. That is, women would be doing *more* than their fair share. Of course, as noted above, this would mean that their autonomy would be curtailed by a *prima facie* obligation which unequally only falls on women: but their *rights* would not be unequal.

As noted above, we might disagree with Mill's choice – but that is by-the-by. What it is important here to note is that his preference evidently preferences egalitarian concerns over concerns of autonomy, and two identifiable strands in his thinking concerning distributive justice and the concept of equality help explain this preference: option 1+2, though curtailing autonomy, is the *fairest* option, allowing women to do their fair share, but not forcing them to do *more* than that.

These thoughts reveal an important egalitarian foundation to Mill's feminism. Evidently, he thought that women (as equal persons) had an equal right to maximal liberty consistent with

the harm-principle. But this is not his only justification for female emancipation. Indeed, it is *because* women are equal persons that they deserve equal liberty, and this status as equal persons also necessitates a host of other rights, and duties. And it is one of these duties (to do one's fair share) which places a *prima facie* obligation on women in Mill's preferred solution to a trilemma which only occurs in specific non-ideal circumstances. Thus, his solution to the trilemma he identifies in *Subjection* does not undermine his whole argument for female emancipation, because both are based primarily on egalitarian concerns, and not (solely) liberal ones.

3 Re-Assessing Mill's Position on the Gendered Division of Labour.

To summarise the previous sections, the criticisms previously mounted against the problematic passages in *Subjection* and *Marriage* are misplaced, in some cases because they rely on a mis- or partial-reading of the passages in question; in others because they unfairly extend a legitimate critique of a particular text to Mill's feminism in general; and in still others because they ignore the personal, political and persuasive context of the texts, demanding a radicalism which the text cannot be fairly expected to deliver.

Most importantly, prior criticisms are motivated by the thought that Mill's ideal thinking falls short of really ideal feminism (even for his era). But a more careful and charitable reading of the passages in question show that they contain a nuanced and sophisticated consideration of competing claims of justice within a specific set of non-ideal circumstances, and the most-preferable solution to a trilemma facing women in such circumstances. If we wish to glimpse what Mill actually thought might represent ideal relations between the genders, and a properly-just division of labour (domestic and non-domestic), we should look beyond *Subjection* and *Marriage*, to *Principles* and the *Autobiography*. Thus, his position in *Subjection* and *Marriage* is much less liable to the criticisms previously mounted against it, and his ideal position is equally immune.

This said, Mill may still be liable for criticism for, in non-ideal circumstances, advocating fairness over autonomy in his solution to the trilemma he identifies as facing women in a world

where children's needs must be met, and men refuse to take a fair share of child-rearing and domestic labour. But this is true only if one does not share Mill's view of the relative importance of justice and autonomy.

Mill may also be liable for criticism for not directly tackling the question of men's role in child-rearing and domestic labour, and openly campaigning for a more equal sharing of domestic duties, therefore ensuring the trilemma identified in *Subjection* did not arise (or was not long-lived). However, we ought to be wary of criticising Mill for not doing that in *Subjection*.

Lastly, we might think Mill underestimates the potential there would still be for domination and for women to be vulnerable to unequal power-relations, even when they have the power to earn an independent living (particularly those associated with working part-time, which generally means working in less-well-remunerated, less-prestigious, less-well-regulated jobs) – though this need not be true of a part-time work in a more cooperative, socialist future, and particularly one in which women splitting their labour between domestic and non-domestic labour would be seen as working full-time, not part-time. These criticisms, however pertinent, are also importantly different to those which have been launched against Mill in the past, and from which he can be defended.

Moreover, this way of reading Mill reveals if not another line of defence, certainly a set of things to be noted about his feminism. Even if there *are* some criticisms to which it is liable, there are a number of radical elements which are often-overlooked, and which ought, actually, to be celebrated. Others have recognised the radicalism of Mill's analysis of the social construction of gender, and of the way in which this is affected by patriarchal power-structures.⁸⁰ But we ought also to recognise the radical way in which Mill interrogates the public/private distinction with his recognition that *all* people ought to do their fair share of labour, and that domestic labour counts as 'real' labour in this calculation. That is, Mill does not think that domestic labour is a different

⁸⁰ Martha Nussbaum, 'Mill's Feminism: Liberal, Radical and Queer', Mill Bicentennial Conference, UCL, 7 April 2006.

‘value’ or ‘sort’ of labour – it is labour, just like any labour men do outside the home. Indeed, when it comes to early-years education in particular, it is socially-vital labour (in a way which much male labour might not be, especially if it is ‘unproductive’⁸¹).

Similarly, Mill evidently does not think the economy occurs in a totally separate space, free from considerations of where labourers come from and how they are created and sustained, and ignoring the huge amount of unwaged labour which women do in order to allow ‘homo-economicus’ to participate in the labour-market. Instead, he thinks this currently-unwaged work really is work, and though he does not recommend paying women to do it, he does think that the wage their husbands receive ought to be enough to remunerate women’s work as well. Of course, we might criticise Mill for that, thinking it would be better if women earned their own money, either outside the home, or through payments for the domestic labour they do inside their own homes.⁸² But it is worth recalling that Mill does not think that men ought to retain control of the household income, doling out some ‘pin-money’ to their wives, but retaining all the power. Instead, he speaks of women managing the household budget, which would involve control over the earnings and how they are spent. Moreover, as I have argued elsewhere⁸³, he views marriage as a cooperative enterprise, where earnings and wealth are distributed according to a principle of justice determined by the (equal) members. The money earned by a husband would, therefore, not simply be ‘his’, but ‘theirs’, and both partners would have an equal say in what principles of justice ought to govern its distribution. Clearly, we might have a concern that women would be placed at a disadvantage even in such a cooperative marriage in terms of their bargaining position, Mill’s insistence that marriage really would be a free choice; that women would have a variety of other options and thus always retain the power to earn their own income even if they did not do so outside the home; and that each party in the marriage ought to be mutually dependent on the

⁸¹ Mill, *Principles*, pp.45-54.

⁸² Okin’s criticism (*Justice*, pp.20-21) that Mill does not think women ought to receive an equal share of the household income may be related to this thought.

⁸³ McCabe, ‘Citadel’, pp.225-35.

other for happiness, affection, love and support notwithstanding.⁸⁴ Still, his recognition that what happens in the ‘private’ sphere not only has important effects on the public sphere (and particularly the market), but is a necessary condition of men’s participation in the public sphere, is also a radical insight, and he ought to be recognised as making it. Both of these claims also highlight that Mill thought the family was somewhere that principles of justice applied: this, too, is a radical claim.

His feminism, therefore, might not be immune from *any* criticism – but it is evident that, whatever he did think about domestic labour and gender-relations in ideal circumstances, Mill did not think it for the best that women are solely ‘good housekeepers’ in an ideal world. What he says in *Subjection* applies only a specific set of non-ideal circumstances. His views of best-feasible and best-imaginable gender-relations and the division of labour are harder to discern, but can be glimpsed in *Principles* and the *Autobiography* where he endorses a socialist future which would involve much more equal gender-relations, and a radical re-imagination of the family.⁸⁵ His feminism, therefore, is much more complex, radical, and defensible than is often supposed.

⁸⁴ Mill, *Marriage*, pp.42-3; Mill, *Subjection*, pp. 297-8.

⁸⁵ Mill, *Autobiography*, p.239 and Mill, *Principles*, pp.203-14 and 758-96.