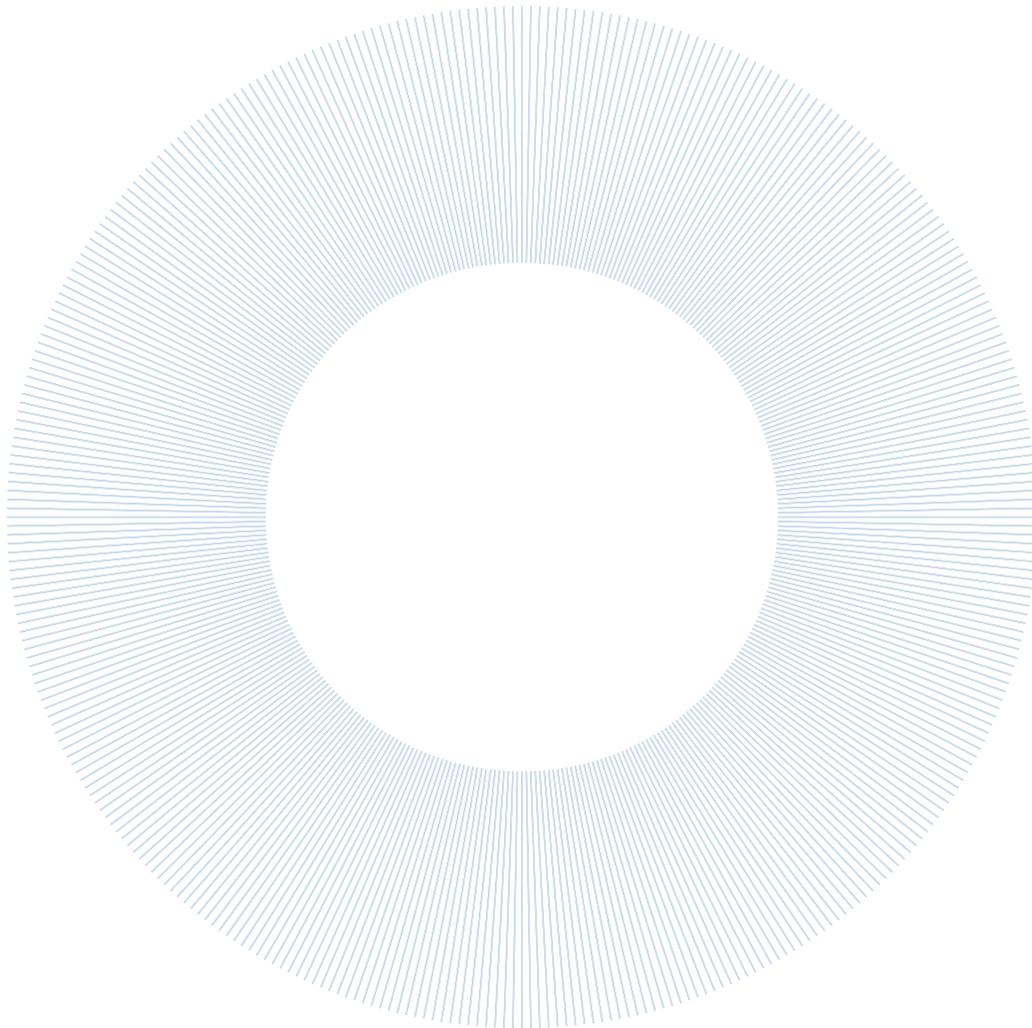


# Women, Animality, Immunity - and the Slave of the Slave



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## WOMEN, ANIMALITY, IMMUNITY – AND THE SLAVE OF THE SLAVE

*Derrida made a number of fragmentary comments about women's rights a few years before he looked more directly at the appeal to animal rights. He mentioned that the woman has sometimes shared the inferior status of the animal. However, his interest in the way in which the declaration of rights can sometimes dovetail with subordination – a point he did make in reflecting on animal rights – was quarantined from the remarks on women's rights. In the late nineteenth century, Frances Power Cobbe was thinking of a socio-political context when she pointed out that men, in their treatment of women, seemed to have granted themselves immunities (sometimes legally upheld, sometimes de facto exceptions) from laws that would more generally apply to the treatment of other humans, or to domestic animals such as horses and dogs. Meaning immunity in the sense of exception, Cobbe also appealed to another idea – that one might now liken to auto-immunity – that this immunity was poisonous and auto-destructive. Evidently, it was destructive to women, but Cobbe argued that it was also auto-destructive with respect to European aspirations to a progress and fineness of civilization. She appealed to the idea that the 'civilized' man mistreating women gave himself over to a brutishness that she likened to savagery and animalism. Responding to the complex interlocking subordinations occurring in the series of excluded terms, 'women, children, animals, and slaves,' the paper asks how best to remember their interrelated, auto-immune subordinations. The women and children will not always have been exempt from making claims to subordinate the animal and the slave; the slave will not always have been exempt from claims to subordinate animals, children or women; and the animal has been deemed a subordinating agent insofar as the worst subordinating man may be deemed animal-like.*



[T]he philosophical discourse is organized in a manner that marginalizes, suppresses, and silences women, children, animals, and slaves (Derrida, 2002, p. 121).

But what was the law which gave to that reckless savage a power the same as that of a slave-holder of the South over his slave? (Cobbe, 1868, p. 14.)

[T]he whole state of manners is to be deplored and our hope must be to change the bear-garden into the semblance of a civilized community (Cobbe, 1878, p. 72).

Il insulte l'homme en le traitant d'animal, ce qui implique que <<animal>> est une insulte. [...] la haine idéaliste de l'animal comme haine du Juif – qu'on pourrait facilement, selon les schémas désormais familiers de la même logique, étendre à une certaine haine de la féminité, voire de l'enfance? (Le mal voulu, le male fait à l'animal, l'insulte à l'animal serait alors le fait du male, de l'homme en tant que homo, mais aussi en tant que vir. Le mal de l'animal, c'est le mâle. [...].) (Derrida, 2006, p. 144.)

The term 'immunity' had been used in the context of exemption on political or religious grounds from the application of a law, rule or duty, before becoming, along with auto-immunity, a biological metaphor reappropriated by Derrida. As a result, W. J. T. Mitchell has

noted, it is a particularly bipolar and alternating image – at the limit, ‘we literally do not know [...] what we are literally talking about’ (Mitchell, 2007, p. 282). In the late nineteenth century, Frances Power Cobbe was thinking of a socio-political context when she pointed out that men, in their treatment of women, seemed to have granted themselves immunities, (sometimes legally upheld, sometimes de facto exceptions<sup>1</sup>) from laws that would more generally apply to the treatment of other humans, or indeed to domestic animals such as horses and dogs.<sup>2</sup> Meaning immunity in the sense of exception, we’ll see that Cobbe also appealed to another idea – one might now liken it to auto-immunity – that this immunity was poisonous and auto-destructive. Evidently, it was destructive to women, but Cobbe argued that it was also auto-destructive to European aspirations to progress and fineness of civilization. A civilized man mistreating women gave himself over to a brutishness that she likened to savagery and animalism.

On several occasions Derrida discussed historical claims for women’s rights as instances of an auto-immunity embedded in their previous exclusion from declarations of human rights.<sup>3</sup> Cobbe might have been suggesting that the exclusion of women was a form of auto-immunity, but her idea was different. The legal notion of a husband’s ‘coverture’ over his wife had historically accompanied the married male citizen’s rights. His wife’s rights were legally considered to be merged with his. The legal notion appeared to defend his identity, naming what was proper to him, not just his voting capacity, but also his possessions, and those over whom he had specific forms of legal authority – his household, his family. Yet if such a citizen was to be associated with a fineness of civilization, his rights over the *feme covert* undermined that fineness. At worst, it rendered him brutish, and since this citizen is supposed to be, as bearing rights, distinguishable from a brutish animality, the relationship to animality and the relationship to women’s rights had the potential to overlap rhetorically.

Derrida would later describe the founding of human rights, by tacit reference to the alterity of (a term he coins) the *animot*. In defining the human as rights-bearing or capable of formulating and respecting rights, the human is distinguished from animals, concurrently assuming a subordinating relationship to them. Since that subordinating relationship denies animals rights (Derrida, 2006, p. 124), Derrida argues that we erroneously overlook that relationship in thinking that a definition of rights could be extended to animals.<sup>4</sup>

For Cobbe, the supposition of a human aspiration to progress and the argument that the recognition of women’s rights is a human defense against savagery (also equated with animalism) indicate that equal rights will not necessarily challenge every intertwined and subordinating hierarchy.<sup>5</sup> Although she was both a well-known activist for the humane treatment of animals and an activist for women’s rights, seeing their claims as (to some extent) intertwined, she accepted a human dominion over animals.<sup>6</sup> She argued only that such dominion did not license brutality. She distinguished the taking of animal’s lives for human wants from human ‘wantonness.’ It was against the apparent immunity of humans from prosecution in relation to some forms of such ‘wantonness,’ and the ‘needless infliction of pain’ (Cobbe, 1863, p. 593), that Cobbe protested. Although she remarked, ironically, that man seemed sometimes to be granted more immunity with respect to the starvation of poor wives than of domestic animals, she did also protest the immunity granted with respect to the abuse of animals, as in needlessly cruel scientific experimentation.

One aim of the analogizing that describes the abuse of ‘x’ as ‘like’ the abuse of ‘y’ was to rupture such immunities. In addition to asking how the legally permissible treatment of women related to the legally permissible treatment of animals, other analogizing arguments stressed that the enslavement of peoples of another land or race was as abhorrent (eventually,

illegal) as the enslavement of one's neighbour in England. Furthermore, the abuse of women was abhorrent, like the abuse of slaves. If one should have no legal immunity in the one case, one should have no immunity in a putatively analogous case.

The blindspot in appeals to these analogies, however, was that they supposed, in their sympathetic declaration, that animals, peoples, and women had been similarly subordinated. Use of the analogies overlooked the possibility that these subordinations interrelated differently, that the claim of the one would be revealed by reiterating the subordination of the other. The work of auto-immunity lurked, ready to auto-attack a rights claim.

Appeals to analogy were intended to break suppositions about immunization. If one had no immunity with respect to enslaving one's neighbour, one should have no immunity with respect to enslavement of other peoples, and if there was no immunity with respect to slavery, there should no immunity with respect to the treatment of women. Furthermore, to self-identify as European, progressive, modern, civilized, fine, or superior, while also claiming such immunities, was to undermine rather than protect these aspirations.

Nevertheless, the very form of the argument performs the auto-immunity in question. Cobbe argues that immunity with respect to women's rights and animal rights amounts to a brutal subordination, which exposed the ostensibly civilized European to a becoming-savage. She tacitly claimed an immunity with respect to her own subordinating depiction of the latter. She meant to denounce an immunity when she claimed that the brutal man's treatment of and power over his wife was no better than that of a Southern slave-holder over his slave, but naming this treatment savage, her figuring of the savage claims immunity.

An implicit claim to an immunity with respect to Cobbe's commitment to the hierarchy of peoples is embedded in the argument against the hierarchy of the sexes, for the former facilitates the latter, offering the figures of degradation and lowness against which women's rights are supposed to offer immunity. It was Cobbe herself who argued, in a sense from an external perspective, that to claim immunity from conventions with respect to the treatment of other peoples, and some animals, when it came to women, exposed a civilized people to the very violence, the very savagery that should offend its aspirations. And thus she opened up her argument to the additional virtual interlocutor who would argue that to claim immunity with respect to conventions about the nature and habits of so-called low peoples, was to expose women's rights activists to the race prejudices, perhaps even a form of heteropathy, that jeopardized her aspirations to fineness and superiority with which she hoped to associate women's rights.

Once it was Cobbe herself who argued that the subordination of women was not fine, it was certainly open to others to suggest that the hierarchies and race stereotypes she used to condemn that subordination, seeing it as brutish, crude, primitive, savage, were in fact instances of a different form of subordination, in this case of peoples.

Looking at these arguments, we can think about the role played by appeals to immunity and auto-immunity, and then come back to Derrida and his concern that the claim to animal rights occludes the historical premising of rights on a subordination of the animal.

Sure that some guilt for domestic violence must belong to those willing to leave mothers and children in the 'dens' of brutal men who had 'already betrayed their tiger instincts,' Frances Power Cobbe appealed to animal metaphors. A victim's heart could be crushed like the poor bird under her husband's heel; a man considers his wife property like his horse (Cobbe, 1878, p. 62). For every published instance of domestic violence, Cobbe noted, there were three or four unreported cases, 'where the poor victim dies quietly of her injuries like a wounded animal' (Cobbe, 1878, p. 74). A woman could be more brutally treated than other animals by her husband. She quotes a Mr Sergeant Pulling:

If he ill-uses his dog or his donkey, he stands a fair chance of being duly prosecuted, convicted and punished. [...] if the ill-usage is merely practiced on his wife, the odds are in favor of his own entire immunity (Cobbe, 1878, p. 81).

But the descriptions, which saw women rendered as animals, or worse, also suggested that men's bestiality could be identified in their having turned their wives into pitiful animals. Thus the husbands were named 'brutal-minded' or, more literally, brutes and savages.<sup>7</sup>

A prominent instance of domestic abuse had been that of the wealthy Caroline Norton, and Cobbe acknowledged that wealthy women were so exposed. Yet with money they could, she claimed, hope for some success in the costly divorce courts. Cobbe's concern was for poor women. She acknowledged that 'wife-beating exists in the upper and middle classes rather more, I fear, than is generally recognized,' but, she continued, 'the dangerous wife-beater belongs almost exclusively to the artisan and labouring classes' (Cobbe, 1878, p. 58).

She was hardly the only women's rights activist of her day to consider that this was a characteristically working class phenomenon. An opposition was being instituted, not exactly between noble and working class Englishmen, but between Englishmen of the 'better sort' and the 'lower classes.' This is an opposition also seen in Harriet Taylor Mill's references to the 'low' or 'course,' versus 'fineness.' This contrast diverges from but is not unrelated to, a class distinction.<sup>8</sup>

So it was that the concern about violence towards women overlapped with a concern about the fate of civilization,<sup>9</sup> its direction – progress or regress – and concerns about the human, and the character of civilization:

[T]he better sort of Englishmen are thus exceptionally humane and considerate to women, the men of the lower class are proverbial for their unparalleled brutality, till wife-beating, wife-torture, and wife-murder have become the opprobrium of the land (Cobbe, 1878, p. 56).

Cobbe provides a list of reported cases, each of which begins with the aggressors' professions. In addition to a number of unemployed husbands, these are identified in 'Wife-Torture in England' as: shoemaker, stonemason, butcher, smith, boilermaker, ratcatcher, compositor, labourer, oilman, tailor and laundryman. While this might appear a static association of the poorer professions and classes with greater brutality, Cobbe makes a case that this last is likely to be stimulated by brutal work conditions. Given the terrible conditions in mines and factories, 'the wonder is that they should [...] [not] have developed [...] into a race of beings relentless, hard, and grim as their own iron machine' (Cobbe, 1878, p. 60).

It will be evident that there is more at risk, and more to be defended, in Cobbe's view, than the brutalized women. Although she expressed little concern about the fate of individual violent men, she is concerned about their collective state, particularly as indicative of a state of humanity. The degradation of the working class was a degradation of civilization; how then might one protect and cultivate the better tendencies of civilization? The concerns about the

exposure of women to brutality overlap with a concern about the exposure of humanity to brutishness, and the animal metaphors multiply.

So, the women are like animals insofar as they are brutalized by men (the men are said to treat their women like or worse than their animal property: the cows, horses and dogs). But the men themselves take on an animality when they treat the women as they would their animals. Women are likened to dogs, and men to beasts for treating women like dogs:

A [...] gentleman writes from Liverpool: [...] 'It has become quite a truism that our women are like dogs, the more you beat them the more they love you' (Cobbe, 1878, p. 64).

Cobbe describes this 'bruised and trampled woman' as a 'pitiful object,' 'so low as to fawn on the beast who strikes her' (Cobbe, 1878, p. 64). The women are birds, and the men are tiger-like beasts whose households are their dens. Where the problem is degradation and risk both to poor women and to humanity, the threat is seen as animalization, a becoming brutish in sexual relations and in humans more generally. The lower classes are a threshold of risk to what is considered promisingly human, and this is brought into relationship with women's rights. Thus Cobbe decries miserable conditions for the working classes while supporting the Matrimonial Causes Act of 1878.



Yet though to seemingly conflicting rhetorical ends, it is important to Cobbe that a good number of male animals treat their female mating partners comparatively well. At the extreme, she asks:

What reason can be alleged [...] why the male of the human species [...] should be the only animal in creation which maltreats its mate, or any female of its own kind (Cobbe, 1878, p. 56).

At this point, she mentions just one exception to animals treating their mates well, the seal, described in Darwin's 'sad picture of amphibious conjugal life.'<sup>10</sup>

A number of her comments suggest that a degradation of humanity has occurred from an animal status. Animality seems to carry a value as a more natural or original state, in relation to which the human version of 'conjugal life' will be considered a perversion. If so, men's abuse of women will now be deemed anything but bestial. In fact, it is not sufficiently bestial: it lacks the chivalry of the lion and the dog. Thus the husband is like the lion in his willingness to crush the wife's bird, willing also to crush his wife like a bird, and as such he is lamentably unlike a lion (or for that matter, a dog) in his unwillingness to treat her as the lion or dog would treat his mate. One hears the notion of temporal degradation from animal mating practices:

Human beings no longer live like animals in a condition wherein the natural sentiments between the sexes suffice to guard the weak, where the male brute is kind and forbearing to the female (Cobbe, 1878, p. 61).

And again:

Man alone claims to hold his mate in subjection, and to have the right while he lives and even after he dies, to rob a mother of her child [...] man [...] has lost the spontaneous chivalry of the lion and the dog (Cobbe, 1878, p. 62).

Animality thus does double service. It marks the origin from which human male brutality towards women is considered a degradation, and it marks the perverted form to which he seemingly devolves in that degradation. We might expect to find the figure of the savage doing the same double service, because animal brutality is being equated with human savagery so

as to secure a contrasted vision of the civilized human. In order to be civilized, we would not be animal-like and similarly not savage. And yet the concurrent appeal to the animal will also indicate what humans – who have lost a simple and straightforward nobility of character – ought to be like. This redoubled character – origin and end – was also true of the ‘savagery’ associated with the rule of ‘might makes right.’



These are exemplary instances of the rhetorical divisions and redoubling through which visions of women’s rights intertwined with declared aspirations to progress. One of the promises made by activists concerned a potential immunization against human degradation, by access to the progressive or, as John Stuart Mill said, the modern spirit. Delivering a parliamentary speech in July of 1869, Mill considered the numbers of ‘auxiliaries’ assisting the movement towards women’s suffrage. One of these was progress, and the belief that the moral temperature of a people could be taken by measuring the strength to which might makes right within it:

The other auxiliary which is working for us, with ever increasing force, is the progress of the age; what we may call the modern spirit. All the tendencies which are the boast of the time – all those which are the characteristic features and animating principles of modern improvement, are on our side. There is, first, the growing ascendancy of moral force over physical – of social influences over brute strength – of the idea of right over the law of might (Mill, 1988, p. 374).

So Mill shared with many other women’s rights activists the view that savagery could be connected with the mistreatment of women, and that the establishment of sexual equality was therefore an indication of civilization and progress. Perhaps Virginia Woolf also hints at it when she sees her colleagues suddenly angry and discomfited at the suggestion that women should be admitted to the Church or the stock exchange. Woolf wonders: ‘what are the powerful and subconscious motives that are raising the hackles on your side of the table? Is the old savage who has killed a bison asking the other old savage to admire his prowess?’ (Woolf, 1986, pp. 147-8.)

The analogy had been mentioned by Cobbe:

Looking back to the past, we seem dimly to perceive that the lot of our sex has passed through three stages.

First there was the *Savage Age*, where woman was everywhere (as she still is among Red Indians) a mere beast of burden, the camel or ass of her master, plus the endurance, with or without her choice, of the pains of motherhood (Cobbe, 1898, p. 18).

Here, we see the parallel. One indicator of the savagery of the peoples deemed savage is that the women may be treated in some way akin to animals. It was also mentioned by Harriet Taylor Mill when, referring to indigenous Australians and Native Americans in her *Enfranchisement of Women* in 1851, she considered women analogous to beasts of burden or toil:

In the beginning, and among tribes which are still in a primitive condition, women were and are the slaves of men for purposes of toil. All the hard bodily labor devolves on them. The Australian savage is idle, while women painfully dig up the roots on which he lives. An American Indian, when he has killed a deer, leaves it, and sends a woman to carry it home (Taylor Mill, 1983, p. 25).<sup>11</sup>

The parallel between the enslavement of peoples and the subjection of women is common to Cobbe, as it is to well-known works such as Wollstonecraft's *Vindication of the Rights of Woman*<sup>12</sup> and Mill's *Subjection of Women*.<sup>13</sup> We have seen it too in Cobbe's analogy between the brutal treatment by putatively civilized men of women, and the power, 'the same as that of a slave-holder of the South over his slave.' Each acts like a 'reckless savage.'

In the enthusiasm for claiming parallels between the savage and the putatively civilized European who subjugates women, the arguments for women's rights reconsolidate the hierarchies of peoples, low to high, savage through to civilized.

So, what has happened to the figure of progress in this context? The progress of civilization will be identified in the liberty of one's fellow humans and also in women's status. As the European was lifted over the savage, the savage therefore returning in the account of what women's rights promised to secure against, so their defenders confront readers with references to Native Americans, Indigenous Australians, various unspecified savages and Asians.<sup>14</sup>

This meant that supporters of women's rights were not always concerned to question the hierarchy of peoples. While many vigorously challenged the biological and anthropological data that purported to support sex hierarchy, assuming that science was no friend to women's rights, some relied on common conventions in anthropology, physiology and biology that appealed to a hierarchy of peoples. In this respect, the implicit assumption seems to have been that ideas about hierarchies of peoples were compatible with women's rights' claims. According to the metaphors:

- 'Savages' did/do 'enslave' women;
- European women have also been enslaved: given their legal condition they are 'like slaves;'
- European men who treat their women 'like slaves' are themselves 'like savages.'

These metaphors require redoubled and split figures of the primitive as, on the one hand, sympathetic, and putatively peaceful;<sup>15</sup> and on the other hand as a savage, not associated with a pathos of vulnerability. This latter 'savage' serves as the metaphorical figure of the brutal European man.<sup>16</sup> When redeployed by women's rights activists, the sympathetic figure of the slave is held rigorously distinct from the brutal one.



Darwin also appeals to bifurcated figures, positive and negative, of the primitive. When he remarked on the cold-hearted brutality of slave-ownership, he associates the slave with the destruction of a unity in which the figuring of women plays a role:

Those who look tenderly at the slave-owner, and with a cold heart at the slave, never seem to put themselves into the position of the latter; – what a cheerless prospect, with not even a hope of change! Picture to yourself the chance, ever hanging over you, of your wife, and your little children – those objects which nature urges even the slave to call his own – being torn from you and sold like beasts to the first bidder! (Darwin, 1845, p. 500.)<sup>17</sup>

Once Darwin had appealed to the analogy, one can ask if there is an occlusion in this analogical protest against slavery. Perhaps there is an irony in Darwin's protesting against the brutal treatment of the slave while identifying that brutality partially in the slave's inability to maintain a reliable ownership of his family. Darwin does not put it this way. It was the many writers on women's rights who considered that suppositions that women were property

were akin to slavery. They proposed the analogy that would transform Darwin's comment into irony.

The analogy between wife and slave might be considered unfair, because the woman imagined by Darwin in this figure is not supposed to be in a state analogous to the slavery he describes. Darwin appeals to the images ('picture to yourself [...] your wife') he thinks anyone might have of his wife and children. He seems to be asking us to imagine a 'nice soft wife'<sup>18</sup> torn from us – and the possible buried analogy of wife to slave does not arise as a question for him.

In any case, Darwin had much less interest in the treatment of women<sup>19</sup> than in the treatment of slaves.<sup>20</sup> Yet *Descent of Man* was another of those texts that suggested that the peoples who could be thought of as savage were prone to keep women in a state of bondage. In his discussion of sexual selection, reflecting on the question of why male humans might have assumed the predominant role of choice of their sexual partner, he speculates:

Man is more powerful in body and mind than woman, and in the savage state he keeps her in a far more abject state of bondage than does the male of any other animal; therefore it is not surprising that he should gain the power of selection (Darwin, 1981, p. 371).

Here, as in Cobbe (though certainly to different purposes), the human is compared to other animal males, with respect to the extent of the subordination of females. Here again, the male human, at least a putatively savage form, compares unfavorably with 'the male of any other animal.' The fascination with heroism in the animal that is important to Cobbe's association of civilization, the higher impulses, and the good treatment of women is not entirely absent from Darwin's material. In a well-known passage in *Descent of Man*, we are presented with the figures of animal nobility or heroics, so beloved by Cobbe.

However they treat their mates, Darwin contrasts the little monkey and old baboon favorably with the savage who 'treat[s] his wives like slaves.' Perhaps he could agree with Cobbe that some animals are liable to treat females better than do some humans, and that there would be anything but shame in affinity with them:

For my part, I would as soon be descended from that heroic little monkey, who braved his dreaded enemy in order to save the life of his keeper, or from that old baboon who, descending from the mountains, carried away in triumph his young comrade from a crowd of astonished dogs – as from a savage who delights to torture his enemies, offers up bloody sacrifices, practices infanticide without remorse, treats his wives like slaves, knows no decency, and is haunted by the grossest superstitions (Darwin, 1981, pp. 404-5).

Darwin suggests that we need not be horrified to acknowledge that 'the blood of some more humble creature [than this graphically depicted "savage"] flows in our veins.'<sup>21</sup> Thus this passage troubles a hierarchy of creatures, as Cobbe had troubled a hierarchy of creatures, that a reader might have supposed to rise from monkey to savage human to European human.

Darwin is not unwilling to propose that in maltreating women, the European is like the savage. He refers to the savage treatment so as to connect an alternative vision of the European with a preferable image of an infinity of animal forms. Some of these manifest something of the heroic, sensitive and fine which we presumably hope to find in ourselves.

Arguments for women's rights (as for rights generally) have usually been supported by the principles of progress, conditions and exclusions. Mill intertwined principles of progress and the defense of women's voting rights with the expansion of suffrage. This suffrage, however, was associated with the payment of tax, and he would have excluded the illiterate, those lacking a minimal level of mathematics, and charity recipients.<sup>22</sup> Mill also favored an 'educational test for all electors.'<sup>23</sup> It is better-known that he considered some peoples (those of India for instance) to be 'at a great distance' from capability for representative government.<sup>24</sup> By contrast, he made a case for women's special eligibility on the grounds of their household managerial experiences. Despite their limited opportunities, women had considerable skills, akin to practical business talent: 'Few men,' he wrote 'are sufficiently aware of the great amount of administrative ability possessed by women [...]. It is my belief that, in all those parts of the business of life which depend on the vigilant superintendance and accurate estimation of details, women, when they have the necessary special knowledge, are better administrators than men.'<sup>25</sup> Mill was writing at a time when women were widely deemed unfit for the vote, for public work or governance. In rejecting that view, he nonetheless makes women's participation conditional on an idea of fitness that would exclude many. Mill's argument for women's suffrage was really a view that literate, educated, minimally mathematical and taxpaying women of a certain quality of civilization merited the vote.

So the argument for women's suffrage evidently reinforced the association of suffrage with qualification for voting and representation. Suffrage remained conditional, and the terms of its conditionality meant that Mill's views concerning women's suffrage were not inconsistent with his views about hierarchies in the development of peoples, and varying levels of fineness of qualities and sensibilities. In fact, such hierarchies provided the justification for his support for women's suffrage. Although he certainly supported educational and other measures that would enable the full development of human capacities, and eventually lead to the qualification for voting and representational government, Mill's arguments were dominated by a perspective that placed the human at the pinnacle of creatures, and the European at the pinnacle of human peoples (although he certainly had concerns that the European could regress).



The cases I have mentioned offer instances of the very different conceptual forms that hierarchies of peoples could take, while sharing some kind of interconnection with appeals made to women's rights. We see Cobbe's commitment to a rigid hierarchy of peoples and creatures in her call to pity for poor and vulnerable creatures. To this extent she presented the women who were exposed to male brutality as akin to animals which were brutally treated. The support for women's rights and the support for animal rights were in this respect co-extensive. Such support left undisturbed the hierarchies of creatures and also of peoples. One of her arguments for women's suffrage concerns the indignity of working class and undereducated men having the vote when propertied women did not:

[T]he picked class of women who would be admitted by Mr Bright's bill to the franchise are needed to restore the just balance in favour of an educated constituency against the weight of the illiterate male voters now entrusted with the suffrage (Cobbe, 1869, p. 1).

Cobbe's appeal is exemplary of the way that a call for women's rights could intertwine with a politics committed to a hierarchy of peoples at whose apex sat the supposedly robust, middle class, educated, European individual.

Yet there seems to be an excess to this schema in Cobbe's intermittent view that some animal qualities set the benchmark for human heroism, tenderness, purity of feeling, and disinterestedness, something to which the low human could only aspire. We see this in her passionate and repeated appeals to the perspective of the dog when writing against vivisection.<sup>26</sup>

[T]he affection and devotion of many species of animals for man are matters of too great notoriety to need more than passing reference. The dog, horse, elephant, cat, seal, and many species of birds, show these feelings in the most unmistakable manner; in some cases marking their love by truly heroic self-sacrifice, or by dying of grief for the loss of their masters. Probably many other species of beasts and birds would prove capable, on experiment, of similar attachment [...] one of great tenderness. The poor dog's love is a thing so beautiful that to despise it is to do violence to every softer instinct. The man is so far below the brute if the brute can give him a pure, disinterested, devoted love, and he can give back no tenderness and pity in return (Cobbe, 1863, p. 600).

The fragile dog and fragile poor women were both deserving, in her view, of philanthropic efforts. But Cobbe evinces more willing affinity,<sup>27</sup> with the dog than the woman. That difference produces a curious effect in her work. Cobbe was well aware that privileged women were capable of feeling greater sentiment for animals than their fellow humans – this too she named abhorrent (Cobbe, 1863, pp. 598-9).<sup>28</sup> But in the midst of her rigid hierarchies, the appeals to creatures such as the dog and monkey nonetheless play a disruptive role, serving as concurrently overbalancing images when they are lifted up in relation to the human, and over the figures of human savagery. These hierarchies are mobilized to secure women's rights, but – when the man is placed now below the brute – in a way that also troubles them. For men approximate, draw close to animals, and distance themselves from an ideally human state insofar as they brutalize women. Just as problematically, humans are degraded from a gentler, 'natural' animality, of nobility, fineness and chivalry. What then of human stages associated with early savagery? Here, there will be an appeal to a hierarchy of peoples: Cobbe interpreted domestic violence as an 'old' passion for cruelty 'having its origin in the remotest epochs of barbarian wife-capture and polygamy [which] yet lingers in the dark places of the land' (Cobbe, 1878, p. 64). In their original fine sentiment, some animals were better than humans. Yet considering primal humans to be animal, she associated animality with lack of fineness of sentiment. Thus the animal was both more likely to treat females well, and also more likely to treat them badly:

Another source of the evil may be found in that terrible, though little recognized passion [heteropathy], which rude men and savages share with many animals [...].

[I]t consists in anger and cruelty, excited by the signs of pain; an impulse to hurt and destroy any suffering creature (Cobbe, 1878, p. 65).

Heteropathy, described as 'a passion only slowly dying out as civilization advances' (Cobbe, 1878, pp. 65-6), was both civilized and uncivilized. For it was also newly stimulated in recent developments of civilization, of which Cobbe considered vivisection an instance.

**A**mongst others, Carole Pateman has argued, in *The Sexual Contract*, that male citizenship and civic entitlement were historically defined through the sexual contract. This involved both the exclusion of women from fraternity and their concurrent inclusion as the citizen's publicly absent, privately present, helpmeet. Joan Scott, also, in *Only Paradoxes to Offer*, suggests a number of historical contexts in which this private role played by women was deemed vital to civilized society, where this was given as a reason to deny franchise.

The material I have been presenting suggests that a comparison of these arguments with the reasons given for Derrida's resistance to a Universal Declaration of Animal Rights (reasons he presented in *L'animal que donc je suis*) is not off topic. One of the reasons for Derrida's reserves, with respect to the extension of a notion of rights to a Universal Declaration of Animal Rights is the occlusion effected by such an extension of the historical concept of the human, in its rights founding capacity, a concept which included the hierarchy of human over animals. Derrida hesitated before the prospect of an extension to animals of what has been considered proper to the human, not because the human/animal distinction is anything other than ambiguous, but because we need to mark, not occlude, the historical sustaining of that distinction through the opposition of human from animal.

But, one can respond to Derrida, this is also a good point of interrogation with respect to women's rights, for there is a related issue which arises concerning their definition. Though it proved possible to extend voting and other rights to many women, this did not mean that such rights had not been founded in the exclusion of women, an exclusion which had interrelated with a number of other exclusions, and which had the potential to function as the auto-immunity of women's rights.



The flexibility of the term itself is apt when considering the alternating arguments that perform auto-immunity in the writings of women's rights activists such as Cobbe. The concern that savagery towards other peoples, animals and women is an auto-immunity rather than an immunity, reconfirms, I have suggested, the auto-immunity in question. In the process, we notice anew the instability and redoubling character of what counts as savage and as animal: the animal is both origin and end. We see this in Cobbe's keen retention of the constant reference to the brute, even while lifting at least some animals above the animal. As a result, the man may be more brute than the brute. We have seen, at one pole, the view that the 'savage' ('civilized man') may be more savage than the savage, and, at the other pole, the related argument that peoples deemed uncivilized may be more civilized than the supposedly civilized.<sup>29</sup> Certainly there is an alternating image of what is civilized. In the name of civilization, Cobbe argues that some European practices may be less civilized than those of peoples it calls less civilized. Evidently the malleability of 'savage,' 'animal,' 'brute' is not allowed to weaken any commitment to hierarchy of human and animal. This malleability is not used to call civilization into question – to the contrary.

Now Derrida had suggested that by extending rights to animals as an extension from human rights, we may occlude the fact that human rights have been structured in terms of a subordination of animals. Where a definition of rights is interrelated with an exclusion, an understanding of rights as extendable occludes their simultaneously subordinating function. Derrida's proposal is consistent with the definition of women's rights in these terms. He could not have disagreed that women's rights could be interpreted in terms of their own auto-immunity, although he interpreted women's rights as the auto-immunity of an equal rights discourse that had excluded them.<sup>30</sup> He comments that women and animals tend to be likened, excluded and akin in being ready-made terms of insult. The question I have been asking is how these figures interact in the assertion of the aspirational values of civilization.

In answer, a reading of the auto-immunity of women's rights thereby leads one to question the series 'women, children, animals, and slaves.' Though the series correctly makes mention of the figures of subordination, it deflects attention from the interrelations of auto-immunity within a series associating that which has been marginal. The main objection is not that the differences between them are lost. The point is that a reading of their interlocking and floating subordinations is lost: for the women and children will not always have been exempt from making claims to subordinate the animal and the slave; the slave will not always have been exempt from claims to subordinate animals, children or women; the animal has been deemed a subordinating agent insofar as the worst subordinating man is deemed animal, all the while that the animal can also be associated with a subordinating agent, insofar as fineness, nobility, and heroism may be considered those fine animal sentiments that are associated with the best of civilized man, and as such, with civilizing capacities that, as we have seen, are consistent with a vision of that human as importantly attributed a dominion over the animal.

So, in relation to the complex, differentiating work of interlocking subordination, in the series of excluded terms, 'women, children, animals, and slaves,' my question concerns how best to remember their interrelated, auto-immune subordinations. In a series of fragmentary comments, Derrida looked right at women's rights a few years before he looked more directly at the appeal to animal rights. He mentioned, several times, that the animal will sometimes have had the status of the woman. A point he did make in reflecting on animal rights was quarantined from the remarks on women's rights – and I have elsewhere argued that this arose partly because of a circumscribed approach he took to women's rights. Partly because he considered them as the auto-immunity of their own previous exclusion, he did not come to interrogate their auto-immunities.



## Notes

<sup>1</sup>The editors of a volume which reprints Cobbe's 1878 'Wife Torture in England,' Jill Radford and Diana E. H. Russell, note in their introduction that at that time, 'The laws of England and their interpretation by the courts encouraged physical punishment of wives as deriving from a husband's responsibility for his wife's actions. In common law a man had the right "to give his wife moderate correction [...] by domestic chastisement" just as he could his children or apprentices. Common law also recognized his rights to restrain his wife physically "to prevent her going into society of which he disapproves, or otherwise disobeying his rightful authority"' (Radford and Russell, 1992, p. 46).

<sup>2</sup>In one argument Cobbe discusses legal possession under nineteenth-century law and, except in the case of expensive forms of pre-marital settlement, ownership of a wife's earnings by the husband – which could lead to penury for the woman and her children, who might have earning ability but have her earnings seized by her husband. Given the hunger and destitution to which women and children could be reduced, Cobbe noticed that there were at least provisions under which deprivation of food to animals could be prosecuted: 'We should expect to find the very easiest and simplest mode of redress laid open to every hapless creature thus reduced to want by him to whom the law itself has given all she has ever earned or inherited. Nay, seeing the hesitation wherewith any wife would prosecute the husband with whom she still tries to live, and the exceeding cowardice and baseness of the act of maltreating so helpless a dependant, it might not have been too much had the law exercised as much severity in such a case as if the offender had voluntarily starved his ass or his sheep, and the Society for the Prevention of Cruelty to Animals were his prosecutors. But this is the imaginary, what is the actual fact? Simply that the woman's remedy for her husband's neglect to provide her with food, has been practically found almost unattainable' (Cobbe, 1869, p. 12). Among her examples was a letter from a parish surgeon to a parish clergyman and magistrate: 'Dear Sir, – I have to-day seen Mrs. Seymour. I found her in a wretched weak state. She is nursing a baby, which office she is not able to perform effectually from her exhausted condition. Her husband, she says, does not allow her the necessaries of life, which he, in his position, could find if he liked. Without some means be taken to provide her with good diet, &c., or to make her husband do so, she must die of starvation at no very distant period. If you could, in your official capacity, help the poor creature, you would confer a great blessing on the poor woman, and oblige yours faithfully, "J. C. SMALLMAN."' Cobbe continues: 'The clergyman found, however, that he had no power as a magistrate to take cognisance of the case, unless the guardians would give the wife relief, and prosecute the husband; and this they declined to do. In vain did the poor half-starved wretch appear before them, and pray to be admitted into the workhouse. She was refused admission on the ground that her husband earned good wages; and so she went home, and, after lingering a while, probably fed now and then by her neighbours, she died. The husband escaped without any punishment whatever. The jury who tried him [men, of course!] gave him the benefit of a doubt as to the cause of his wife's death, and acquitted him –Illustrations of the Operations of our Laws, p. 8.' (Cobbe, 1869, p. 12.)

<sup>3</sup>On this, see Deutscher (2007).

<sup>4</sup>This would make the Universal Declaration of Animal Rights (1989) particularly complex, he notes (Derrida, 2006, p. 124).

<sup>5</sup>If a right is founded on the supposition of a hierarchy, the argument that it should be extended will not necessarily effect an attack on intertwining hierarchies, and may act to entrench them.

<sup>6</sup>[T]he claims of the brutes on us for happiness must necessarily be subordinated not only to human claims for moral aid, but for human claims for happiness also. First, the happiness of animals is of a vastly lower and smaller thing than the happiness of man; secondly, all the interests of man touch upon moral grounds, assume higher importance than those of un-moral beings; and lastly, because that race of man to which we belong must have over us claims of precedence superior to any other race, were it even angelic, which should be more remote. So clear and so wide is this line of demarcation between our duties to man and to the brutes that it appears almost an impertinence thus to analyze it; and we may doubtless safely proceed in our argument, assuming it as granted on all hands that there is an absolute subordination between the claims of the animal and those of man. The whole lower creation is for ever and utterly subordinated to the higher' (Cobbe, 1863, p. 591).

<sup>7</sup>They are said to give themselves over to 'savage fury' (p. 64), while drink will also reduce men to 'bestial helplessness' (p. 65) – as may inhuman working conditions.

<sup>8</sup>On this see Deutscher (2006), which discusses Taylor Mill's remarks in this regard: 'The truly horrible effects of the present state of the law among the lowest of the working population, is exhibited in those cases of hideous maltreatment of their wives by working men, with which every newspaper, every police report, teems. Wretches unfit to have the smallest authority over any living thing, have a helpless woman for their household slave' (Taylor Mill, 1998, p. 20); and similarly, in her discussion of education: 'Whatever else may be included in the education of the people, the very first essential of it is to unbrutalize them' (Taylor Mill, 1998, p. 131).

<sup>9</sup>Cobbe, however, argues, in 'The Rights of Man and the Claims of Beasts,' against defences of animal rights based on no better grounds than the likelihood that good treatment of animals will lead to less brutality in humans: 'Such a doctrine, if admitted, would introduce the same hateful system of morals towards the brutes as that which too often polluted human charity, causing it to be performed, not for the benefit of the receiver, but the moral and spiritual interest of the giver. Each duty must be done for its own sake, not for the sake of any other object, however desirable; nay, in truth, no duty can be fulfilled truly (in both sentiment and action) save disinterestedly. The attempt to produce our own moral culture out of our humanity or beneficence is, by the hypothesis, absurd. Only disinterested and single-hearted actions really warm and enlarge the soul, not self-regardful ones. We are bound to consider the welfare of the brutes for their sakes, not ours, because they are so constituted as to suffer and enjoy. That is the moral principle of the case.' Yet, she continues, 'humane feelings, however, towards the brutes, though not the ground of our obligations towards them, form a natural tie which cannot be rudely broken without doing violence to many of the finer attributes of our nature' (Cobbe, 1863, pp. 596-7).

<sup>10</sup>The passage reads, 'With the exception, perhaps, of the Seal, Mr Darwin gives a sad picture of amphibious conjugal life: "As soon as a female reaches the shore ("comes out," as we should say in "society") the nearest male goes down to meet her, making meanwhile a noise like the clucking of a hen to her chickens. He bows to her and coaxes her, until he gets between her and the water so that she cannot escape him. Then his manner changes, and with a harsh growl he drives her to a place in his harem.'" Referenced by Cobbe as *Descent of Man*, vol 2, p. 269. She then comments: 'What an "o-er true tale" is this of many a human wooing and of what comes later, the "bowing and coaxing," first, and the "harsh growl" afterwards! I am surprised that Dr Darwin did not derive it from an argument for the *Descent of Man* from the Seal' (Cobbe, 1878, p. 56).

<sup>11</sup>Cited and discussed in Deutscher (2006).

<sup>12</sup>In which women are described as 'in the true style of Mahometanism [...] treated as a kind of subordinate beings' (Wollstonecraft, 1975, p. 80). She appeals, 'if

they be really capable of acting like rational creatures, let them not be treated like slaves; or, like the brutes who are dependent on the reason of man' (pp. 120-1). The various animal analogies are present: she is 'the patient drudge, who fulfils her task, like a blind horse in a mill' (p. 159) as are analogies ranging from the bird to the slave: 'Confined, then, in cages like the feathered race, they have nothing to do but to plume themselves, and stalk with mock majesty from perch to perch' (p. 146). Men are brutish in their treatment of women, but women also become brutish: 'Is one half of the human species, like the poor African slaves, to be subject to prejudices that brutalize them?' (p. 257) And while men are deemed savage brutes in their treatment of women, Wollstonecraft comments, 'Tenderness for their humble dumb domestics amongst the lower class, is oftener to be found in a savage than a civilized state. For civilization prevents that intercourse which creates affection in the rude hut, or mud hovel, and leads uncultivated minds who are only deprived by the refinements which prevail in the society, where they are trodden under foot by the rich, to domineer over them to revenge the insults that they are obliged to bear from their superiors' (p. 291).

<sup>13</sup>According to Mill, the divorce law of the day, had 'complete[d] the assimilation of the wife to the slave – and the slave under not the mildest form of slavery: for in some slave codes the slave could, under certain circumstances of ill usage, legally compel the master to sell him. But no amount of ill usage, without adultery superadded, will in England free a wife from her tormentor' (Mill, 1984, p. 286).

<sup>14</sup>Taylor Mill had continued her reference to the treatment of women by indigenous peoples of Australia and North America: 'in a state somewhat more advanced, as in Asia, women were and are the slaves of men for purposes of sexuality' (Taylor Mill, 1983, p. 25).

<sup>15</sup>She or he who may find himself enslaved by the European thus become savage.

<sup>16</sup>Scholars, including Frank Möbus, have written about these bifurcated images of the 'good' and 'bad' savage. Möbus has discussed the depiction of Friday ('this poor savage,' 'the poor ignorant creature') as more sympathetically primitive and parallel to Crusoe in that they are both vulnerable to, or aligned in interests against, the attack or potential attacks of a differently depicted, brutally aggressive savage, in 'The Different Faces of Friday: Aspects of the European Robinson Crusoe Reception,' IAS Public Lecture, Collingwood College, Durham University, 15/03/07.

<sup>17</sup>Passage discussed by Jim Moore, public lecture, 'Darwin, Sex and Slavery,' IAS series: Legacies of Darwin, Durham University, 22/1/07.

<sup>18</sup>'[C]onstant companion, (friend in old age) [...] better than a dog anyhow – Home, and someone to take care of house [...]. Only picture to yourself a nice soft wife on a sofa with good fire, and books and music perhaps [...]. Marry-Marry-Marry. QED'. (From his list of reasons to marry, accompanied by a list of reasons contra): 'The Pencil Notes of 1837-8: "This is the Question,"' published as 'Note Three' at back of Darwin's *Autobiography* (Darwin, 1989, p. 219).

<sup>19</sup>On this, see Richards (1983).

<sup>20</sup>See his comments on Carlyle in his *Autobiography*, 'his views about slavery were revolting. In his eyes might was right' (Darwin, 1989, p. 138), and a number of disgusted comments about slavery in the volumes published as the *Journal of Researches/Voyage of the Beagle*; see also *Autobiography* (1989) p. 111.

<sup>21</sup>‘He who has seen a savage in his native land will not feel much shame, if forced to acknowledge that the blood of some more humble creature flows in his veins.’ See full citation discussed below.

<sup>22</sup>See his *Considerations on Representative Government* (Mill, 1977). See also Mill to William Rathbone, Nov 29, 1863 (Letter #662) ‘I speak with great deference to those who know more of the feelings and modes of thought of the English working classes than I can pretend to do.’ Speaking of plausible limitations on suffrage, he writes that while they would be unlikely to accept a limitation based on property, ‘an educational qualification I think they might in principle assent to, at all events the restriction of the suffrage to those who can read, write and cipher, would probably be approved by most of those whom it would not exclude’ (Mill, 1972, p. 905).

<sup>23</sup>Letter to an unidentified correspondent (#296), Dec 11, 1857 (Mill, 1972, p. 543).

<sup>24</sup>See chapter 18 (‘Of the Government of Dependencies by a Free State’) in *Considerations on Representative Government* (Mill, 1977, p. 562).

<sup>25</sup>Speech of John Stuart Mill (#150) to the Great Meeting in Favour of Women’s Suffrage Held in the Music Hall, Edinburgh, January 12, 1871 (Mill, 1988, pp. 405-6).

<sup>26</sup>In addition to works such as an *Essay on Intuitive Morals* (1859), *Broken Lights: An Inquiry into the Present Condition and Future Prospects of Religious Faith* (1864), *Studies New and Old of Ethical and Social Subjects* (1866), *Darwinism in Morals* (1872), and an autobiography *Life* (1894), Cobbe produced a book on the status of the dog in literature, *The Friend of Man: and His Friends, the Poets* (1889), in addition to *The Confessions of a Lost Dog, Reported by Her Mistress* (1867); ‘*Consciousness of Dogs*,’ *Quarterly Review*, 133 (October 1872): 419-51 and ‘*Dogs Whom I Have Met*,’ *Cornhill*, 26 (December 1872): 662-78.

<sup>27</sup>Gillian Beer has discussed in these terms a phenomenon she describes as the willingness to inhabit the consciousness of the other, IAS lecture, 26/2/07, Legacies of Darwin series, ‘Darwin and the Consciousness of Others’.

<sup>28</sup>Wollstonecraft also discussed the phenomenon – here her scorn is directed at rich women who may, she says, be described as ‘vulgar’ for their partial humanity: ‘The lady who sheds tears for the bird starved in a snare, and execrates the devils in the shape of men, who goad to madness the poor ox, or whip the patient ass, tottering under a burden above its strength, will, nevertheless, keep her coachman and horses whole hours waiting for her, when the sharp frost bites, or the rain beats against the well-closed windows which do not admit a breath of air to tell her how roughly the wind blows without’ (Wollstonecraft, 1975, p. 292).

<sup>29</sup>When Cobbe refers to Turkish and Arab peoples as not among the ‘more cultivated nations,’ she does so to mention that exceptionally, although higher cultivation may be identified in the sentiment of ‘tenderness to the brutes,’ these peoples are notable for this care: ‘the more highly cultivated nations feeling the sentiment most vividly; but to this rule there would be many exceptions. The Arab’s care for horses, the Turk’s care for cats, are probably unparalleled elsewhere’ (Cobbe, 1863, p. 597).

<sup>30</sup>Further pursued in Deutscher (2007).

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