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- 1 Thomas Spence has long been recognized as one of the very few late-eighteenth-century champions of women's rights. E. P. Thompson noted that he "was one of the only Jacobin propagandists to address his writing to working women themselves" in a 1797 pamphlet whose significant title he gave in full: *The Rights of Infants, or the Imprescriptable Right of Mothers to Such Share of the Elements as Are Sufficient to Enable Them to Suckle and Bring Up Their Young* (Thompson 1963, 178). As H. T. Dickinson pointed out, Spence was one of the very few who advocated women's suffrage in the 1790s (Dickinson 1982, xiv; Dickinson 1994, 184-185). The extent and sincerity of Spence's feminism, however, was questioned by several historians in the following decade, a process that culminated in 1992 with David Worrall's otherwise excellent *Radical Culture: Discourse, Resistance, and Surveillance, 1790-1820*. Worrall claimed that "Spence was, at best, an opportunist feminist" and that on close reading his works displayed "a fairly anti-progressive picture within a revolutionary setting" (Worrall 31).
- 2 Such criticism, this article will argue, is unfair and unduly stresses Spence's shortcomings, which are assessed against the benchmark of a criticism of patriarchy that he ought to have formulated. What matters, on the contrary, is his striking achievement when compared to the anti-feminist arguments of many of his contemporaries, including "radical" advocates of universal *male* suffrage. My contention is that Spence's defence of women's rights was not a strategic ploy or an item he tacked onto his agenda; it was integral to his political theory. To put the argument at its simplest: for Spence, women enjoy natural rights (of a political and economic nature) because they are human beings; from that basic premise there follow a number of arguments for equal rights. Though this tendency is apparent in *The Rights of Infants*, it becomes more marked in Spence's later writings, which suggest that Spence had pondered over equality and revised his positions. His utopian constitutions, in particular, contained provisions on women's rights. This article, accordingly seeks to strike a fairer balance and therefore to vindicate Spence's

record on women's rights in order to answer feminists' charges that Spence was merely reproducing a "patriarchal" pattern. This article will start by a critical survey on the historiography that criticized Spence's representation of women in *The Rights of Infants*. The second section will broaden the perspective by discussing other works by Spence because it is misguided to assume that *The Rights of Infants* contains Spence's definitive statement on women and their rights. This pamphlet, and others, raise the question of women's agency. To what extent did he conceive women as agents rather than as passive beneficiaries of rights? How far does his commitment to gender equality translate into a greater share of political activity? The final section will examine Spence's pronouncements on the family, marriage and divorce, to examine his alleged maintenance of "patriarchy".

## The critical conversation on *The Rights of Infants*

- 3 In the 1980s and 1990s, critics searching for Spence's pronouncements on women concentrated on *The Rights of Infants*. This pamphlet, like many others by Spence, is a charge against landlords fattening themselves on the labour of their tenants, and a defense of a universal right of subsistence. In the preface, dated 19 March 1797, Spence specifically attacked Thomas Paine, who had defended a measure of redistribution and land reform in *Agrarian Justice* earlier in the year.<sup>1</sup> Spence bitterly arraigned Paine for falling short of advocating his own land plan: while Paine was right to justify the principle of equal right to the land, his plan falls short of the people's just claims: "The poor, beggarly stipends which [Paine] would have us to accept of in lieu of our lordly and just pretensions to the soil of our birth are so contemptible and insulting". Spence knew full well that the author of *Rights of Man* was a big name, that his pamphlet would sell and therefore that his half-way measures would outshine Spence's own "plan of enjoying man's right, which [he had] been publishing in different ways for more than twenty years" (Spence 1982, 47). The pamphlet proper is a dialogue between "Aristocracy" and "Woman." Woman advocates Spence's land plan on the grounds that every "infant" has a right to live:

Ask the she-bears, and every she-monster, and they will tell you what the rights of every species of young are. – They will tell you, in resolute language and actions too, that their rights extend to a full participation of the fruits of the earth. They will tell you, and vindicate it likewise by deeds, that mothers have a right, at the peril of all opposers, to provide from the elements the proper nourishments of their young." (48)

- 4 This right involves a right to means of subsistence, which in turn entails common ownership of the land and universal dividends. Despite its title, then, the pamphlet is not concerned with childhood or childcare as such, but rather with the ultimate consequences of the newborn's right to subsistence. "Woman" is the children's advocate and, to Aristocracy's "sneering" question: "And is your sex also set up for pleaders of rights?" she proudly answers: "Yes, Molochs! Our sex were defenders of rights for the beginning." Since men, "like he-asses," suffer to be imposed upon and bear oppression without repining, then it is up to women to speak up for universal rights: "we, even we, the females, will vindicate the rights of the species and throw you and all your panyers in the dirt" (49).<sup>2</sup> The second half of the pamphlet consists in "Woman"'s impassioned speech. She defiantly tells the aristocracy ("ladies and gentlemen", "my good gentlefolk")

that the people are going to expropriate them and hand over the land to the parishes. Women are to play the central role in the process:

We women (because the men are not to be depended on) will appoint, in every parish, a committee of our sex (which we suppose our gallant lock-jawed spouses and paramours will at least, for their own interest, not oppose) to receive the rents of the houses, and lands already tenanted, and also to let, to the best bidders, on seven years leases such farms and tenements as may, from time to time, become vacant. (51)

- 5 The rents will cover all the government's expenses, and any surplus will be redistributed to every man, woman and child in the community. "Woman" insists that "all this is done for the sake of system, not revenge or retaliation" (52): the former landowners and the rich will keep all their moveable property. Should they resist the appropriation of land, however:

If, by foolish and wicked opposition, you should compel us, in our own defence, to confiscate even your moveables, and perhaps also to cut you off, then let your blood be upon your own heads, for we shall be guiltless. It will therefore be your interest and wisdom to submit peaceably and fraternize cheerfully with us as fellow-citizens. (52)

- 6 This language harks back to the Terror and the *sans-culotte* argument that the aristocracy must be exterminated for resisting the Revolution; the guillotine is the condign punishment of those who refuse to "fraternize". The use of the word is particularly revealing as Spence includes women in such fraternization. Spence's pamphlet ends in a rejection of the "pretended philanthropy of the great" and a defense of "the rights of the human species": the final message is that the poor are entitled to justice and equality, not charity (51, 53).
- 7 Barbara Taylor recognized that this pamphlet held out a promise "of earthly self-fulfilment" that was extended to women. While acknowledging that in his utopian polity, Spensonia, men and women would enjoy the same political rights, she insisted on the exclusion of women from councils owing to their domestic chores. Moreover, she commented, "a woman's marital status would in all respects [...] be equal to that of her husband." But Taylor adds a parenthesis that carries the weight of her argument: "(except apparently the domestic workload)" (Taylor 8).
- 8 David Worrall too set about "reading carefully through what Spence does and does not say" (Worrall 31) and took him to task what he did *not* say. He duly noted that in Spence's plan the surplus produce from the parishes "would be shared out exactly equally whether male or female; married or single; legitimate or illegitimate; from a day old to the extremest age". But he stressed that Spence clung to a patriarchal model, first because parish dividends would be paid to the male head of each family, secondly because *The Rights of Infants* is framed as a dialogue between "Aristocracy" and "Woman", the latter generic character defending the rights of women as mothers (not as human beings), and presenting women as close to Nature and ultimately relegated to the care of children. The economic and social dependency of women, then, would not change in Spensonia. In Spence's eyes women were only useful as a revolutionary vanguard, and possibly as cannon fodder. While Spence "drew a quick political lesson from events like the women's march on Versailles in 1789" it is even unclear, for Worrall, whether Spence imagined women would really act or whether he tried to shame men out of their political apathy and into virile revolutionary action. Worrall, however, had to concede that "[p]erhaps what is most important about Spence's discussion of women is his ability to figure their

agency at all" (31-32). Anna Clark expanded the argument and suggested that by taking on a female persona in *The Rights of Infants*, Spence tried to shame and goad men into action (Clark 1999, 149). As will be argued later, imagining female agency and adopting a woman's voice (however generic) was a crucial achievement which in itself makes it very difficult to portray Spence as an unqualified upholder of the patriarchal status quo.

- 9 Malcolm Chase adopted a more nuanced approach, underlining that Spence's position changed over time. While women were not mentioned in his 1775 lecture, *The Rights of Infants* was seen as a turning point because this pamphlet brought out a defence of women's full political rights. Chase perceived in the 1797 pamphlet "the germ of a concept of male oppression, and an admission that masculine brutishness and turpitude lay at the root of inequality." He also noted close affinities between Spence's ideal of equality between the sexes and that of (unnamed) seventeenth-century radicals, but wisely refrained from inferring a direct "influence."<sup>3</sup>
- 10 Judgments have become more positive recently. In 2011, Jon Mee, referring to *The Rights of Infants*, argued that female equality was "a cause treated more positively in the popular radical movement than is sometimes allowed" (Mee 126). Mee's was a remark in a general discussion of popular radical culture, and it was not elaborated on: this begs the question of *how* positively women's rights are treated by Spence. As for Arianne Chernock, she recognized that Spence's essentialist argument presenting men as mothers (in Rousseau's sense) is "problematic" but noted that his vision of the positive transforming potential of women's feminine sensibility was in itself crucial and significant in the reform movement of the times (Chernock 122-123). She enlisted him among the "radicals who, if they did not make feminism a priority, at least supported women's rights (Chernock 4)."
- 11 Chernock's judgment is valid to a certain extent. Spence was not a feminist indeed, in the sense that he did not make women's liberation a priority and that he did not think gender difference was the root of oppression (the fundamental cause of oppression and inequality, both economic and political, was private ownership of land). Chernock, however, retains much of Barbara Taylor's scepticism about Spence's ulterior motives and suggests that he may have been uncomfortable with the idea of enfranchising conservative women or those who might be influenced by their husbands.
- 12 Supposing the pamphlet to be a piece of opportunistic propaganda, then why should it reveal what Spence *really* thought about women? He presents "Woman" as a mother and a wife. It does not follow that he thought that motherhood was the essence of womanhood, or that all Englishwomen were wives and mothers. He knew very well that was not the case: the pamphlet contains the phrase "men or female; married or single" (Spence 1982, 51). Rather, it suggests that Spence found it politically expedient to appeal to maternal instinct and the defence of children. It should be noted here that some Frenchwomen did justify their revolutionary commitment by their role as mothers, but according to Dominique Godineau, who undertook a systematic survey of Parisian women's political activities during the Revolution, this was not the dominant rationale, and though all the lower-class women of Paris were housewives and were vitally affected by the issue of subsistence, this issue was not central to the struggle of the more politically conscious women (Godineau 1989; Godineau 1988, 352). Spence, then, was not mimicking the actual discourse of Parisian revolutionary women. The context of the war may offer an explanation for his focus on motherhood. Women's role as child-bearers was exalted during the war "when the size and health of the population was a particularly significant issue" (Macleod 28), both in France, with the concept of "republican motherhood"

(Landes 129-138) and in Britain, in the loyalist propaganda and in the highly visible contribution of women to the war effort, through charity work and activities such as knitting and sewing for soldiers, which tied in nicely with their roles as mothers and housewives (Colley 250-262). Since female support for the war was publicized, for instance in the form of addresses or subscription lists in the newspapers, Spence could not have been unaware of it. His pamphlet, in that context, may be explained as an attempt to reclaim women's maternal role for his own purposes, against conservative appropriations of it.

- 13 Chernock's contention that Spence had a "reductive understanding of woman as a figure naturally sympathetic to revolution" leads her to wonder "whether Spence himself would have supported those women who did not exhibit "revolutionary" sentiments", women like the conservative controversialist Hannah More (124). This argument proves too much: if Spence was not ready to enfranchise conservative women, then why would he support *male* universal suffrage in the first place? He knew full well that many men were loyalists, and yet he fought for the enfranchisement of all men, including loyalists. Spence did portray women as "naturally sympathetic to revolution" (Chernock 124) but it does not necessarily follow that he believed that all women, in 1797, were ready to engage in revolutionary action. A more likely interpretation is that he believed that women, like men, could be educated and might become aware of their true interests, which were best defended in his land plan.
- 14 How opportunistic was the pamphlet, then? Interpretation is delicate. We cannot probe Spence's heart, and part of the argument depends on the pamphlet's implied audience and what Spence thought about it. Did he calculate that there was a constituency of women that he could win over to this cause by specifically feminist arguments? This might have been the case, but it doesn't imply he was insincere, especially because the argument that women must have the vote on account of their children appears elsewhere, in pamphlets that do not specifically target women, but have a male implicit reader. If his feminist proposals were opportunistic, then he should have dropped them when addressing men, who were presumably the majority of his audience and certainly his implied readers. Given the prevalence of "rough" types of masculinity in his plebeian environment, the rhetoric of manly superiority pandering to misogynistic or patronizing attitudes would have made more strategic sense. Plebeian clubs, including Spencean clubs, were ruled by an artisan masculine ethos that incorporated elements of aggressive virility which could degenerate into drinking contests, brawls and violent behaviour. Members of the plebeian societies and followers of Spence were thus viewed as "unrespectable" by the authorities and the loyalists. Spence certainly rejected his opponents' polished, urbane, Addisonian ideal of the "independent gentleman", pouring scorn on "our now-a-days so much boasted gentlemen of independent fortunes".<sup>4</sup> On the face of it, Spence's plebeian, rough masculine environment was no natural constituency of feminism, and argument addressing supposedly feminist sensibilities in such a social milieu seem doomed to failure. This leaves us with the hypothesis that Spence included provisions for women in his constitutional plans to appeal to women. This would mean he was addressing a mixed audience, writing to men *and* women, which is in itself significant and sets him apart from other radical writers of the time who wrote for males only.



## Women's agency and women's rights in Spence's writings

- 15 Whatever ulterior motives Spence might have had, *The Rights of Infants* is significant as a speech act. Spence's "Woman" is not a female allegory of Britannia, the republic, liberty or anything else. In his prosopopoeia this male writer adopted a female persona to make a serious political argument. This seems to be unique in the abundant literature of the 1790s. Inventing a credible popular voice to achieve a potent "vernacular voice" was notoriously difficult for radicals and anti-Jacobins as well. (Gilmartin 19-54) Hannah More, who is sometimes seen as a feminist, staged dialogues between male characters. Even Wollstonecraft addressed middle-class women and did not try to impersonate labouring women.
- 16 As Worrall noted, the question of women's agency is central in *The Rights of Infants*. Examples of Frenchwomen's activism during the Revolution, such as the march to Versailles on 5-6 October 1789, must have inspired Spence. He is exceptionally favourable to poor women's political agency in *The Rights of Infants* when compared to Burke and even Wollstonecraft. Edmund Burke's evocation of the royal family's return to Paris under watchful escort on 6 October 1789 has remained famous: "the royal captives who followed in the train were slowly moved along, amidst the horrid yells, and shrilling screams, and frantic dances, and infamous contumelies, and all the unutterable abominations of the furies of hell in the abused shape of the vilest of women" (Burke 63). As critics have noted, though Mary Wollstonecraft had dismissed this passage in her *Vindications of the Rights of Men* in 1790, in her *Historical and Moral of the French Revolution* she depicted the Parisian working women in pejorative terms that were reminiscent of Burke's harpies: "the lowest refuse of the streets, women who had thrown off the virtues of own sex without having power to assume more than the vices of the other".<sup>5</sup> In Spence's *Rights of Infants*, on the contrary, "Woman" seems to have retained "female" maternal sensibility and taken on "manly" fortitude, sturdiness and courage. In stark contrast with Burke's and Wollstonecraft's degrading representations Spence exalts a politically-conscious, vocal and respectable lower-class woman who stands up for her own and her family's rights. "Woman"'s opening invocation of "the she-bears, and every she-monster" might be read as a rejection of social stigma, of stereotypical opprobrium, and as a defence of lower-class women's dignity.
- 17 Spence's sympathy for lower-class women must have originated in his own experience of poverty which, as he himself declared, had awakened his sense of injustice. His childhood was spent in miserably poor circumstances in Newcastle; his mother, Margaret Flet, a native of the Orkneys, "was an industrious woman, and kept a stall for the sale of stockings" (Rudkin 15). Spence knew what working hard and struggling for subsistence meant. He might also have been aware that women played political roles at a local level: in the late eighteenth century some women ratepayers attended vestry meetings and had the right to vote on matters directly affecting the community (Eastwood 47). Further research is needed to determine whether this was the case in Newcastle and whether Spence could have been aware of it. It may be supposed, however, that he had some knowledge of women's political involvement in Newcastle. From 1769 on a wave of Wilkite agitation gathered momentum; national grievances, in the context of the incipient American War, and the dispute around the Town Moor coalesced in 1775 and a



radical opposition set the tone of politics until well into the 1780s. In 1782 a group of women “proposed forming a ‘patriotic association in defence of their liberties’ and addressing the queen” in support for a motion to end the war (Wilson 426).

- 18 Spence looked beyond his own immediate experience for other examples of popular agency. In *Pig's Meat* he published long extracts from “The History of the Rise and Fall of Masaniello.” Masaniello was a fisherman who had led a revolt in Naples in 1647 (Spence 1794, III.22-55, 67-98, 123-136).<sup>6</sup> The participation of women is noted several times in this account, but their behaviour is not praised as such and at times it can also be understood as evidence of the fickleness of public opinion. Significantly Masaniello's revolt was sparked off by a new tax on food. Spence must have known that women were particularly active in food riots. Women's closeness to nature and maternal nature is not essential to his argument on the right to the fruits of the earth; rather Spence must have appealed to popular notions of justice, what E. P. Thompson famously called “the moral economy of the English crowd.”<sup>7</sup> Spence's political consciousness was first stirred during the controversy over the enclosure of the Newcastle town moor. Several provisions in his projects of constitutions such as *The Constitution of Spensonia* (1803) address popular grievances with legislation on hunting and against the engrossing and forestalling of corn (Art.39, 40, 42, in Spence 1982, 109-110).
- 19 How is the issue of women's agency and political rights treated elsewhere in Spence? David Worrall finds that “[r]eferences to women are infrequent” in Spence's works apart from *The Rights of Infants* (Worrall 31). But Spence does mention women very frequently indeed compared to his contemporaries Price, Priestley, Paine, or Cartwright—or to the French, American, or (unwritten) British constitutions of his times, or ours for that matter. The civic humanist tradition emphasized the necessity of virtue, an etymologically manly quality. In the eighteenth century the idea gained hold that women's and man's virtues were essentially different and incompatible (on the complexity of French conceptions of *vertu*, see Linton 2001). There is a misogynistic streak in much republican writing which saw any woman's political involvement as morally and politically dangerous. This is especially true in the writings of some English Commonwealthmen, such as James Burgh, whose *Political Disquisitions* (1774-1776) warn against the effeminizing influence of women, the deleterious advice giving by royal favourites such as Charles II's mistresses or the marquise de Pompadour in France. Attacks on effeminacy mediated anxieties about rivalry with France, imperial concerns and alleged aristocratic corruption.<sup>8</sup> John Wilkes's libertinism and homophobia were also a consequence of the gendered construction of the opposition between the manly independent elector and the effete courtier (McCormack 86-92; Clark 1998). Positions on women's political rights, then, did not always tally with conventional divisions between radical and conservative. Edmund Burke admitted that educated women were part of the British public whose views constituted a real public opinion that should be heeded by legislators. John Thelwall, a self-proclaimed Jacobin and an ardent defender of male universal suffrage, ridiculed Burke's suggestion, reducing it to a *preux chevalier's* ungaurded expression of gallantry (Thelwall 397). It is in France that the misogynist nature of republican ideology was most visible, because the French revolutionaries refused to grant citizenship to women. It has been argued that the *ancien régime* public sphere, which tolerated and even accommodated the political expression of at least some aristocratic women in salons, was more open to women than the new republican public sphere which emerged out of the French Revolution. Joan Landes claimed that the public

sphere was reconstructed along masculinist lines, not just without women, but *against* them (Landes).

- 20 Spence seems to be indebted to the civic humanist tradition inasmuch as he repeatedly insisted that all men should actively participate in political life as both citizens and soldiers. In his earlier work he depicted scenes involving men and boys engaged in military exercises on the parish common while old men, women and children sat watching them:

And now you shall witness with your own eyes that force is as unlikely to succeed against us as your secret corruption. Therefore you must go with me to-morrow to a neighbouring parish about two miles off, it being their general review day, when all the men thereof are to go through their military exercise. Every parish has a general field day once in a quarter of a year appointed by act of parliament [...].

Accordingly when next morning came, which was exceedingly fine, we went to the military ground of the aforesaid parish, which was very neat and convenient and tolerably large, surrounded with several rows of trees, with seats underneath for the spectators and kept entirely for that and such like public uses. The parish bells rung merrily, numbers of spectators from the neighbouring parishes, with all the old men, women, and children that could get from the same parish were solacing themselves in the morning sun around the place. Presently the men of the parish appeared, those who had good horses on horseback, those of a colour together, others trailing field-pieces of brass, and others with muskets. The boys too were classed according to their sizes, with small muskets and cannon suitable to their strength, and the whole with proper officers, colours, music, and an uniform dress, which last was peculiar to the parish [...]. They made a gallant appearance and all in their most happy countenances, as if going to some agreeable sport.<sup>9</sup>

- 21 In this idyllic setting women and girls, together with the elderly, are literally watching the martial show from the sidelines. The utopian scene appears decidedly conservative here, replicating the gendered categories of eighteenth-century England, and even the social distinctions which were visible in militia musters through the distinction between the affluent men on horseback and the rank-and-file walking behind them. This scene would not be amiss in a loyalist description of a perfect English village attending the militia's drilling at the time of the American War or the French Wars.
- 22 Such neatly gendered utopian scenes are absent from his later work. Spence's thought developed in the direction of gender equality. Women are not mentioned in his 1775 lecture to the Newcastle Philosophical Society, published as "The Real Rights of Man" (Spence 1982, 1-5). Recently a copy of the original version of the lecture, long thought to be lost, was found; it revealed that the original title was "*Property in Land Every One's Right*". Alastair Bonnett cautiously comments that "[g]iven Spence's limited but steadfast support for female suffrage (he supported it at the parish level but opposed at the national level) the gender neutrality of the title may or may not have been deliberate" (Bonnett 135). This caution is commendable: Spence used gender-neutral pronouns later in his career, and in 1775 he had hardly begun his research in the English language. But Spence may have been aware of the issue of women's rights. The 1793 edition of the lecture was accompanied by "Queries sent to the Philosophical Society, in Newcastle, on the 26<sup>th</sup> of December, 1775, by the Rev. Mr. J. Murray, on account of Mr. Spence's expulsion". The fourteenth query reads: "Is it implied in the nature of the social compact, that the one half of the contractors should have no right of possessions?" (Spence 1793, 33) This query suggests that by 1775 Spence had drawn the egalitarian implications of the social contract: if men's property was guaranteed by the social contract why should not

women's property guaranteed as well since men and women were equally rational creatures and co-contractors?

- 23 Spence explicitly defended women's rights only later. In *The Constitution of a Perfect Commonwealth* (1798), he distinguished between "local" and "proprietary" citizens. While only men ("every man") enjoyed the voting rights of local citizens, "[e]very man, woman, and child is a proprietary citizen in the parish or district in which they have acquired the title of local citizen, either on account of their own residence, if adults, or of their parents, if infants." Women and children, as well as men, enjoy economic rights in the form of a share of the revenue of the parish (Spence 1982, 61-62).<sup>10</sup> By that time, however, Spence was already considering that women could deliberate and vote, since the women in *The Rights of Infants* threaten with "appoint[ing], in every parish, a committee of our own sex" and are ready to do the business of the parish that is neglected by men.
- 24 In *The Constitution of Spensonia* (1803), he defended votes for women, and therefore a fully universal adult suffrage (Spence 1982, 104-118). A striking feature of the declaration of rights at the beginning of the book is its floating semantics. Spence seems to be groping his way toward a gender-neutral vocabulary. Some articles, relative to judiciary guarantees especially, have "every man" or "a man" (art.13, 16), echoing the phraseology of the English common law. Article 16 reads: "Every man being supposed innocent until he has been declared guilty, if it is judged indispensable to arrest him all severity not necessary to secure his person ought to be strictly repressed by the law." There are also negative clauses based on articles of the French Declaration of the Rights of Man, as in article 22: "no one can be deprived of the smallest portion of his property without his consent, except when the public necessity, legally ascertained, evidently require it, and on condition of a just and previous indemnification." Article 13 reads: "No person can be accused, arrested, or confined but in cases determined by the law, and according to the form which it prescribes. Every citizen summoned or seized by the authority of the law ought immediately to obey, he renders himself culpable by resistance" (art.13). Finally, Spence uses indeterminate, gender-neutral words such as "every individual" (art.34) or "those who..." (art.15): "The right of presenting petitions to the depositories of public authority belongs to every individual" (art.34). The first article, which stated that "all men are equal by nature and before the law", was reworded to read "all human beings." This disparate, changing vocabulary suggests that Spence's thinking was still in flux as he was working his plan out and moving toward gender equality.
- 25 Spence fell short of advocating absolute equality, however, as article 5 testifies:

Female citizens have the same right of suffrage in their respective parishes as the men: because they have equal property in the country and are equally subject to the law and, indeed, they are in every respect, as well on their own account as on account of their children, as deeply interested in every public transaction. But in consideration of the delicacy of their sex, they are exempted from, and are ineligible to, all public employments." (Spence 1982, 107)
- 26 Justifications for women's suffrage here seem to stem partly from a democratic version of the neo-Harringtonian idea that land ownership confers political rights;<sup>11</sup> partly from a more general argument that every person concerned with public affairs ought to have the vote. In *The Constitution of Spensonia*, everyone, including women, children, and criminals, enjoy "a share of the parish revenue" (105). Each person enjoys this right because they belong to humankind. In later editions of the pamphlet, Spence wrote that "all human beings are equal by nature and before the law, and have a continual and inalienable property in the earth, and its natural productions" (104). If the vote derives from landed

property and landed property is a right of every human being, then ultimately women are entitled to the vote as adult human beings.

- 27 The object of article 5 was not to grant full equality, but on the contrary to differentiate between men and women. It sounds as if children were virtually represented by their mothers and not by their fathers—as if, therefore, women were even more entitled than men to have the vote. This extra justification for women's votes is in contrast with their exclusion from public employments. Spence's consideration for "the delicacy of their sex" can easily be dismissed as a supremely sexist and patronizing instance of false gallantry. Mary Wollstonecraft already ranked "delicacy of sentiment" among "those pretty feminine phrases, which the men condescendingly use to soften our slavish dependence" (Wollstonecraft 82). Wollstonecraft's claim can be substantiated by many examples of French legislators justifying women's exclusion from the suffrage and a differentiated education for girl by considerations on women's delicate constitutions and their natural vocation for marriage and household management. A shining exception is Condorcet, who defended women's suffrage and demolished such arguments as early as July 1790; in the Convention only Gilbert Romme and Pierre Guyomar proposed enfranchising women (Fauré; Condorcet; Duhet 184-188 on Mirabeau and Talleyrand's stance against women).
- 28 Spence's use of "delicacy" was similar to that of French legislators who naturalized the difference between men and women. This is impossible to vindicate, even in Spence's own system of thought. Women, he writes, are "exempted." In his 1755 *Dictionary of the English Language* Samuel Johnson defined "exemption" as "immunity, privilege, freedom from imposts or burdensome employments." This concept sits uneasily with Spence's general rejection of privileges. One argument however may somehow mitigate our judgment. In Spence's polity, women have voting rights at the parish level, where the literally vital questions of subsistence and everyday life would be debated and solved. Executive functions are derivative and burdensome. Ideally they are confined to mere execution with no space for personal (and potentially arbitrary) interpretation. Spence had no truck for a strong government devising policies and pushing them through the medium of a parliament and local agencies. In his utopian polities the reality of power is lodged with the parish councils, not with male law-enforcement officers or even the central government.<sup>12</sup> Giving the vote to women in the parish councils and excluding them from executive functions did not mean confining them to the lowest political echelon, but ensuring they had a say in the assembly that legislated for the community's fundamental concerns.

## Spence on marriage and the family

- 29 A final argument that must be confronted is the notion that Spence's utopia would leave women's subordinate position in a patriarchal society essentially unchanged. It should be noted, however, that "patriarchy" did not entail the subjection of women *only*. As Ann Hughes wrote in a recent study of the English Revolution of the 1640s:

Early modern England is sometimes described, in short-hand form, as a patriarchal society, where patriarchy is understood as the domination of men over women. Patriarchy should, however, be defined more specifically as a form of power based on fatherhood, giving some men authority over children, younger and poorer men, as well as over women. It was by no means a system that benefited all men. (Hughes 19)

- 30 Many men – those who never married (up to a fifth of the male population) and the poor – never achieved the ideal of “self-sufficiency seen as crucial to manhood” (19).
- 31 Spence defended one aspect of “patriarchy” as defined above: he saw marriage as the natural wish of every girl—and boy. If women are condemned to the marital state in his utopia, so are men. Arguably, this leaves Spence’s utopias vulnerable to a queer critique of heteronormativity even more than to a feminist critique. In *The Constitution of a Perfect Commonwealth* (1798) Spence argued that the current system of private property not only compromised the wellbeing and happiness of individuals of both sexes, but degraded their morals, in all social classes. He deploys the language of sensibility to denounce the ills begotten by marriages of convenience:
- Does not the pride and etiquette of birth and family act the inexorable tyrant over their most tender feelings, destroy love and friendship, and even dissolve the brotherly ties of blood by unnaturally erecting one in every brood of children into a lordly tyrant over the rest? (Spence 1982, 55)
- 32 The perpetrators of such a system were also its victims. They were turned into “unnatural monsters.” The children of “the labouring class” did not fare better: they were brought up to become “whores and soldiers” (56). One of the arguments in favour of his plan is that it would “be a great improvement in the morals of this class.” In particular, a parish dividend of £10 a year per person would teach young unmarried women habits of household economy. They would be encouraged to “become notable housewives, as the prospect of marriage, in such a land of bliss, would soon open to their views.” Spence waxes lyrical on the blessings of conjugal love: “The whole horizon of love will glow with felicity, no more to be clouded with ill-boding and gloomy apprehension” (56).
- 33 This vision was “patriarchal” to the extent that Spence saw the family as the basic structure and the male as head of the household. But he certainly wished to eradicate negative aspects of the patriarchal model outlined by Hughes: to end the poorer and younger men’s dependency on older and richer men, and to redress the balance of power in the married couple. He collapsed the difference between legitimate children and bastards, stating in 1803 that everybody had an equal claim to a share of the rent, “every man, woman, child, whether born in wedlock or not (for nature and justice know nothing of illegitimacy).” His ideal constitution had a provision for “every widow or unmarried woman or woman separated from her husband.”<sup>13</sup> Here as on many other issues, Spence remains frustratingly laconic. He insists on removing the stigma attached to bastards: children born out of wedlock and their mothers should be treated respectfully, like any other individual. In a British context this was very progressive, considering the humiliating treatment single mothers and their children were subjected to when they claimed relief.
- 34 To assess the significance of Spence’s commitment to equality and women’s rights it is useful to stress that he insists on rights but does not dwell on the specific problems of those women and children and especially on the problem of the father’s acknowledgment of his children. In this he adheres to the spirit of the French legislators but ignores issues that were treated by Olympe de Gouges. The idea that “nature and justice know nothing of illegitimacy” was the rationale for major reforms in family and inheritance law during the French Revolution. The abolition of privileges (4 August 1789) had paved the way to the equal treatment of all children, the abolition of primogeniture and the equal sharing of inheritance among all children, including daughters. The law of 12 brumaire an II (2 November 1793) guaranteed that natural children who were legally acknowledged by

their father would enjoy the same inheritance rights as legitimate children.<sup>14</sup> In practice, however, French law tolerated the continuance of discriminatory practices and not all “bastards” benefited from the new clauses, if only because fathers could not be forced to acknowledge their children. Article XI of Olympe de Gouges’s *Declaration of the Rights of Woman and the Female Citizen* (1791) states that: “The free communication of thoughts and opinions is one of the most precious rights of woman, since that liberty assures the recognition of children by their fathers. Any female citizen thus may say freely, I am the mother of a child which belongs to you, without being forced by a barbarous prejudice to hide the truth” (Levy, Applewhite, & Johnson 91). Sexual liberty (though not licentiousness) is as a corollary to liberty of speech: a woman must have the right to name her child’s father. Gouges added that a married man’s bastard is deprived of his/her inheritance by “barbaric laws”. She proposes a “social contract” whereby “our property belongs directly to our children, from whatever bed they come, and [...] all of them without distinction have the right to bear the name of their fathers and mothers who have acknowledged them” (94; see also Duhet, 71-4). The last clause is essential: the parents must *acknowledge* the child. The emphasis is strikingly different in Spence. Whereas Gouges insists on the woman’s sexual freedom and the man’s responsibility to acknowledge the child, in order to safeguard the child’s inheritance, Spence adopts a male point of view: he argues that unmarried mothers should not bear a stigma and should enjoy equal rights, but does not suggest that the father has a duty to acknowledge the child. Contrary to Gouges he is not concerned with inheritance, presumably because all individuals are provided with a basic subsistence income in his land plan.

- 35 In his defence of divorce, he endeavours to adopt the point of view of both men and women; his argument rests on equality between the spouses and on the right of women, as well as men, to initiate divorce proceedings. While he may have been indebted to Milton or others, he kept abreast of the news and his apology of divorce, in 1800, contributed to ongoing debates. A bill which “would have made adultery a crime for the first time since Cromwell” failed in the British Parliament.<sup>15</sup> Spence praised the “facility of divorce which the French now allow” (Spence, *The Political Works of Thomas Spence* 76). The French law on divorce was predicated on the idea that marriage was a civil contract: this secularized vision of marriage had long been brooding in the French Enlightenment – Montesquieu and Diderot shared it, among others – but it was enshrined only in 1791, in article 7 of the new Constitution: “The law recognizes marriage only as a civil contract” (Dessertine 208). The law of 20 September 1792 made the dissolution of marriage possible by mutual consent, on the basis of a simple assertion by one of the spouses, of any of seven possible motives, including dementia, physical abuse, abandonment for more than two years, absence for more than five years, or “dérèglement notoire des mœurs” (adultery). There had been much agitation in favour of the divorce law, and on 1 April 1792 the Legislative Assembly had admitted a delegation of women who claimed the right to divorce (Ronsin 321). Though Spence did not spell out the justified causes for divorce in so much detail, he clearly accepted some provisions of the French law (on dementia, physical abuse and adultery):

[U]nder our unalterable establishment what a dreadful thing it is to make a wrong choice where there is no remedy nor redress for life. It is enough to make one shudder to think of being indissolubly bound to a spendthrift, a drunkard, a sluggard, a tyrant, a brute, a trollop, a vixen. What signifies reforms of government or redress of public grievances, if people cannot have their domestic grievances redressed? (76)



- 36 Spence recognized that an Englishman's home should not be his castle, and that domestic despotism or marital strife, whether the fault lay with the husband or the wife, was unacceptable. He suggested that marriage should be founded on love. Adopting a male point of view, he argued that divorce would give every man a fair chance of achieving love with his loved one:

The matrimonial couples need not always now be chiding each other to no purpose about misconduct, for as they know they can part so easily they must if they wish to continue together study to make each other happy by sobriety, industry, civility, etc. Gross faults will not always be borne with now by either side therefore disgraceful bickerings will cease and the nuptial state will become like a continual courtship, because a good husband or good wife will be valued, and used as they deserve through fear of being lost.

[...] Another good effect must also flow from such known possibility of separation. Men will no longer be afraid to give a beloved woman a fair trial of domestic life, though formerly she may have borne but a loose character, by which many will be reclaimed, the number of single women lessened, and the state of society much mended. (76)

- 37 He adhered to an ideal of marital bliss that unfortunately he could not achieve in his own marriage. Olive Rudkin wrote that "[m]arriage did not bring happiness to Spence. He was 'unfortunate' in his choice of a [first] wife." His second wife was described as a "termagant" (Rudkin 24, 89). In the passage marriage appears as an ideal that everybody should strive for: even women "of loose character" and, possibly, prostitutes, can be "reclaimed". The condition of "single women" is not an enviable one, even in Spence's ideal utopia. Such a passage shows that Spence was indebted to a moral ethos of family life and domestic virtue.
- 38 Thomas Spence does not qualify as a feminist according to late-20th or early-21st-century standards. But why should he? It would be anachronistic to dismiss his advanced views or his failure to develop a full critique of patriarchy by holding him to our standards, without remembering that he wrote on many social and economic issues, some pertaining to women specifically, that were entirely neglected by other reformers of his time (and later). His defence of women's suffrage was predicated on the fundamental equality of all human beings, although a gendered notion of republican virtue and female "delicacy" remained present and limited their active political participation. Spence's position, however, changed and he paid increasing attention to gender equality. Perhaps he could have been convinced in time that women could hold political office.

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## NOTES

1. In *Agrarian Justice*, Paine, though less committed to economic egalitarianism than Spence was, nevertheless went far beyond anything he had written before. (Claeys 196-208) Claeys says little of Spence's criticism of Paine. For a more thorough comparison, see Marangos.

2. "Panyer": basket (from the French *panier*). But this might be a derisive reference to servants: the *Oxford English Dictionary* defines "pannier" as "pair of frames of whalebone, cane, etc., used to expand the skirt of a woman's dress at the hips", and quotes an occurrence from 1739 ironically alluding to the "practice of having manservants dressed in elaborate uniforms and referring to the use of additional material pleated into the skirts of a man's coat and stiffened to make it fan

out at the sides." "pannier, n.1." *OED Online*. Oxford University Press, March 2015. <<https://www.oed.com>> 27 May 2015.

3. John Milton and Gerrard Winstanley, both anthologized in Spence's periodical *Pig's Meat*, are possible candidates. Milton famously defended divorce. As for Winstanley, he considered that the law should defend women and prohibit physical abuse, but his view of women was distinctly patriarchal (Bowman 401; Gurney 91-92; Gheeraert-Graffeuille 33-34).

4. Spence 1982, 37. On issues of respectability and the roughness of the "ultra-radicals", see McCalman; Davis and Pickering, and especially Davis. For more general discussions of Georgian masculinity, see Cohen 1996; McCormack.

5. Blakemore 133-138; Linton 2013, 408; on the ambivalent representation of the women participants of the October Day, see also Landes 109-112.

6. Mixed crowds of rioters, including women specifically, are mentioned pp.68 and 81. But the "tears [...] of an infinite multitude of women" at Masaniello's funeral are seen as "the effect of a popular inconstancy which is not to be equaled" (211).

7. Thompson 1971. See p.116, and Dickinson 1994, 147 on women as instigators of bread riots. On major food riots with women's involvement in Newcastle in 1740, see Randall 100-102.

8. On "effeminacy" as "a category of meanings expressing anxiety about the *effect* women – or the feminine – on the one hand, and desire, on the other, might have on the gentleman", see Cohen 1996, 7; Cohen 1999. On the nexus linking gender, politics and empire, see Wilson 178-205.

9. *A Supplement to the History of Robinson Crusoe...* (1782) in Spence 1982, 9.

10. Article 5 deprives women of local citizenship, but article 6 makes them proprietary citizens because they are local citizens (on the basis of their residence).

11. On neo-Harringtonianism, see Pocock. However, Spence was no mere disciple of Harrington and he considerably altered Harrington's framework (Lee; Duthille)

12. He insists that public employments are "duties," not "distinctions" or "rewards", in keeping with civic humanist criticism of corruption, sinecures, places and pensions. (Spence 1982, 59, 61)

13. Spence 1982, 107. See also in *The Constitution of a Perfect Commonwealth*, the division of the parish surplus among the "inhabitants of every description, and whether they be men, women or children, legitimate or illegitimate" (55).

14. On the abolition of *bâtardise* and the restoration of some of its principles by Napoleon in 1804, see: Schnapper; Bloquet.

15. On the Adultery Prevention Bill and the Bill for the Punishment and more effectual prevention of the Crime of Adultery, see *Cobbett's Parliamentary History*, vol.35, co.225-308 and Phillips 125.

## ABSTRACTS

Thomas Spence, a defender of women's political and economic rights, was one of the very few pamphleteers who advocated women's suffrage in his times. Nevertheless, he has been criticized by some historians for his patriarchal, even reactionary outlook. This article vindicates Spence's record on women's rights against those interpretations, by showing that his thought developed in the direction of gender equality. Spence, however, did not consider allowing women to access executive functions and he was no feminist by 21<sup>st</sup>-century standards.

Thomas Spence défendait les droits politiques et économiques des femmes. Il était l'un des très rares pamphlétaires de son époque à demander le vote des femmes. Certains historiens ont cependant décelé chez lui une vision patriarcale, voire rétrograde. Contre ces interprétations anachroniques, cet article s'emploie à dégager l'évolution de la position de Thomas Spence, de plus en plus favorable à l'égalité entre les sexes, tout en soulignant que Spence n'envisageait pas de confier aux femmes de fonctions exécutives et n'était pas féministe au sens où on peut l'entendre de nos jours.

## INDEX

**personnages** Thomas Spence

**Mots-clés:** vote, féminisme, suffrage universel, droits civiques, droits économiques, égalité, utopie

**Keywords:** suffrage, feminism, universal suffrage, civil rights, economic rights, equality, utopia

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