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Das Prinzip Aufklärung zwischen Universalismus  
und partikularem Anspruch

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The Principle of Enlightenment  
between Universalism and  
Particularistic Claims

Wilhelm Fink

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MARIE-LUISA FRICK

## TENDENCIES OF INCLUSION AND EXCLUSION IN THE ENLIGHTENMENT DISCOURSE ON HUMAN RIGHTS

Abstract:

*Wie konnte sich das so egalitäre und universale Projekt unveräußerlicher Menschenrechte – das zentrale Thema der Aufklärung – letztlich in einigen Gesichtspunkten so ausschließend darstellen und etwa Frauen und (versklavten) Afrikanern gleiche Rechte verweigern? In diesem Beitrag möchte ich die Diskurse um die Abschaffung der Sklaverei und um Frauenrechte und ihre Tendenzen der Inklusion sowie der Exklusion nachzeichnen. Dabei interessiert besonders die Frage, auf Grundlage welcher Voraussetzungen das Ideal der prinzipiellen Gleichheit aller Menschen im Hinblick auf bestimmte Gruppen nicht nur praktisch, sondern bereits theoretisch durchbrochen werden konnte, ohne darin einen Widerspruch auszumachen. Welche philosophischen Begründungen waren ausschlaggebend dafür, dass zwischen den ersten Menschenrechtserklärungen und der Akzeptanz beziehungsweise Realisierung gleicher Rechte für Männer und Frauen oder auch für ‚Weiße‘ und ‚Schwarze‘, nicht nur viele Jahrzehnte liegen, sondern vor allem intensive Kontroversen um Zugehörigkeit, Differenz und (biologische) Determination?*

### I. Introduction

The idea of universal human rights is correctly regarded as a central achievement of the age of Enlightenment. Even though that conception did not emerge out of the blue, but has important rudiments in antique and Christian thought, the first declarations of human and civil rights are emanations of the 18<sup>th</sup> century revolutions in North-America and France. These declarations build on a specific notion of legitimate sovereignty contained in the early modern period's social contract theories.<sup>1</sup> Based on the *Virginia Bill of Rights* (12.6.1776) the American *Declaration of Independence* (4.7.1776) declared in its famous preamble: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness".<sup>2</sup> Thirteen years later the revolutionary National Assembly in France put for-

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1 According to this "legitimacy turn" political power is neither justified by an alleged divine will, nor is simply natural, but legitimate only if it serves the interest of the people who installed it by contracting among each other, i.e. protects their *natural* rights (cf. Marie-Luisa Frick, *Kampfaller gegen alle. Zur menschenrechtlichen Legitimation staatlicher Gewalt*, in: Jodok Troy/Paul Ertel (eds.), *Vom Krieg aller gegen alle zum staatlichen Gewaltmonopol und zurück? Herrschaftliche und private Gewalt in europäischer und ideengeschichtlicher Perspektive*, Frankfurt a. M. 2012, pp. 17–38.

2 United States, *Declaration of Independence* 1776. Available at: <http://www.ushistory.org/declaration/document/index.htm> (accessed 30 October 2012).

ward the *Déclaration des droits de l'homme et du citoyen* (26.8.1789) granting that human beings are born free and remain free and equal in rights.<sup>3</sup>

What is, however, puzzling in regard to this dawn of human rights is the tension between universalism on paper, i.e. rights for *all* human beings, and particularism in practice, i.e. the various exclusions of certain groups from the enjoyment of these rights declared. Ranging from the discussion whether or not Catholics shall enjoy full religious liberty in Great Britain<sup>4</sup> to the question to what degree Jews are worthy of full citizenship in German states<sup>5</sup> – paradoxical tendencies of inclusion and exclusion pervade the Enlightenment discourse on human rights from the very beginning.

In this contribution I will focus on the cases of women and (enslaved) Africans that were at the pivot of Enlightenment debates on universalism and equal rights. Drawing on the writings of selected philosophers and rights activists I will try to outline central lines of arguments and their determining influence on the history of human rights. Given the limited scope of this paper as well as the wide range of the topic I am well aware that a comprehensive examination is beyond my possibilities. But yet I hope to show that the exclusions of both women and 'black' people neither are a mere accident or 'blind spot' nor an issue of simply bringing into accord theory and practice, but relate to weighty conceptions of full humanity or rationality, respectively, as well as notions of a natural order of things.

## II. The Case of (Enslaved) Africans

The institution of slavery has accompanied human civilization from an early stage. The enslavement of defeated warriors and their women and offspring prevalent in ancient Mesopotamia, ancient Egypt or Mesoamerica, the massive populations of domestic slaves in Greek and Roman antiquity, the inner-African slave trade dominated by Arab tribes and the Atlantic slave trade implanted by European powers with the help of local agents: From a 'modern' point of view it is sheer unimaginable how an institution virtually annihilating human dignity could continue to exist for such a long period of time and among societies and cultures usually regarded as highly advanced – or even enlightened.

The Atlantic slave trade, disrooting approximately 12 million of Africans and killing many of them in course of the Atlantic crossing,<sup>6</sup> substantially contributed to the wealth of the slave trading nations involved, especially Great Britain which was relying heavily on the profits from the sugar cane and cotton industries in her

3 French National Assembly, *Déclaration des droits de l'homme et du citoyen*, Paris 1789. Available at: <http://www.assemblee-nationale.fr/histoire/dudh/1789.asp> (accessed 30 October 2012).

4 Cf. for example John Locke, *A Letter Concerning Toleration*, Huddersfield 1796.

5 Cf. for example Christian Wilhelm Dohm, *Über die Bürgerliche Verbesserung der Juden*, Berlin 1781.

6 Andreas Eckert, *Aufklärung, Sklaverei und Abolition*, in: Wolfgang Hardtwig (ed.), *Aufklärung und ihre Weltwirkung*, Göttingen 2010, pp. 243–262, here p. 246.



colonies abroad. Starting as early as around 1625, the Atlantic slave trade reached its peak in an era that praised itself of dissociating from previous ages of darkness and slumbering reason. However, the demarcation in view of slavery and the status of 'black' people proved ambiguous and contested. Indeed, the slave trade was abolished by Great Britain with the famous Abolition Act 1807, but slavery as such was still legal in the colonies until 1833. In France the *Code Noir* (1685) was abolished in course of the revolution in 1794, but the decree of abolition has been withdrawn by Napoleon. In the newly founded United States of America slavery was not generally eradicated until the end of the Civil War 1865<sup>7</sup> even though US citizens were prohibited to engage in the slave trade since 1794 followed by the prohibition of importing slaves 1818.

But the end of the institution of slavery did not necessarily result in full equality of the formerly enslaved people. In the US, for example, 'black' men – not yet 'black' women – were granted civil equality with the 14<sup>th</sup> and 15<sup>th</sup> Amendment to the Constitution in 1868/70<sup>8</sup> but had to wait to full equal rights until mid of the 20<sup>th</sup> century.<sup>9</sup> It therefore is important, however, to distinguish the case of slavery as a refusal of basic rights, first of all the right to personal liberty and security of person, from the wider issue of full equal status of 'blacks' and 'whites'.

### 1. Challenging the Institution of Slavery

“For if Liberty is only an adventitious right; if men are by no means superior to brutes; if every social duty is a curse; if cruelty is highly esteemed; if murder is strictly honourable, and Christianity is a lye; then it is evident that the African slavery may be pursued, without either the remorse of conscience or the imputation of a crime.”

Thomas Clarkson, 1786

In the philosophical political discourse of the 17<sup>th</sup> century slavery was for the most part addressed – if at all – in an utterly abstract manner. So if, for example, John Locke (1632–1704) states that enslaving another man amounts to a state of war, i.e. a transgression of natural law,<sup>10</sup> he does not explicitly relate this figure of thought to the fates of those Africans his own nation forces into slavery throughout its colonies at that time. He even invested in the slave trade.<sup>11</sup> Independently from

7 The earliest State to abolish it (for adults) in 1777 was Vermont that became the 14<sup>th</sup> State of the US in 1791.

8 In 1857, however, the US Supreme Court had denied civil rights to 'black' people in the Dred-Scott decision, entailing the famous duel between Abraham Lincoln and Senator Douglas (see Willy Strzelewicz, *Der Kampf um die Menschenrechte*, Frankfurt a. M. 1968, pp. 102–104).

9 There is no rule without exceptions: In New Jersey, for example, the universal suffrage was (unintentionally) granted to both 'black' people and women already in 1790 but was withdrawn, however, after African and female candidates proved 'too successful' in the first elections (cf. A. C. Grayling, *Towards the Light*, London 2007, p. 206).

10 Locke, *Two Treatises of Government*, Cambridge 1967, p. 303.

11 Eckert, *Aufklärung*, p. 205.

that, the philosophical theories of the social contract with their notions of natural and equal liberty proved most influential in the later abolition discourse. In Britain two of its prominent figures were Thomas Clarkson (1760–1846), founding member of the *Committee for Effecting the Abolition of the Slave Trade* (1787) (later: *Anti-Slavery Society*) and the politician William Wilberforce (1759–1833). In North America the Quaker preacher John Woolman (1720–1772), and the educator with Huguenot background Anthony Benezet (1713–1784) were influential opponents of plantation slavery.<sup>12</sup> In France in particular the Marquis de Condorcet (1743–1794), famous member of the *Société des Amis Noirs* founded in 1788, and the female philosopher Marie Olympe de Gouges (1748–1793) supported the cause of abolition.

With thinkers such as these leading the way great parts of the public were conscientized and, especially in the case of Great Britain that after 1807 “became the world’s most aggressive abolitionist power”,<sup>13</sup> mobilized in agitation activities that amounted to a “discursive explosion”.<sup>14</sup> In Manchester, for example, in 1792 one fourth of the inhabitants signed an anti-slavery petition.<sup>15</sup> The idea according to that a people’s state of presumed enlightenment is accompanied with certain obligations of including the remaining part of humanity, is also echoed in Wilberforce’s critique of slavery he calls a “national crime”: “[S]urely it is no small aggravation of our guilt, that we, who are the prime agents in this traffic of wickedness and blood, are ourselves the most free, enlightened, and happy people that ever existed upon earth”.<sup>16</sup>

That such argumentation was appealing to many of their fellow-citizens is quite easy to comprehend paying attention to the widely accepted religious and philosophical conceptions abolitionists could rely on.<sup>17</sup> Among them the idea that all human beings are children of one and the same divine Father or even his own property, as John Locke put it.<sup>18</sup> In his *Considerations of the Keeping of Negroes* (1754) that were in particular addressed to “professors of Christianity of every denomination” Woolman strongly emphasized the common origin of mankind in God.

12 For influence of Quaker and evangelical thought on the abolition movement see Roger Anstey, *Religion and British Slave Emancipation*, in: David Eltis/James Walvin (eds.), *The Abolition of the Atlantic Slave Trade. Origins, and Effects in Europe, Africa, and the Americas*, Madison 1981, pp. 37–62; Christine Bolt/Seymour Drescher (eds.), *Anti-Slavery, Religion and Reform*, Kent 1980.

13 James Walvin, *Introduction*, in: Stephen Farrel et al. (eds.), *The British Slave Trade: Abolition, Parliament and People*, Edinburgh 2007, pp. 1–11.

14 Brycchan Carey/Sara Salih, *Introduction*, in: Brycchan Carey et al. (eds.), *Discourses of Slavery and Abolition*, New York 2004, pp. 1–8, here p. 2; cf. also Stephen Farrel et al. (eds.), *The British Slave Trade*.

15 James Malvin, *The Public Campaign in England against Slavery, 1787–1834*, in: Eltis/Walvin (eds.), *The Abolition of the Atlantic Slave Trade*, pp. 63–79.

16 William Wilberforce, *A Letter on the Abolition of the Slave Trade*, London 1807, p. 42.

17 The question whether the abolition of slavery was in fact brought about by humanist or rather economic motivations has been debated intensively since Eric William’s *Capitalism and Slavery* (1944). Today his “decline thesis” is, however, mainly regarded as refuted (Eckert, *Aufklärung*, p. 248).

18 John Locke, *Two Treatises of Government*, p. 289; cf. also Thomas Paine, *The Rights of Man*, Oxford 2008, pp. 117–118.

According to him slavery cannot be upheld as legitimate institution since (already the bible affirms that) “all nations are of one blood” and, more importantly, there exists no chosen people in terms of race: “To consider mankind otherwise than brethren, to think favors are peculiar to one nation, and to exclude others, plainly supposes a darkness in the understanding – for [...] God’s love is universal”.<sup>19</sup>

Also Benezet challenged slavery extensively by referring to the equality of all the “subjects of Christ’s redeeming grace”.<sup>20</sup> It is, in that regard, no coincidence that Wilberforce places in front of his letter addressed to the inhabitants of Yorkshire the two bible quotations *Galatians* 3:28 and *Acts* 17:26.<sup>21</sup> Yet, this notion did not function as a silver bullet despite the large majority of the people addressed by it being (pious) Christians. The reason for this can be understood when looking at the following sub-discussion accompanying the abolition discourse: It is the question of the early history of mankind, more precisely, whether mankind did develop from one origin (monogenetic position) or rather stems from different provenance (polygenetic position).<sup>22</sup> Accepting the former by no means had to result in a pro-abolition stance since the agreement on a common origin of all human beings not necessarily implicates that there are no relevant differences among them given the various environmental and social conditions they meet in different parts of the world. As Peter Kitson points out: “Pro-slavery writers could justify just about anything they wanted to with regard to the practice of plantation slavery by recourse to the view that humanity was of one species, providing one understands that Africans were at a lower social and cultural level”.<sup>23</sup>

Thus, in order to catch the argumentative level of proponents of slavery its opponents had to pose their accusatory questions differently. Not ‘How can you justify enslaving coequal individuals?’ but ‘Allowed, black people are not as smart and refined as we white ones are, how can you justify to inflict upon them that cruel and degrading institution of slavery?’ One answer to this question can be found in the view that Africans cannot be brought to work without the use of force. One finds this position also in the reasoning of one philosopher who like no other took a most ambivalent stance on the legitimacy of slavery: Montesquieu (1689–1755). Even though he opposes slavery in general for it was “not good by nature; it is useful neither to the master nor the slave”.<sup>24</sup>

Montesquieu treats slavery as an evil that is relative to the political constitution of a particular society and hence most disadvantageous in systems “where it is sove-

19 John Woolman, *Considerations of the Keeping of Negroes. Recommended to the Professors of Christianity of Every Denomination*, in: Works, Philadelphia 1800, p. 276.

20 Anthony Benezet, *A Caution and Warning to Great Britain and Her Colonies, in a Short Representation of the Calamitous State of the Enslaved Negroes in the British Dominions*, Philadelphia 1766, p. 3.

21 Wilberforce, *Letter*.

22 Cf. Peter Kitson, ‘*Candid Reflections: The Idea of Race in the Debate over the Slave Trade and Slavery in the Late Eighteenth and Early Nineteenth Century*’, in: Carey et al. (eds.), *Discourses*, pp. 11–25, here pp. 12–13.

23 *Ibid.*, p. 20.

24 Montesquieu, *The Spirit of the Laws*, Cambridge 1989, p. 246.

reignly important neither to beat down nor to debase human nature [...]”.<sup>25</sup> Further, he assumes that “[t]here are countries where the heat enervates the body and weakens the courage so much that men come to perform an arduous duty only from fear of chastisement; slavery there runs less counter to reason [...]”.<sup>26</sup> If there was, so Montesquieu, a thing such as natural slavery – as described and justified by Aristotle to whom he explicitly alludes to – “they are those whom I have just mentioned”.<sup>27</sup> The ambiguous (some might even dare to call it paradoxical) attitude of Montesquieu becomes also clear from this quotation:

“But, as all men are born equal, one must say that slavery is against nature, although in certain countries it may be founded on a natural reason, and those countries must be distinguished from those in which even natural reasons reject it, as in the countries of Europe where it has so fortunately been abolished.”<sup>28</sup>

What Montesquieu is doing here is nothing less than creating a general rule (slavery is an evil) and an exception from it (slavery is not an evil in certain southern regions) at the same time and thereby excluding non-Europeans from its application. From that point of view, slavery can very well continue to exist if it concerns people from these specific, yet not further defined (tropical? African? Caribbean?) countries.

To be sure, this notion of degenerated, sluggish Africans so deeply ingrained into the then average European self-conception, did not remain uncontested even at that time. It was in particular Benezet who most prominently argued that the presumed inferiority of the ‘black’ mind is by no means natural, but the product of the neglecting treatment enslaved Africans had to endure. He countered prejudices entailed in travel narratives and emphasized the “good dispositions” of Africans he has observed himself when educating ‘black’ children.<sup>29</sup> Condorcet, too, argued that “[n]o reasons [...] for the dreadful fate to which Africans have been subjected can be found in their customs, colour or moral character”.<sup>30</sup> By contrast, the degrading treatment of people from African descent was to blame for any potential insufficiency: “We deprive the Negro of all his moral faculties and then declare him inferior to us, and consequently destined to carry our chains”.<sup>31</sup>

What becomes quite clear from the above is that in the discourse on slavery and its abolition equality in terms of a common origin (even in God) is not a guarantee for an effective equality in rights.

Hence, starting from the (theological) argument of equality in terms of origin, abolitionists often ended up in an accentuation of charity. One should show empa-

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25 Ibid.

26 Ibid., p. 251.

27 Ibid., p. 252.

28 Ibid.

29 Benezet, *Caution and Warning*, p. 15.

30 Condorcet, *On Slavery. Rules for the Society of the Friends of Negroes*, Paris 1788, in: *Political Writings*, Cambridge 2012, p. 149.

31 Ibid., p. 150.

thy with enslaved Africans just as one should be caring for children and sympathetic to animals. The central question now was: Is slavery a proper manifestation of that charity? With vigor abolitionists challenged this and centered upon the cruelty and wickedness inherent to slavery. Thus, economic arguments in favor of slavery, which were commonly put forward quite frankly, could be subject to an appreciation of values: ‘What is more important for me as a (god-fearing) person or us as a (god-fearing) nation, respectively: wealth or humanness?’ When Benezet – like many others – describes in detail the horrifying circumstances of the enslaved Africans’ transport, the punishments, the disruption of relatives, the attempts of suicide, and directly asks his reader to “bring the matter home and consider whether any situation in life can be more completely miserable than that of those distressed captives”,<sup>32</sup> it is exactly moral accusations like these which to a large degree decide the outcome of the struggle against slavery. In that manner slavers were branded as enemies of Christianity and humanity as a whole. This line is taken also by one of the few Afro-British abolitionists who suffered from enslavement himself, Quobna Ottobah Cugoano (1757–?). He mirrors back the connotation of blackness to its originators, i.e. the racist apologists of slavery, who are, as he asserts, “of a blacker kind than only skin deep”.<sup>33</sup>

Another influential and persistent notion in the abolition discourse was Enlightenment’s emphasis of natural freedom owed to the reductive figure of a state of nature preceding all governmental power that is essential to the social contract theories developed by Thomas Hobbes, John Locke, or Jean-Jacques Rousseau. In the state of nature, these thinkers argue, man is principally equal and totally free, not bound by positive laws (only in case of Locke by a natural law of non-maleficence). According to him, “[m]an [is] born with a Title to perfect freedom, and an uncontrolled enjoyment of all the Rights and Privileges of the Law of Nature, equally with any other Man [...]”.<sup>34</sup>

If – and that is the crucial figure of thought – in a condition prior to the erecting of state institutions man was free, how can the current state of affairs be explained? Against the background of the social contract theories’ argument that free people can only establish power hierarchies among them if they agree to do so (which is the origin of government from this point of view), the question can be raised: Who would have ever *agreed* to enslavement? As the condition of slavery obviously is no aspiration of sane, rational creatures, it cannot have any legitimate basis since legitimate power is the outcome of intentional transmission. Thus, in the era of contractualism the institution of slavery becomes identically equal to despotism and tyranny.<sup>35</sup>

When arguing that just like a government can only claim legitimacy when based upon compact, any form of personal service needs the consent of the potential serv-

32 Benezet, *Caution and Warning*, p. 19.

33 Quobna Ottobah Cugoano, *Thoughts and Sentiments on the Evil of Slavery*, London 1999.

34 *Ibid.*, p. 341.

35 Cf. Locke, *Two Treatises*, p. 159.

ant, Clarkson precisely builds on this notion of pre-governmental moral ‘rights’. Hence, to him “it is evident that no man can be consigned to slavery, without his own consent”.<sup>36</sup> Also de Gouges’ composition of questions “Traffic with humans? And nature is not trembling? If they are animals, aren’t we, too?” only works against the backdrop of a concept of nature as absolute, normative regime necessitating equal freedom of all human beings qua humanity.<sup>37</sup>

The equal-liberty-argument – contrasted to the sheer (theological) equality argument above – had the advantage that the former freedom of the enslaved could not be denied. A slave holder who simply declared to have enslaved a man just because he could do so would find himself on the precarious ground of an might is right argument that is relatively weak in the truest sense of the word. – Not least in face of much-noticed slave revolts in places such as Haiti 1791, but also when additionally confronted with the cruelty argument. Power alone, even Montesquieu accentuated in that regard, is no sufficient argument in favor of slavery: “Who can doubt whether each man, individually, would not be quite content to be the master of all the goods, honor, and the life of others [...]? Do you want to know whether the desires of each are legitimate in these things? Examine the desires of all”.<sup>38</sup> Or as Clarkson put it: “But how does the slave differ from his master, but by chance?”<sup>39</sup>

Thus, it comes as no surprise that in North-America the preamble of the *Independence Declaration* served as a most powerful tool at hand of the abolitionists. The contradiction between man’s natural state of freedom and institutionalized slavery was too great not to strike large parts of the public. – A contradiction that led to almost absurd illogical twists, as for example in the case of the Southern States where the preamble’s wording sometimes even was rephrased to the effect that it read: “All freemen are born free”.<sup>40</sup> That way the evident conflict between theory and practice was supposed to disappear – at the price of tautology.

But already before the *Declaration of Independence* was framed, the contradiction between the battle cry of liberty and the actual conditions of the enslaved Africans was affirmed: “How many”, Benezet asked, “of those who distinguish themselves as the advocates of liberty, remain insensible and inattentive to the treatment of thousands and tens of thousands of our fellow-men [...]”.<sup>41</sup> Similar Nathaniel Appleton (1693–1784) in his *Considerations on Slavery* (1767): “Oh! Ye sons of liberty, pause a moment. Give me your ear. Is your conduct consistent? Can you review our late

36 Thomas Clarkson, *An Essay on the Slavery and Commerce of the Human Species*, Philadelphia 1804, p. 83.

37 Marie Olympe de Gouges, *Réflexions sur les hommes nègres*, Paris 1788. Available at: [http://slavery.uga.edu/texts/literary\\_works/Olympe\\_de\\_Gouges\\_Reflexions.pdf](http://slavery.uga.edu/texts/literary_works/Olympe_de_Gouges_Reflexions.pdf) (accessed 30 October 2012), translation by the author.

38 Ibid., p. 253.

39 Clarkson, *Essay*, p. 83.

40 Georg Jellinek, *Die Erklärung der Menschen- und Bürgerrechte*, in: Roman Schnur (ed.), *Zur Geschichte der Erklärung der Menschenrechte*, Darmstadt 1964, pp.1–77, here p. 66.

41 Benezet, *A Caution and Warning*, p. 3.

struggles for liberty, and think of the slave trade at the same time and not blush?”<sup>42</sup> Also Thomas Paine (1737–1809), who’s *Rights of Man* (1791) served as a major referential document in the abolition discourse, emphasized that contradiction 1775 in his newspaper article on *African Slavery in America*. Against the background of the confrontation with Great Britain Paine asks Americans to consider “[w]ith what consistency, or decency they complain so loudly of attempts to enslave them, while they hold so many hundred thousands in slavery, and annually enslave many thousands more, without any pretense or authority, or claim upon them?”<sup>43</sup>

There was, however, one (theological) argument potentially dangerous to the notion of former equal naturel freedom; an argument implied in Locke’s examination of slavery itself who left open but one gate way for the institution every to be justified: “Captives taken in a just War, are by Rights of Nature subjected to the Absolute Dominion and Arbitrary Power of their Masters”.<sup>44</sup> In this reasoning Locke might be relying on traditional legal opinions,<sup>45</sup> but maybe also on the conception of a supposed biblical right of the chosen people to subdue its enemies implicating that slavery already was “admitted under the Divine institution by Moses”.<sup>46</sup> In the discussion on abolition this notion was employed regularly and raised strong criticism by Christian abolitionists.<sup>47</sup> Also Thomas Paine countered this argument according to which Africans were justly deprived of their freedom as follows:

“The plea is, in a great measure, false; they had no permission to catch and enslave people who never injured them. [...] [T]o go to nations with whom there is no war, who have no way provoked, without farther design of conquest, purely to catch inoffensive people, like wild beasts, for slaves, is an height of outrage against humanity and justice, that seems left by heathen nations to be practised by pretended Christians.”<sup>48</sup>

That the institution of slavery (in principle) is a fundamental social and moral ill was – despite other differences – the consensus position of the 18<sup>th</sup> century enlightened philosophical elite. Concerning the precise realization of its abolition, however, they took different views; ranging from immediate abolition of slavery and punishment of its profiteers to gradual overcoming in the course of future generations. A prominent advocate of the latter was Thomas Jefferson (1743–1826). He was convinced that slavery is a severe violation of the divinely issued rights of man and also declared that he “tremble[s] for [his] country when reflecting that God is just:

42 Quoted in: Howard Temperley, *The Ideology of Antislavery*, in: Eltis/Walvin (eds.), *The Abolition of the Atlantic Slave Trade*, p. 33.

43 Thomas Paine, *African Slavery in America*, in: Micheline R. Ishay (ed.), *The Human Rights Reader. Major Political Essays, Speeches, Documents from the Bible to the Present*, New York 1997, p. 132.

44 Locke, *Two Treatises*, p. 341.

45 Cf. e.g. Hugo Grotius, *De jure bellis et pacis libri tres*, Frankfurt a. M. 2008, chapter 14.

46 Cugoano, *Thoughts and Sentiments*, p. 28.

47 Next to Cugoano’s wide riposte (ibid., pp. 28–30) cf. also Wilberforce, *Letter*, pp. 54–56.

48 Paine, *African Slavery*, pp. 131–132.

that this justice cannot sleep for ever [...]”.<sup>49</sup> At the same time he continued to keep slaves and showed quite some unease confronting himself with the outlook on the masses of freed slaves in the US: “[...] we have the wolf by the ears, and we can neither hold him nor safely let him go. Justice is in one scale and self-preservation in the other [...]”.<sup>50</sup>

To sum up, one can say: In general, the Enlightenment philosophical/political discourse on slavery can be regarded as a comprehensive, not always immediately successful and sometimes also precarious effort to include formerly excluded individuals into the enjoyment of basic rights. One can agree with Louis Sala-Molins that slavery was a test case for Enlightenment and its various aspirations of progress, rationality, happiness, and humaneness but still disagree with him that this test has actually been failed.<sup>51</sup> The constant and huge effort to extend human rights to people from African descent by such outstanding personalities such as Clarkson, Wilberforce, Benezet, Paine or de Gouges prove that even though the rejection of slavery in other cases was lukewarm indeed and maybe even coward, the African slave trade was the inducement of the first universal human rights movement in history.

## 2. Full Equal Status? Reservations and Doubts

This short analysis of the abolition discourse shows that the arguments from equality were not at all resounding and therefore often better were to be substituted by the argument from cruelty or liberty. The question of slavery was, however, not yet a dispute of whether or not ‘blacks’ should enjoy *all* human or civil rights, but only concerned the question whether or not they should enjoy such fundamental rights as the rights to liberty, personal security, and to life. Even if for some man’s natural liberty forbade slavery, it did not automatically demand equal legal status. This to a large part explains the time gap between the abolition of slavery and the granting of full civil equality to formerly enslaved Africans.

A prominent justification for the refusal of the latter was the idea that ‘black’ people are inferior to Europeans in cultural and biological terms. It was especially the alleged cognitive deficiency of “Negroes” (rendering them unable to professions other than corporal) not only ordinary people were so strongly convinced of, but also enlightened minds such as Immanuel Kant (1724–1804) and David Hume

49 Thomas Jefferson, *Notes on the State of Virginia*, London 1788, p. 272.

50 Jefferson, *Letter to John Holmes 1820*, in: *Political Writings*, New York 1955, p. 62.

51 Louis Sala-Molins, *Dark Side of the Light. Slavery and the French Enlightenment*, Minneapolis 2006. Of course, country-specific differences between the French and the Anglo-American abolition discourse have to be taken into account (cf. Seymour Drescher, *Two Variants of Anti-Slavery. Religious Organization and Social Mobilization in Britain and France, 1780–1870*, in: Bolt/Drescher (eds.), *Anti-Slavery, Religion and Reform*, pp. 43–63). In France after the revolution abolitionists “disappear into oblivion” (p. 43). Next to the factor of repression and the loss of lives of so many critical minds, e.g. de Gouges, French Catholicism also had a share in the public’s indolence that never rose to a social movement like in Britain.



(1711–1776). For the latter the supposed lack of technological, scientific, and artistic achievements of ‘black’ populations directly proofed their inferiority in intellectual terms:

“I am apt to suspect the negroes, and in general all other species of men [...] to be naturally inferior to the whites. There never was a civilised nation of any other complexion than white, nor even any individual eminent either in action or speculation. [...] Such a uniform and consistent difference could not happen in so many countries and ages, if nature had not made an original distinction betwixt these blends of men.”<sup>52</sup>

For Kant, too, there was no doubt that black people suffer from a lack of faculty and endurance (“Vermögen und Dauerhaftigkeit”).<sup>53</sup> The notion that Africans are inherently and essentially inferior to Europeans has also been fostered by a vast number of travel narratives over a period of hundreds of years.<sup>54</sup> Still in its 1798 edition the *Encyclopaedia Britannica* described the “Negro” as “an awful example of the corruption of man when left to himself”.<sup>55</sup>

That holding “savages” in high esteem very well could exist side by side with subtle devaluation is also observable in the case of Jean-Jacques Rousseau (1712–1778). By praising the ideal of mankind in its perfectly free state of nature Rousseau particularly fixates on the unfortunate effects of man’s faculty of reflection constantly increasing with civilizational progress. Without the burden of reflecting upon themselves or the (existentially) frightening world around them, the first humans according to him were content and instinct-guided like animals.<sup>56</sup> Rousseau relates ‘black’ people to this former human condition and finds in them a well-suited pattern of pre-rational(-ized) existence. He illustrates this point with the following example of a “Caribe”: “In the morning he sells his cotton bed, and in the evening he returns with tears in his eyes to buy it back because he had not foreseen that he would need it again next eve”.<sup>57</sup>

Given his stance on slavery (as well as his personal relationships with Africans) it might be surprising to find that Jefferson’s opinion of people from African descent was rather negative, too. According to him the ‘black’ man is equal to the ‘white’ as regards memory, but “in reason much inferior [...] and [...] in imagination [...] dull, tasteless and anomalous”.<sup>58</sup> By mixture with the ‘whites’ Africans would profit in body and mind, but yet their “unfortunate difference of color and perhaps of

52 David Hume, *On National Characters*, in: *Essays Moral, Political and Literary*, Aalen 1964, p. 252.

53 Immanuel Kant, *Von den Racen der Menschen*, AA II, Berlin 1968, p. 438.

54 There were, however, also a minority of narratives portraying blacks in a quite favorable light. To abolitionists such as Wilberforce this was “more than enough to rescue the African race from the unjust and general stigma which has been cast on it” (*Letter*, p. 71).

55 Quoted in Grayling, *Towards the Light*, p. 172.

56 Jean-Jacques Rousseau, *Abhandlung über den Ursprung und die Grundlagen der Ungleichheit unter den Menschen*, München 1991, pp. 66–67.

57 *Ibid.*, p. 73, translation by the author.

58 Jefferson, *Notes*, p. 232.

faculty, is a powerful obstacle to the emancipation of those people”.<sup>59</sup> Jefferson’s views become even more manifest when contrasted to the great respect he pays to Native Americans. At least he is fair enough to leave open the question of racial inferiority to further (scientific) examination.

Against this background the reluctance to extend political rights to ‘blacks’ becomes intelligible. If according to the perspective above (formerly enslaved) Africans are to be subsumed under the category of half-human or non-adult, respectively, they automatically rank with children and women who traditionally were denied equal civil rights.

Next to this argument from intellect and rationality, in Jefferson and in Kant we can observe also another type of argument in favor of the inferiority of ‘blacks’ – it is an aesthetic one. According to Kant, Africans are not only inferior in terms of faculties of the mind, but have no sentiment above foolishness, i.e. no gift for the sublime.<sup>60</sup> By contrast, Jefferson’s ideal of beauty was a physical one:

“Is it not the foundations of a greater or lesser share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of color in the one, preferable to that eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race?”<sup>61</sup>

Such views did not remain uncontested. Both Benezet and Clarkson emphasized that any alleged inferiority was anything but *natural*. If there were current differences between the two races they did not exist “because [Africans] are less capable [...], but because they have seldom ever an opportunity of learning [...]”.<sup>62</sup> De Gouges, too, attacked classical prejudices in regard to people from African descent. Nature as such would not allow for any white supremacy which hence cannot be ‘justified’ with reference to an objective, external order but only with arrogance.<sup>63</sup> An interesting argument in favor of the contingency of civilization (as a normative concept) is also put forward by Wilberforce. In his view, civilizational progress always is owed to intercultural encounter. Thus, civilization results of mixing influences “communicated from one nation to another, from the more to less civilized”.<sup>64</sup> Asking “now, whence was Africa to receive those valuable presents?”, Wilberforce comes to the conclusion: “[...] had we been left in their situation, we should probably have been not more civilized than themselves”.<sup>65</sup>

<sup>59</sup> Ibid., p. 240.

<sup>60</sup> Kant, *Beobachtungen über das Gefühl des Schönen und Erhabenen*, AA II, Berlin 1968, p. 253.

<sup>61</sup> Jefferson, *Notes*, p. 230.

<sup>62</sup> Clarkson, *Essay*, p. 180.

<sup>63</sup> De Gouges, *Réflexions*.

<sup>64</sup> Wilberforce, *Letter*, p. 80.

<sup>65</sup> Ibid.

### III. The Case of Women

The situation of women in the 18<sup>th</sup> century was of course in general less burdening than the life of the enslaved masses on the cane fields and cotton plantations. They were – as a social group – not denied such basic human rights as the right to personal liberty, life, and security. Nevertheless both groups shared similar experiences of exclusion from the political public as well as political and civil rights.

There is also another link between the cases of (enslaved) Africans and women that is worth highlighting. In many of the abolitionist movements women played a significant role. Not often before women were accepted in public discussions as respected companions for a common cause and were allowed to raise their opinions on matters of public affairs. Slavery was, as A. C. Grayling puts it, a test case for women to demonstrate their ability to act in the public sphere.<sup>66</sup> Another reason why many women were prepared to involve themselves into these debates and struggles might be found in their solidarity with people who likewise were excluded from societal participation. It is therefore not too surprising that the famous abolitionists' seal displaying a kneeling black in chains asking "Am I not a man and a brother?" soon was re-designed by feminist abolitionists ("Am I not a woman and sister?").<sup>67</sup>

When in 1870 the 15<sup>th</sup> Amendment to the US Constitution prohibited the exclusion of any citizen by reference to his "race, color, or previous condition of servitude" it did not ensure that any reference to sex was outlawed as well. Women of both races had to wait until 1920 to be granted suffrage. Not much earlier females were eligible to vote in Germany, Austria, or Great Britain (all 1918). Not forgetting other crucial rights denied until about that time, as the right to higher education or free choice of occupation.

That it took such a long time for women's rights to be acknowledged as human rights may seem astonishing when looking at early calls for equalization dating back to the first human rights declarations. One of the few male theorists grasping the contradiction between human rights' inclusive horizon and the effective exclusion of half of the French subjects again was Condorcet: "Could there be any stronger evidence of the power of habit over enlightened men than the picture of them invoking the principle of equal rights for three or four hundred men [...] and yet forgetting it with regard to 12 million women?"<sup>68</sup>

In France de Gouges, too, had to realize that the *Declaration of the National Assembly* in 1789 obviously did not intend to include women in its scheme of rights. De Gouge, who famously stated a woman shall have the right to enter the political stage just as she has the right to ascend the scaffold (and who herself was

<sup>66</sup> Grayling, *Towards the Light*, pp. 203–204.

<sup>67</sup> Mike Kaye, *The Development of the Anti-Slavery Movement after 1807*, in: Stephen Farrel et al. (eds.), *The British Slave Trade*, pp. 238–257, here pp. 239, 331.

<sup>68</sup> Condorcet, *On the Emancipation of Women. On Giving Women the Right of Citizenship*, in: *Political Writings*, Cambridge 2012, p. 156.

executed 1793 in course of the *terreur*), put forward her counter declaration *Déclaration des droits de la femme et de la citoyenne* (1791).<sup>69</sup> De Gouges complained that women have not been rewarded for their contributions to the revolution with the rights they justly deserve. Women, she writes, have but been utilized: “Oh Women! When will you cease to be blind? What advantage did you receive from the revolution? Contempt more sensible, condescension more explicit.”<sup>70</sup> In her declaration she reformulated the original articles in light of a critical gender perspective. When originally Art. 4 of the *Déclaration* stressed that the enjoyment of natural rights has no limits except in regard to the same rights of others, de Gouges responding with her Art. 4 argued that the natural rights of women actually have boundaries drawn by man’s tyranny and demanded these boundaries to be repaired according to the laws of nature and reason.<sup>71</sup>

De Gouges shared her disappointment over the outcomes of the French Revolution with another influential enlightenment feminist, Mary Wollstonecraft (1759–1797), who moved to Paris in 1792 and had to flee two years later. The author of the famous *Vindication of the Rights of Woman* (1792) – who even prior to Paine countered Edmund Burke’s *Reflections* with her *Vindication of the Rights of Man* – advocated principal equality between the sexes without contesting the ideals of family (based on parental partnership) and motherhood.<sup>72</sup> For both de Gouges and Wollstonecraft man’s supremacy was neither mirroring a divine or natural order, nor a trust woman had transferred to him in her own interest. The actual hierarchical relations of the sexes were, as echoed in de Gouges’ “Man, are you able of being just? [...] Who has bestowed upon you the self-aggrandizing power to oppress my sex?”<sup>73</sup> in need of justification. In the course of the Enlightenment women’s rights discourse these justifications indeed were provided and the feminist works of de Gouges and Wollstonecraft are dedicated attempts to tackle their very foundations. They were facing in particular two most influential types of reasoning. Condorcet’s dictum puts them in a nutshell: “For this exclusion [of women] not to constitute an act of tyranny, we have to prove that the natural rights of women are not exactly the same as those of men, or else that they are incapable of exercising them.”<sup>74</sup>

The first argument focusing on presumed intellectual deficiencies of female minds – similarly to the case of Africans above – could refer to a long tradition reaching back to antiquity. It has a special relevance also in the philosophy of

69 Marie Olympe de Gouges, *Déclaration des droits de la femme et de la citoyenne*, Paris 1791. Available at: [http://www.assemblee-nationale.fr/histoire/femmes/olympede-gouges\\_declaration-des-droits-de-la-femme.asp](http://www.assemblee-nationale.fr/histoire/femmes/olympede-gouges_declaration-des-droits-de-la-femme.asp) (accessed 30 October 2012).

70 Ibid., translation by the author.

71 Ibid.

72 For a short sketch of her philosophy and life see Marie-Luisa Frick, *Mary Wollstonecraft*, in: Helmut Reinalter/Andreas Oberprantacher (eds.), *Außenseiter der Philosophie*, Würzburg 2012, pp. 121–138.

73 De Gouges, *Déclaration*, translation by the author.

74 Condorcet, *Emancipation*, p. 156.

edu-cation Rousseau elaborated in his novel *Émile* (1762).<sup>75</sup> Starting with the description of the ideal education for this boy, Rousseau sets against it the ideal education for Sophie.<sup>76</sup> Based on his anthropology according to which man is good in a former natural state, but corrupted and degenerated by society, he further portrays his ideal young female as tender-hearted and charming opposed to male rationality and reflection. Just like in the case of his ‘noble (black) savage’ Rousseau’s anti-intellectualism simultaneously exalts and humbles women since they ultimately resemble minors – or even animals, as his view suggests according to that women cannot control their (sexual) desires by reason but only by the (instinctive emotion) of shame.<sup>77</sup> A categorical difference in man’s and woman’s intellect is also asserted by Kant who is displaying Rousseau-like charm when he assigns to women the beautiful (but finally superficial) intellect and to man the noble (and profound) one (“erhabener Verstand”).<sup>78</sup> However, Kant explicitly discounts Rousseau in his view that women in the end are nothing more than some sort of infants.<sup>79</sup>

Wollstonecraft includes this argument from intellect and rationality into her feminist critique and tries to counter it in two ways. First, in her view it is always the individual who is more or less gifted in faculties of the mind. Just as there are shallow male individuals, there are examples of women of wit and esprit. By no means could men therefore claim superiority for their sex as a whole: “I love man as my fellow; but his sceptre, real or usurped, extends not to me, unless the reason of an individual demands my homage; and even then the submission is to reason, and not to man”.<sup>80</sup> Above that, Wollstonecraft relates the “miserable state” of her sex – she severely criticizes the superficiality and vanity of her fellow females “who are made women of when they are mere children, and brought back to childhood when they ought to leave the go-cart for ever”<sup>81</sup> – to their lack of proper education which is again described as result of their lack of rights.

One of the few male Enlightenment advocates of female emancipation (next to Condorcet), Prussian politician and thinker Theodor Gottlieb Hippel (1741–1796), likewise emphasized that “both sexes have an equal share of inferior and superior minds”<sup>82</sup> by pointing to the individual: “It is said that no woman has ever made an important scientific discovery or shown signs of genius in the arts or in literature [...], but we would hardly attempt to limit citizenship rights only to men of genius”.<sup>83</sup>

75 Jean-Jacques Rousseau, *Émile oder über die Erziehung*, Braunschweig 1791.

76 Against this ideal Wollstonecraft objects: “Educate women like men’, says Rousseau, ‘and the more they resemble our sex the less power will they have over us’. This is the very point I aim at. I do not wish them to have power over men; but over themselves” (*A Vindication of the Rights of Woman*, in: Works, vol. 5, London 1999, p. 131).

77 Rousseau, *Émile*, p. 533.

78 Kant, *Beobachtungen*, p. 240.

79 Ibid., p. 246.

80 Wollstonecraft, *Vindication*, p. 105.

81 Ibid., p. 186.

82 Theodor Gottlieb Hippel, *Über die bürgerliche Verbesserung der Weiber*, Berlin 1792, p. 157.

83 Condorcet, *Emancipation*, p. 157.

However, opponents of women's inclusion into equal civil and political rights employed also a second argument for their viewpoint that turned out to be much more difficult to retort, namely the notion that *naturally* men and women have different functions and destinations. It is this notion underlying Rousseau's gendered educational vision where the two arguments – intellect and natural order – intertwine. Rousseau's education of Sophie aims at assisting her to take her place in the "physical and moral order".<sup>84</sup> From this perspective, to miss the natural order's imperatives becomes tantamount to missing one's true self, to degenerating into the other sex. Hence, a woman, aspiring to the same undertakings and professions as a man in Rousseau's eyes is but a "malformed being".<sup>85</sup> To challenge or even to deny the natural order of things (and sexes) is, also according to Kant, condemned to failure. It may be undermined for some time, but never permanently: "Yet, nature always seeks to return to its ordinance".<sup>86</sup> – A view that is at the center of Thomas Taylor's (1758–1835) *A Vindication of the Rights of Brutes* (1792), a persiflage directed against the philosophy of Wollstonecraft.<sup>87</sup> His plea in favor of "those distinctions of society, which seem to have been pointed out by nature herself and to have commenced with the creation of the world" accused her of "establishing the equality of all things" which would lead to absurd consequences, i.e. the equality of men with women, men with brutes and even vegetables and stones.

The notion of a natural order which pertains to the relation of the two sexes is also a significant bedrock of the French *Déclaration*. It is neither a mere accident that already in its title the differentiation between man and citizen is entrenched, nor that in course of the revolution women's rights activists faced harsh persecution. An additional document to the declaration explains the differentiation in regard to different rights of man and woman: Whereas human rights are defined as negative *universal* rights (right to life, to security etc.), political rights were envisaged as active ones belonging but to some humans, i.e. citizens – a category mainly defined in terms of property and economic autonomy.<sup>88</sup> An idea later set out by Kant's differentiation between active and passive citizenship in terms of political expression.<sup>89</sup> In his view women, servants, and children are destined for the latter given their lack of (economic) autonomy ("Selbstständigkeit"). But even though not everybody qualifies for active, i.e. full citizenship, everybody (including women?) shall have the right to emancipate themselves and rise up to active citizenship. If this outlook is to be taken seriously, however, it would definitely implicate that women must not face impediments to economic and social advancement including the right to practice corresponding professions. Kant, however, denied that women are even capable of certain pursuits, such as sciences and higher education. Hence, the question remains whether Kant's open gate to active citizenship is more

<sup>84</sup> Rousseau, *Émile*, p. 6, translation by the author.

<sup>85</sup> *Ibid.*, p. 9, translation by the author.

<sup>86</sup> Kant, *Beobachtungen*, p. 241, translation by the author.

<sup>87</sup> Thomas Taylor, *Vindication of the Rights of Brutes*, London 1792.

<sup>88</sup> Claudio Corradetti, *Human Rights in Europe*, Rome 2006, pp. 23–24.

<sup>89</sup> Kant, *Die Metaphysik der Sitten*, AA VI, p. 314.

than a camouflage of his anti-equality second class citizenship. How does this relate to his criticism of the repression of Turkish and African women in their respective societies that he compares to prisons?<sup>90</sup> The cunning denial of equal citizenship to women with reference to their condition of dependency and bondage was scrutinized by Condorcet who writes: “We cannot justify the exclusion by saying that women are dependent on their husbands, because we could destroy his tyrannical civil law at the same time”.<sup>91</sup>

Nevertheless, apart from such exceptional positions women’s demand for political inclusion by the majority of the enlightened elite was regarded as attack on the foundations of society itself. Without women regularly caring for subsistence and child-rearing the liberty of the male political subject was in danger of losing its dissociation of the sphere of *oikos*.<sup>92</sup> The *Journal de Paris* from November 1793 is a telling alarm call in face of cracking realities: “Women, stay in your homes! Take care of the life of your children because they belong to the fatherland”.<sup>93</sup>

Thus, it becomes understandable why for example in the case of Wollstonecraft, it was her central theme and main aim to establish that women can fulfill both duties, that of a wife and mother *and* of a citizen. Equal rights to her even are the very precondition for women to fulfill their obligations altogether: “Would men but generously snap our chains, and be content with rational fellowship instead of slavish obedience, they would find us more observant daughters, more affectionate sisters, more faithful wives, more reasonable mothers – in a word, better citizens”.<sup>94</sup> In the same year (1792) Hippele formulates a strikingly similar argument:

“As long as women only have privileges, not rights and as long as the State treats them like parasitic plants who own all their civil existence and dignity to man [...] will woman not very imperfectly fulfill the great profession nature has bestowed upon her – to be the wife of her husband, the mother of her children and a citizen?”<sup>95</sup>

#### IV. Conclusion

That the period of the Enlightenment – despite the many noble claims generated in its course – was far from true (rights) universalism today is a well-established fact, philosophy of Enlightenment being no exception. However, it would be too easy to contrast the enlightened self-image of carrying the torch of knowledge and philanthropy into the darkness of mankind’s former condition with the mirror-

90 Kant, *Beobachtungen*, pp. 254–255.

91 Condorcet, *Emancipation*, p. 160.

92 Cf. Annette Kuhn, *Bürgerrechte, Menschenrechte, aber keine Frauenrechte. Oder Der Sieg des Bürgertums und die Niederlage der Frauen*, in: Udo Arnold et al. (eds.), *Aspekte der Geschichte*, Göttingen 1990.

93 Quoted in: Kuhn, *Bürgerrechte*, p. 88, translation by the author.

94 Wollstonecraft, *Vindication*, p. 220.

95 Hippele, *Bürgerliche Verbesserung*, p. 67, emphasis added, translation by the author.

inverted picture of Enlightenment inherently insincere and darksome at its core. The 18<sup>th</sup> century discourses on human rights and which groups are to enjoy basic and/or political rights are informative examples of the ambivalent tendencies of inclusion and exclusion (that in more than a few cases were dwelling in one and the same mind). Of course, one could still speculate to what degree many of the arguments in favor of the exclusion of non-white and/or non-male people from universal rights are owed to mere interests in the maintenance of power; and of course in the end the victory of the inclusionist forces in fact was the result of a tenacious struggle for power within the overall framework of a novel sort of political public. But without taking seriously the lines of argumentation employed in the cases of (enslaved) Africans and women such a narrowed perspective would still miss the deeper layer of the debates consisting of rivaling world views and paradigmatic ideas. As strange and disconcerting the discussions on (un-)/equal intellect and rationality or (un-)/equal origin, destiny and function of sexes and races may sound today, we cannot deny that sometimes they do echo in contemporary controversies. Indeed, there is no greater danger imaginable to the project of universal human rights than a large majority of people taking for granted their underpinning core conceptions assuming that these have already been so perfectly established hundreds of years ago.