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# OLYMPE DE GOUGES ON SLAVERY

Elisa Orrù

## *Abstract*

In addition to authoring the *Declaration of the Rights of Woman and of Citizen* (1791), for which she is generally known today, Olympe de Gouges devoted several writings to denouncing slavery. In this article, I present the contents of these works by placing them in the context of both the Parisian debate and the situation in the colonies. Furthermore, I highlight the theoretical contribution of these writings with respect to the specific situation of slavery and, more generally, with respect to the question of the universality of human rights. For this purpose, I analyse de Gouges' reflection on women's rights and compare her position with that of classical social contract theorists. I conclude by highlighting how de Gouges' position still provides an effective critique of the pitfalls of a self-proclaimed objective and universal Reason.

## *Keywords*

Olympe de Gouges; Slavery; Haitian Revolution; French Revolution; Social Contract; Human Rights.

## **1. Introduction**

Olympe de Gouges (Montauban 1748-Paris 1793) is generally known today as the author of the *Déclaration des droits de la femme et de la citoyenne* (*Declaration of the Rights of Woman and of Citizen*)<sup>1</sup>. She wrote

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<sup>1</sup> O. de Gouges, *Déclaration des droits de la femme et de la citoyenne*, in O. de Gouges, *Oeuvres complètes, vol. 4: Pamphlets, épîtres. Libelles, positions, propositions*

this declaration in 1791, as a counterpart to the *Declaration of the Rights of Man and of the Citizen*, which, in spite of its universal claim, was proclaimed by and for male subjects only<sup>2</sup>. In her declaration, de Gouges advocates for the active political participation of women and for the extension of civil rights to female human beings. De Gouges' declaration thus anticipates with striking insight key claims and core achievements of the later feminist movement. Only decades or even centuries later were most of these goals realized, such as women's suffrage, introduced in France in 1944. Moreover, the theoretical stance on the universality of individual rights offered by *Declaration of the Rights of Woman and of Citizen* shows outstanding modernity and consistency, especially as compared with classical social contract theories<sup>3</sup>.

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et autres, 1791-1793, Cocagne, Montauban 2017, pp. 49-58, English translation in J.R. Cole, *Between the Queen and the Cobby: Olympe de Gouges's Rights of Woman*, McGill-Queen's University Press, Montreal 2011.

<sup>2</sup> The electoral law of 22 December 1789 did not recognize women's voting rights (nor those of men under 25 years of age, nor those of low-income people; see, for instance, E. Schulin, *Die Französische Revolution*, Beck, München 2013, pp. 102-104). Women were also not represented in the *Assemblée Nationale*. Later, during the constitutional national assembly led by Robespierre, a proposal to grant political rights to women was briefly discussed but almost unanimously rejected; see O. Blanc, *Olympe de Gouges*, Promedia, Wien 1989, p. 193. For an account of women's political and civil rights during the *Ancien Régime* and until the Revolution, see L. Abensour, *La femme et le féminisme avant la révolution*, Slatkine-Megaritotis, Genève 1977. Whether the term "homme" in the *Declaration of the Rights of Man and of the Citizen* intended by its authors to also include women or not, is controversial. For differing opinions on this issue see A. Loche, *Moderatismo politico, radicalismo sociale, femminismo in Olympe de Gouges*, in *Saggi di filosofia e storia della filosofia*, A. Loche and M. Lussu (eds), FrancoAngeli, Milano 2012, pp. 103-121, p. 157 and C. Masson, *Olympe de Gouges, anti-esclavagiste et non-violente*, in «Women in French Studies», X (2002), 1, pp. 153-165, p. 157. See also footnote 15 below.

<sup>3</sup> See H. Schröder, *Menschenrechte für weibliche Menschen. Zur Kritik patriarchaler Unvernunft*, ein-Fach-Verl., Aachen 2000 and E. Orrù, *Ein Gesellschaftsvertrag für alle. Die Universalität der Menschenrechte nach Olympe de Gouges*, in «Allgemeine Zeitschrift für Philosophie», XLVI (2021), 2, forthcoming.

De Gouges' engagement with political topics and contributions to the revolutionary cause were not, however, confined to the debate over the rights of women. Indeed, there is hardly an issue in French public debate around the years of the French Revolution to which de Gouges did not contribute in writing. She dealt with matters such as public health and welfare policy, voting per delegate or per order, the King's execution, divorce and, as we will see in more detail below, the abolition of slavery and the slave trade. Some of her suggestions were successful and implemented by policymakers, such as the introduction of a voluntary tax for restoring the State's treasury<sup>4</sup>.

Her intellectual productivity, which was often related, but not confined, to her political engagement, includes novels, theatre plays, philosophical essays, pamphlets, open letters and other writings, accounting for around 150 titles altogether<sup>5</sup>. Her political engagement ultimately cost her her life. In the summer of 1793, she was arrested while attempting to affix a flyer in which she suggested letting the French people decide on the best form of government to establish in France<sup>6</sup>. After months spent in prison, she received a summary trial. She was condemned to death and publicly executed on the 3<sup>rd</sup> of November 1793<sup>7</sup>.

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<sup>4</sup> O. de Gouges, *Lettre au peuple, ou Project d'une caisse patriotique* (November 1788), in O. de Gouges, *Oeuvres complètes, vol. 3: Pamphlets, épîtres. Libelles, positions, propositions & autres, 1788-1790*, Cocagne, Montauban 2017, pp. 125-134. See also O. Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, Loisirs, Paris 2014, p. 105.

<sup>5</sup> In her lifetime, de Gouges printed several editions of her collected works. However, these were issued only in limited editions and for private use; see K.H. Burmeister, *Olympe de Gouges. Die Rechte der Frau 1791*, Stämpfli/MANZ, Bern-Wien 1999, p. 127. The first complete French edition of her collected works was completed as late as 2017 and consists of four volumes. The first volume, edited by Félix-Marcel Castan, was published in 1993, the last one in 2017 after Castan's death (O. de Gouges, *Oeuvres complètes*, Cocagne, Montauban).

<sup>6</sup> The flyer was called *Les Trois Urnes, ou le salut de la patrie, par un voyageur aérien*; see Blanc, *Olympe de Gouges*, cit., pp. 190-208.

<sup>7</sup> A. Loche, *Olympe de Gouges*, in *Encyclopedia of the Philosophy of Law and Social Philosophy*, M. Sellers, S. Kirste (eds), Springer Netherlands, Dordrecht 2019, 1-6, p. 1, [https://doi.org/10.1007/978-94-007-6730-0\\_579-1](https://doi.org/10.1007/978-94-007-6730-0_579-1), viewed 6 April 2020.



Although the writing that triggered her arrest did not deal with women's rights, by executing de Gouges the French revolutionaries did intend to make an example of her that would counter the emancipation of women and their participation in political life. Women's assemblies and clubs had been prohibited a short time earlier<sup>8</sup>, and the executions of prominent women such as the Queen and Manon Roland, who were guillotined shortly before and after de Gouges respectively, were meant by the French revolutionaries to set a «great example»<sup>9</sup> for women. Two weeks after de Gouges' execution, the *Feuille du Salut Public*<sup>10</sup> commented on her death as follows:

Olympe de Gouges, née avec une imagination exaltée, prit son délire pour une inspiration de la nature. Elle commença par déraisonner et finit par adopter le projet des perfides qui voulaient diviser la France: elle voulut être homme d'État et il semble que la loi a puni cette conspiratrice d'avoir oublié les vertus qui conviennent à son sexe<sup>11</sup>.

In bitter truth, the Revolutionaries were at first successful in silencing de Gouges' ideas. After de Gouges' death, her work fell into near-oblivion for two hundred years. Mentions of her survived in (mostly inaccurate) biographical works and in accounts dealing specifically with women's history. While these mentions were valuable in making possible the rediscovery of her work in the Seventies of the last century, the reception of de Gouges' work is still partly marked by the partiality and inaccuracy of these earlier accounts as well as by an interest direct-

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<sup>8</sup> Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., p. 219.

<sup>9</sup> «Feuille du Salut Public», 17 November 1793, p. 3, <https://www.retronews.fr/journal/feuille-du-salut-public/17-novembre-1793/1639/2855785/1>, viewed 23 November 2020.

<sup>10</sup> According to the description of the *Bibliothèque Nationale Française*, the *Feuille du Salut Public* was the unofficial newspaper of the Ministry of the Interior. See [https://data.bnf.fr/fr/32774696/feuille\\_du\\_salut\\_public/](https://data.bnf.fr/fr/32774696/feuille_du_salut_public/), viewed on 21 November 2020.

<sup>11</sup> «Feuille du Salut Public», 17 November 1793, cit., p. 3.

ed more to biographical details than to her theoretical contributions<sup>12</sup>. Her contributions to debates on issues such as equality and difference and the universality of fundamental rights are especially still lacking full acknowledgement<sup>13</sup>. Existing literature on her work, moreover, mostly focuses on her writings on women's rights, while concerning other topics, such as her stance on slavery, very little has been written so far<sup>14</sup>.

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<sup>12</sup> For a reconstruction and rectification of the inaccuracies common in earlier and contemporary works on de Gouges, see V. Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, Wien University, Wien 2010. The first accurate biography of de Gouges, drawing on newly consulted archive material, was provided by Olivier Blanc, still the most authoritative biographer of de Gouges today. See O. Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, Loisirs, Paris 2014, an updated and expanded edition of Blanc's first biography of de Gouges published in 1981, from which, however, the chapter on de Gouges' works on the rights of women is omitted. The first biography by Blanc was called *Olympe de Gouges* and was published by Syros (Paris). This work was translated into German but not into English. I refer here to the German translation published in 1989: O. Blanc, *Olympe de Gouges*, Promedia, Wien 1989. For a recently published biographical note on de Gouges, see A. Loche, *Olympe de Gouges*, cit. Examples of genuinely philosophical appraisals of de Gouges' works are: A. Loche, *I diritti delle donne e la Rivoluzione possibile. La Déclaration di Olympe de Gouges*, in «Annali della facoltà di lettere e filosofia» LXV (2011), 28, pp. 117-132; Loche, *Moderatismo politico, radicalismo sociale, femminismo in Olympe de Gouges*, cit.; Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit.; Orrù, *Ein Gesellschaftsvertrag für alle. Die Universalität der Menschenrechte nach Olympe de Gouges*, cit. For a reflection on de Gouges' stance on gender equality (and difference), see prominently U. Gerhard, *Menschenrechte auch für Frauen: Der Entwurf der Olympe de Gouges*, in «Kritische Justiz», XX (1987), 2, pp. 127-149.

<sup>13</sup> A pioneering work is provided by Schröder, *Menschenrechte für weibliche Menschen. Zur Kritik patriarchaler Unvernunft*, cit.

<sup>14</sup> For instance, a literary account which also elaborates on race and gender issues is provided in part II of D.Y. Kadish, F. Maasardier-Kenney (eds), *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, Kent State University Press, Kent/London 1994. A reflection on gender and race in the play is provided by J. Vanpée, *Reconfiguring Family Legitimacy: Olympe de Gouge's L'Esclavage des Noirs*, in «Women in French Studies», V (2014), Special Issue, pp. 106-116 and by M.J. Cowles, *The Subjectivity of the Colonial Subject from Olympe de Gouges to Mme de*

This article aims to provide a systematic introduction to de Gouges' writings on slavery and their theoretical significance. Her work on this topic is substantially represented by a theatre play and several short texts she wrote to introduce, explain or defend her play. Thus, her reflections on this topic do not take a specific philosophical form. However, it is my conviction that these works are of significant theoretical relevance. As I will highlight later on, de Gouges provides an account of individual rights which conceptually remains within the theoretical framework of natural law theories, but which, at the same time, overcomes some of the key implications of classical social contract theories.

In the next sections, I will first provide an overview of de Gouges' writings on slavery and the slave trade (section 2). I will then present the content of each writing while contextualizing it within both the public debate and the historical developments in France and its colonies (sections 3-7). As we will see, de Gouges not only anticipated a debate which would, some years later, become a critical policy battleground in Paris but also laid open critical contradictions which would culminate in the first successful slave revolt in recent history, the Haitian revolution. Finally, I will highlight de Gouges' specific theoretical contribution to reflections on fundamental rights, not only by reconnecting her theses on slavery with the broader context of her reflection on human rights but also by confronting her position with some of the most illustrious representatives of social contract theories (sections 8 and 9).

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*Duras*, in «L'Esprit Créateur», XLVII (2007), 4, pp. 29-43. A philosophical account is provided in Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit., pp. 203-212. Catherine Masson and René Tarin focus specifically on the contextualisation of de Gouges' writings on slavery in the political debate: Masson, *Olympe de Gouges, anti-esclavagiste et non-violente*, cit.; R. Tarin, *L'Esclavage des noirs, ou la mauvaise conscience d'Olympe de Gouges*, in «Dix-Huitième Siècle», XXX (1998), 1, pp. 373-381.

## 2. Slavery in revolutionary France

Despite the claim that «Men are born and remain free and equal in rights», as Article 1 of the French Declaration solemnly proclaims, in the first years of the Revolution, France continued subsidize investors in the slave trade and retained the institution of slavery in its overseas colonies<sup>15</sup>. In French colonies in the West Indies, namely Saint-Domingue (modern Haiti), Martinique, Guadeloupe, Tobago, Saint-Lucie and Saint-Martin, slave labour was used in the sugar and coffee plantations, while the provision of slaves was ensured by French merchants<sup>16</sup>. At that time, colonial commerce was a vital and dynamic sector of the French economy, ensuring revenues and foreign exchange and with over a million French people estimated to be dependent on colonial commerce<sup>17</sup>. As noted by David Geggus, while slavery was a mere metaphor in the mother country, used to promote the political emancipation of men, «it was a grim reality in the colonies of the Caribbean and Indian Ocean»<sup>18</sup>, but yet one playing a crucial role in ensuring the flourishing and prosperity of the mother country<sup>19</sup>.

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<sup>15</sup> M.-P. Le Hir, *Feminism, Theatre, Race. L'esclavage des noirs*, in *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, D.Y. Kadish, F. Massardier-Kenney (eds), cit., pp. 65-83, p. 78. For a reflection on the question whether the non-universality of the proclaimed rights was theoretically rooted or merely a matter of incomplete application, see the interesting position of H. von Sengers, *From the limited to the universal concept of human rights: two periods of human rights*, in *Human rights and cultural diversity: Europe, Arabic-Islamic world, Africa, China*, W. Schmale (ed.), Keip, Goldbach 1993, pp. 47-100.

<sup>16</sup> V. Quinney, *Decisions on Slavery, the Slave-Trade and Civil Rights for Negroes in the Early French Revolution*, in «The Journal of Negro History», LV (1970), 2, pp. 117-130, p. 117.

<sup>17</sup> D. Geggus, *Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly*, in «The American Historical Review», XCIV (1989), 5, pp. 1290-1308, p. 1291.

<sup>18</sup> *Ibidem*.

<sup>19</sup> See Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., pp. 88-90.

Condemnations of slavery were indeed not unknown to French thought. Already anticipated by Jean Bodin in the 16<sup>th</sup> century, anti-slavery positions were expressed during the Enlightenment by Montesquieu, Voltaire and Jean-Jacques Rousseau and in several entries of the *Encyclopédie*. But only in the 1780es did anti-slavery positions acquire a practical dimension and come to be supported by an active commitment to the abolition of slavery and the slave trade<sup>20</sup>. At that time, lobbying groups were founded for the abolition of slavery. Prominent among them was the *Société des Amis des Noirs*, created in 1788 by Jacques-Pierre Brissot.

De Gouges' anti-slavery commitment is embedded in this context. She first addressed this topic in her debut work, a theatre piece written in 1783 called *Zamore et Mirza, ou l'heureuse naufrage*. The play was submitted to the *Comédie Française*, which accepted it in 1785 and set it on its playing schedule. However, as a result of the controversial character of the topic (as I will explain later on), it was not performed until 1789, in a modified version and under the title *L'esclavage des nègres, drame indien*<sup>21</sup>. In *Les Comédiens démasqués* (1790)<sup>22</sup>, de Gouges pro-

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<sup>20</sup> Key actors were Condorcet, the abbé Raynal, Jacques Necker and Lafayette. For further details see Geggus, *Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly*, cit., p. 1292 and Masson, *Olympe de Gouges, anti-esclavagiste et non-violente*, cit.

<sup>21</sup> Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit., p. 205. Frysak indicates 1784 as the year of acceptance; however, here I follow the information provided by Castan in his edition of de Gouges' works. See O. de Gouges, *Oeuvres complètes*, vol. 1: *Théâtre*, F.-M. Castan (ed.), Cocagne, Montauban 1993, p. 24. De Gouges herself mentions different dates: for instance, in the Preface to the version written in 1792 she writes that the play was accepted in 1783, printed in 1786 and played in 1789. See de O. Gouges, *Black Slavery, or the Happy Shipwreck*, in *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, Kadish, Massardier-Kenney (eds), *Translating Slavery: Gender and Race in French Women's Writing*, cit., pp. 87-119, p. 87.

<sup>22</sup> O. de Gouges, *Les comédiens démasqués ou Madame de Gouges ruinée par la Comédie française [sic] pour se faire jouer*, in de Gouges, *Oeuvres complètes*, vol. 3: *Pamphlets, épîtres. Libelles, positions, propositions & autres, 1788-1790*, cit., pp. 231-257.

vides an account of the disputes she had to go through with the *Comédie Française* to have her play staged. De Gouges herself revised her play several times, including by inserting introductory remarks which give additional insight into her position on slavery. The short text called *Réflexion sur les hommes nègres* was added to the version of the play that she included in the third volume of the 1788 edition of her collected works. Her final 1792 reworking of the play used the title *L'esclavage des nègres, drame indien en trois actes* and added a preface in which she commented on the slave insurgency which had by then begun in Haiti<sup>23</sup>. Finally, she presented considerations on slavery in her press article *Réponse au champion américain* (1790)<sup>24</sup>.

### 3. Natural equality and historical injustice

De Gouges recounts how her interest in the topic arose in her *Réflexion sur les hommes nègres* (*Reflections on Negroes*). She reports having developed an interest in «the deplorable fate of the Negro race»<sup>25</sup> when, as a

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<sup>23</sup> The French edition of her Collected Works follows the 1792 version, considered to be stylistically superior to previous versions. See de Gouges, *Oeuvres complètes, vol. 1: Théâtre*, cit., pp. 23-41. The appendix to the 1788 version and the preface to the final version of 1792 are published in O. de Gouges, *Oeuvres complètes, vol. 3, Pamphlets, épîtres. Libelles, positions, propositions & autres, 1788-1790*, Cocagne, Montauban 2017, pp. 115-118 and O. de Gouges, *Oeuvres complètes, vol. 4: Pamphlets, épîtres. Libelles, positions, propositions & autres, 1791-1793*, Cocagne, Montauban 2017, pp. 185-188 respectively. These three texts are available in English translation in Kadish, Massardier-Kenney (eds), *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, cit., pp. 84-119.

<sup>24</sup> De Gouges, *Oeuvres complètes, vol. 3: Pamphlets, épîtres. Libelles, positions, propositions & autres, 1788-1790*, cit., pp. 225-230, English translation with the title *Response to the American Champion* in *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, Kadish, Massardier-Kenney (eds), cit., pp. 120-124.

<sup>25</sup> O. de Gouges, *Reflections on Negroes*, in *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, Kadish, Massardier-Kenney (eds), cit., pp. 84-86, p. 84.

child, she saw «a Negress»<sup>26</sup> for the first time. Asking adults about the woman's colour and condition, she was confronted with answers that did not satisfy her. As de Gouges writes,

They called those people brutes, cursed by Heaven. As I grew up, I clearly realized that it was force and prejudice that had condemned them to that horrible slavery, in which Nature plays no role, and for which the unjust and powerful interest of the Whites are alone responsible<sup>27</sup>.

If Nature has a say – and for de Gouges it undoubtedly does – then its laws prescribe the exact contrary: «People are equal everywhere»<sup>28</sup>. Slavery and the slave trade are not justified by the purportedly diminished nature of Black people. On the contrary, by trading human beings, the Whites negate *their own* humanity: «Trading people! Heavens! And Nature does not quake! If they are animals, are we not also like them?»<sup>29</sup>.

In her *Réflexion*, de Gouges thus unveils the political, economic and social significance of racial prejudices and slavery in late 18<sup>th</sup>-century France – namely, the protection of Whites' privilege and economic interest. If we follow Michel Foucault in considering the very attitude of the Enlightenment to reside in critically questioning the objectivity and necessity of what is presented to us as naturally given, then de Gouges presents here a masterful exercise in the spirit of the Enlightenment<sup>30</sup>. Confronted with explanations of the condition of black people as being

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<sup>26</sup> *Ibidem*.

<sup>27</sup> *Ibidem*.

<sup>28</sup> *Ibidem*.

<sup>29</sup> *Ibidem*, p. 85. This motif (the humanity of slaves as opposed to the inhumanity of colonial rule and slavery) permeates the whole play. See the next section for more details.

<sup>30</sup> For Foucault, this attitude is best expressed by the following question: «In what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints?». M. Foucault, *What is Enlightenment?*, in *The Foucault reader*, P. Rabinow (ed.), Penguin, Harmondsworth 1984, pp. 32-50, p. 45.

a result of their natural inferiority, de Gouges opposes these accounts and presents slavery as the product of human practices. The practical importance of this difference in connotation can hardly be overestimated. For, as Foucault recalls, what had appeared to be a natural and indeed a necessary relation of subordination is presented by de Gouges as contingent and as one that can be «transgressed»<sup>31</sup> and modified.

#### 4. A thorny subject

In view of this, it is not surprising that de Gouges' play encountered resistance and was confronted with opposition from the most influential parts of society. As mentioned above, *L'esclavage des nègres* was not performed until 1789, years after its acceptance by the *Comédie Française*. An account of what happened during these years is offered by de Gouges in *Les comédiens démasqués*<sup>32</sup>, a report published in 1790 in which she denounces the expedients used by the *Comédie Française* to delay – or even boycott – the staging of her play. She includes in this report excerpts from her exchange of letters with the *Comédie* over the years, which among other matters testifies to the difficulties faced specifically by female authors in being taken seriously by an institution the membership of whose executive bodies was exclusively male<sup>33</sup>. But the resistance on the part of the *Comédie Française* was mainly due to the allegedly subversive character of the play rather than to the gender of its author. Indeed, the play unveiled the inhumanity of a practice which, as we have seen, brought exceptional economic profit to a sector of the French aristocracy and contributed to the prosperity of many other sectors of French society as well<sup>34</sup>. The play drew attention to the issue of slavery at a time when the main strategy of its proponents was to

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<sup>31</sup> *Ibidem*.

<sup>32</sup> De Gouges, *Les comédiens démasqués*, cit.

<sup>33</sup> *Ibidem*, for instance on pp. 236 and 250.

<sup>34</sup> See section 2 above.



silence all public debate on the subject<sup>35</sup>. This denunciation, moreover, used the most powerful medium of the time to mobilize public opinion, namely theatre. In contrast to press, literature and other forms of written communication, theatre plays were accessible even to the large portion of the French population who at that time were illiterate. Plays thus had a magnified potential to influence public perceptions<sup>36</sup>.

In 1789, however, the *Comédie Française* could no longer avoid staging the play. In addition to de Gouges' insistence, which culminated in a legal suit against the *Comédie Française*, changes in the societal attitude towards slavery were determinative. As anticipated, the newly created *Société des Amis des Noirs* had started to draw public attention to this issue, and its direct intervention may have played an additional role in the play's finally being staged<sup>37</sup>. Furthermore, the proponents of slavery, no longer able to rely on the silencing strategy, had organized themselves into clubs, of which the most influential was the *Club Massiac*, and responded with public campaigns which stressed the economic advantages of slavery and discredited their opponents. Thus, at the time in which the play was first performed, namely on the 28<sup>th</sup> of December 1789, the topic of slavery had become an object of public debate, and a battle was going on between the abolitionist and pro-slavery fronts. De Gouges' play became one of the battlefields of this confrontation.

The first representation of *L'esclavage des nègres* was accompanied by tumult and uproar<sup>38</sup>. It is likely that these were not spontaneous. Given the critical role of theatre in shaping public opinion, it was usual for lobbying groups to organise audience reactions to plays performed at the *Comédie Française*, as this was seen as a preliminary way of framing public opin-

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<sup>35</sup> Le Hir, *Feminism, Theater, Race. L'esclavage des noirs*, cit., p. 78.

<sup>36</sup> Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit., p. 212.

<sup>37</sup> Le Hir, *Feminism, Theater, Race. L'esclavage des noirs*, cit., p. 78; Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., pp. 92-93.

<sup>38</sup> On the reaction to the first performances, see Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., pp. 97-98.

ion on topics later to be discussed at the *Assemblée Nationale*. Two performances followed shortly after the first one, but the ticket sales brought low revenues. According to its own regulations, the *Comédie Française* was then able to acquire exclusive rights to the play, thus preventing the author from having the play produced at any other theatre. The play was then withdrawn from the schedule of the *Comédie Française*, resulting in its *de facto* elimination from the public scene<sup>39</sup>. De Gouges reports that the theatre ultimately admitted to having been pressured by the colonists, who threatened to cancel their annual *abonnements* if the play were to be kept on the schedule after its initial performances<sup>40</sup>.

A few weeks after the staging of de Gouges' play and its banishment from the public scene, on the 5<sup>th</sup> of February 1790, the *Société des Amis des Noirs* submitted its petition for the abolition of slavery to the *Assemblée Nationale*<sup>41</sup>.

## 5. Virtuous slaves, barbarous civiliser

The play itself, however, does not explicitly advocate for the abolition of slavery. Instead, it makes the injustice of colonial rule tangible and generates empathy towards the two main characters, a male and female slave, depicted as highly moral human beings, deserving admiration for their courage, generosity, loyalty and solidarity.

The plot weaves together a love relationship and a family drama against the background of colonial rule and a slave revolt. Zamor, the main male character, is a slave who was raised and educated by the governor of a

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<sup>39</sup> Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., pp. 96-99, and Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit., p. 213. The arbitrariness of the rules of the Comédie was indeed lamented by many authors, who, about a year after the first production of de Gouges' play, were able to push a resolution by the *Assemblée Nationale* granting more rights to authors. See Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., p. 102.

<sup>40</sup> De Gouges, *Les comédiens démasqués ou Madame de Gouges ruinée par la Comédie française [sic] pour se faire jouer*, cit., p. 253.

<sup>41</sup> Frysak, *Denken und Werk der Olympe de Gouges (1748-1793)*, cit., p. 212.

French colony in the West Indies. The governor is a kind and moderate man who is sorrowing over the loss of his illegitimate daughter, whom he had to abandon in France at the age of 5 and whose fate is unknown. Mirza, the female protagonist, is made the object of the attentions of the governor's commander, but she refuses him, being in love with Zamor, who reciprocates her love. The commander orders Zamor to punish Mirza for having rejected his advances. Confronted with Zamor's refusal, the commander tries to kill him, but, in an attempt at self-defence, Zamor kills the commander. Zamor and Mirza flee to another island, where they save the lives of Valère and Sophie, two French citizens who have just met with shipwreck as they navigated the ocean in search of Sophie's father. In the meantime, the governor's soldiers, sent to search out the fugitives, find Zamor and Mirza and bring them back to the main island, where they are to be executed. But on the main island, there is an uprising of slaves, who sympathise with Zamor and Mirza and hope that the disorder generated by the uprising will give them a chance to escape. Further, Sophie and Valère, grateful for the help and care received from the two slaves after the shipwreck, intervene in favour of the two and appeal to the governor's clemency. Hesitant at first, the governor grants it after learning that Sophie is his lost daughter.

This plot provides the setting for de Gouges' denunciation of the injustice of colonial rule and slavery. Right at the beginning of the play, through the words of Mirza, de Gouges questions the legitimacy of racial subordination. Just after having stressed her ignorance as an uneducated slave, Mirza asks her lover Zamor:

[...] tell me why Europeans and Planters have such advantage over us, poor slaves? They are, however, made like us: we are men like them: why, then, such a great difference between their kind and ours?<sup>42</sup>.

It is not by chance that de Gouges has Mirza, an uneducated person, ask this question. It is indeed a *topos* of de Gouges' reflection that

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<sup>42</sup> De Gouges, *Black Slavery, or the Happy Shipwreck*, cit., p. 91.

the most basic laws of Nature are immediately evident to everyone and that it is not necessary to be educated to recognise them. De Gouges applies this *topos* to herself as well, as she often stresses her (obviously more pretended than real) ignorance just before expressing her deepest convictions<sup>43</sup>. Against the background of her admiration for Rousseau's thought (yet not without critical rejection of his takes on women's roles and rights, as we will see)<sup>44</sup>, this stratagem aims to confer on the ideas she subsequently expresses the status of pure and self-evident knowledge, which is accessible to all and needs no sophisticated theories or experience to be understood.

Though Nature, thus, can illuminate everyone as to its most basic laws, and especially as to the equality of all human beings, it cannot provide a clarification of the historical events that have perverted those laws. Being reasons for inequality among human beings not laid down by Nature, their explanation requires education. Indeed, it is the educated Zamor who provides an account of how inequality and subordination were established:

That difference [between Europeans and slaves] is very small; it exists only in colour, but the advantages that they have over us are huge. Art has placed them above Nature: instruction has made Gods of them, and we are only men. They use us in these climes as they use animals in theirs. They came to these regions, seized the lands, the fortunes of the Native Islanders, and these proud ravishers of the properties of a gentle and peaceable people in its home, shed all the blood of its noble victims, sharing amongst themselves its bloody spoils and made us slaves as a reward for the riches that they ravished, and that we

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<sup>43</sup> To mention but a few examples where de Gouges stresses her purported ignorance in her works on slavery: in *Réflexion sur les hommes nègres*, she states «I know nothing about the Politics of Governments» (p. 84) and «I understand nothing about Politics» (p. 85), and in the Preface to the play she writes that Nature, not education, «has placed the laws of humanity and wise equality in my soul» (p. 89).

<sup>44</sup> For more detail on de Gouges' rejection of Rousseau's theses about women, see Orrù, *Ein Gesellschaftsvertrag für alle. Die Universalität der Menschenrechte nach Olympe de Gouges*, cit.

preserve for them. Most of these barbaric masters treat us with a cruelty that makes Nature shudder. Our wretched species has grown accustomed to these chastisements. They take care not to instruct us. If by chance our eyes were to open, we would be horrified by the state to which they have reduced us, and we would shake off a yoke as cruel as it is shameful: but is it in our power to change our fate? The man vilified by slavery has lost all his energy, and the most brutalized among us are the least unhappy. [...] God! Divert the presage that still menaces these climes, soften the hearts of our Tyrants, and give man back the rights that he has lost in the very bosom of Nature<sup>45</sup>.

In this passage, de Gouges makes evident the historical injustice that has been perpetrated against the native people of the colonies. She depicts with vivid clarity the perversion of colonial rule and the dependent state in which slaves are kept, so that they, deprived of education and made accustomed to their subjugation, do not even have the opportunity to realise the injustice of colonial domination. Here the play becomes concrete in its unveiling of historical injustice; it is not just a generic appeal to human equality or freedom. Later on, when the judge of the colony insists on inflicting the death penalty on Zamor and Mirza, de Gouges has Valère call him «Barbarian»<sup>46</sup>, while at the end of the play it is the governor himself who once again stresses the humanity of slaves and the self-deception of the so-called civilised people: «Heavens! They [Slaves] show such greatness of soul, and we dare to regard them as the meanest of men! Civilized men! You believe yourselves superior to Slaves!»<sup>47</sup>.

However, de Gouges seems not to consider revolt a practicable option; rather, she has Zamor plead for a reform initiated by the colonial rulers. Indeed, it was typical of de Gouges' political attitude to favour moderate means even for reaching radical ends. This attitude also prominently characterised her participation in France's internal political affairs and her support of the French Revolution: despite being a

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<sup>45</sup> De Gouges, *Black Slavery, or the Happy Shipwreck*, cit., pp. 91-92.

<sup>46</sup> *Ibidem*, p. 113.

<sup>47</sup> *Ibidem*, p. 116.

convinced and committed revolutionary, she always condemned its violent excesses<sup>48</sup>.

## 6. Despotism in France and despotism in the colonies

The play, however, does not represent a Manichean reality, in which Whites are oppressors and Blacks oppressed. On the contrary, de Gouges presents colonial rule as one face of the same oppressive rule which has also subjugated the French people. After having been rescued by Zamor and Mirza, the Frenchman Valère condemns the despotism of the *Ancien Régime*:

We are free in semblance, but our irons are only the heavier. For several centuries the French have been groaning under the despotism of Ministers and Courtiers. The power of a single Master is in the hands of a thousand Tyrants who trample the People underfoot. This People will one day break its irons and, resuming all its rights under Natural Law, it will teach these Tyrants what the union of a people too long oppressed and enlightened by a sound philosophy can do<sup>49</sup>.

Once liberated from despotism themselves, French people will act to improving the situation of slaves: «Frenchmen have a horror of slavery. One day more free [sic] they will see about tempering your fate»<sup>50</sup>.

Here de Gouges represents French people in the homeland and the colony inhabitants as oppressed by the same unequal rule, although experiencing its harshness to diverse degrees. Thus, she suggests not only that

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<sup>48</sup> See, for instance, the condemnation of Robespierre's authoritarian turn and use of violence in O. de Gouges, *Réponse à la justification de Maximilien Robespierre*, in de Gouges, *Oeuvres complètes*, vol. 2: *Philosophie. Dialogues & apologues*, cit., pp. 135-137. For more details see Loche, *Moderatismo politico, radicalismo sociale, femminismo in Olympe de Gouges*, cit. and Masson, *Olympe de Gouges, anti-esclavagiste et non-violente*, cit.

<sup>49</sup> De Gouges, *Black Slavery, or the Happy Shipwreck*, cit., p. 96.

<sup>50</sup> *Ibidem*.

a spirit of solidarity in oppression inform the relationship between the two peoples but also that the resistance to oppression in the home country cannot be complete if it neglects the situation in the colonies. Here de Gouges carries the ideal of the French Revolution to its logical, but to many revolutionaries also disturbing, conclusion: either the newly proclaimed rights are enjoyed by everyone, or they are nothing but new privileges. As she also recalls in her Declaration: «A divine hand seems to extend everywhere the birthright of man, *liberty*; the law can rightfully repress this liberty only if it degenerates into licence, but it must be equal for all»<sup>51</sup>.

In December 1789, at the time of the first staging of *L'esclavage des noirs*, the public debate was further inflamed by news reaching Paris of a slave revolt in Martinique and unrest in Saint Domingue<sup>52</sup>. This added fuel to the fire of slavery supporters, who publicly depicted abolitionists as dangerous fanatics and were able to have the *Assemblée Nationale* approve a decree on the 8<sup>th</sup> of March criminalising incitement to unrest in the colonies<sup>53</sup>. As we have seen, de Gouges was far from inciting revolts. By depicting a slave revolt in her play, she rather demonstrates political perspicacity in acknowledging that an unjust rule will sooner or later foment revolts. But, similarly to other like-minded public personalities, she was nevertheless publicly attacked and accused of being unpatriotic<sup>54</sup>. In response to these attacks, she wrote the press article *Réponse au champion américain* (1790)<sup>55</sup>.

Specifically, she was accused of being a puppet of the *Amis des Noirs*, who allegedly used a woman in order to «provoke the colonists» and insti-

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<sup>51</sup> Cole, *Between the Queen and the Cabby*, cit., p. 39.

<sup>52</sup> Geggus, *Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly*, cit., p. 1296.

<sup>53</sup> *Ibidem*, pp. 1295-1296.

<sup>54</sup> Blanc, *Olympe de Gouges. Des droits de la femme à la guillotine*, cit., p. 95-96.

<sup>55</sup> The article was published on 18 January 1790. O. de Gouges, *Response to the American Champion*, in *Translating Slavery: Gender and Race in French Women's Writing, 1783-1823*, Kadish, Massardier-Kenney (eds), cit., pp. 87-119.

gate unrest in the colonies<sup>56</sup>. In her *Réponse*, de Gouges revindicates the authorship of the play and recalls that the work was written at a time when the *Société des Amis des Noirs* did not yet exist. Moreover, she rejects the accusation of having incited disorder and insurrection<sup>57</sup>, but she also stands by her cause, highlighting the inconsistency of fighting against an unjust rule in France while closing one's eyes to the injustices perpetrated in the colonies:

For several months now in France, we have seen error, imposture, and injustice unveiled, and finally we have seen the walls of the Bastille fall; but we have not yet seen the fall of the despotism that I attack<sup>58</sup>.

She takes the opportunity to reaffirm her condemnation of slavery and the slave trade, whose inhumanity is once again presented as self-evident:

I know nothing, Sir; nothing, I tell you, and I have learned nothing from anyone. Student of simple nature, abandoned to her care alone, she thus enlightened me, since you think me completely informed. Without knowing the history of America, this odious Negro slave trade has always stirred my soul, aroused my indignation<sup>59</sup>.

## 7. Moral ends, inhuman means

By August 1791, «the largest slave revolt in the history of the Americas»<sup>60</sup> had started on Santo Domingo. Over the years, this revolt became what is known today as the Haitian revolution, which achieved not only the abolition of slavery by the *Assemblée Nationale* in 1794 (though slav-

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<sup>56</sup> *Ibidem*, p. 121.

<sup>57</sup> *Ibidem*, pp. 123-124.

<sup>58</sup> *Ibidem*, p. 121.

<sup>59</sup> *Ibidem*, p. 122.

<sup>60</sup> Geggus, *Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly*, cit., p. 1303.



ery was later re-established by Napoleon in 1802) but also Haiti's independence from French colonial rule<sup>61</sup>.

The violence carried out by the Black revolutionaries fighting for their rights reverberated loudly in France. De Gouges was again accused of having inspired the unrest. Against this background, in 1792, she published a new version of her play (improved stylistically but unchanged in substance), to which she added a new preface, aimed at defending the play from the accusation of being incendiary. She did not reject her work; indeed, she reaffirmed the rightness and purity of its moral intention and content. «Is my work inflammatory? No. Is it insurgent? No. Does it have a moral? Yes, without doubt»<sup>62</sup>. But she condemned the brutality of the Haitian revolution: «I retract nothing: I abhor your Tyrants, your cruelties horrify me»<sup>63</sup>. So far, her condemnation of violence was consistent with her stance against violent excesses in general, which she extended to the French Revolution itself<sup>64</sup>. However, in her further critique of the Haitian revolution, she exaggerated and fell back on racist prejudices and clichés. The brutality of the slaves, she wrote, ends up justifying the state of subjection in which they are kept: «cruel, you justify tyrants when you imitate them»<sup>65</sup>. She even invoked cannibalism, the «primitive horrible situation»<sup>66</sup> of “the savage”<sup>67</sup> and

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<sup>61</sup> On the significance of the Haitian Revolution for a non-Eurocentric conception of individual and collective autonomy see A. Getachew, *Universalism After the Post-colonial Turn: Interpreting the Haitian Revolution*, in «Political Theory», XLIV (2016), 6, pp. 821-845.

<sup>62</sup> De Gouges, *Black Slavery, or the Happy Shipwreck*, cit., p. 88.

<sup>63</sup> *Ibidem*.

<sup>64</sup> See above, footnote 48. De Gouges also pleaded that the life of the overthrown King be spared; see O. de Gouges, *Olympe de Gouges, défenseur officieux de Louis Capet* (16 December 1792), in de Gouges, *Oeuvres complètes, vol. 2: Philosophie. Dialogues & apologues*, cit., pp. 145-146.

<sup>65</sup> De Gouges, *Reflections on Negroes*, cit., p. 88.

<sup>66</sup> *Ibidem*, p. 89.

<sup>67</sup> *Ibidem*, p. 88.

the civilising mission of Europeans and asserted that slaves and people of colour must demonstrate that they deserve the freedom and gentler treatment they are fighting for, as these were not something they deserved simply *qua* human beings. Such statements cannot, of course, be justified, and contrast sharply with the whole line of de Gouges' engagement up until that point, even if they do not call into question the very core of her opposition to colonial rule and the slave trade. Perhaps they can be explained as an excess of zeal in her attempt to defend herself and her play (including its core message) in a climate that was growing ever more menacing and which would, only a year later, claim her life and the lives of many others who advocated for the cause of abolitionism<sup>68</sup>.

## 8. A subversive use of natural law

As clearly emerges from her writings on slavery, de Gouges adheres to the conceptual framework of natural law. Her argument against slavery and the slave trade is grounded in the premise that there are indeed self-evident and universal principles that apply to every person everywhere. Seeing these principles as ahistorical and a-contextual, instead of historically and culturally conditioned, can, from today's perspective, be considered a limitation of de Gouges' position. However, it cannot be denied that de Gouges makes subversive use of the conceptual equipment of the natural law framework. The originality of her recourse to this framework becomes clearer when compared with the ambiguity with which prominent contract theorists such as John Locke and Jean-Jacques Rousseau apply it. To appreciate the uniqueness of de Gouges' stance on natural law as compared to classical social contract theories, it is necessary to broaden the focus on equality beyond racial issues to include gender equality.

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<sup>68</sup> Brissot would be condemned to death and executed three days before de Gouges, on 31 October 1793.

Consider, for instance, John Locke and his *Second Treatise of Government* (1690)<sup>69</sup>. On the one hand, as is well-known, Locke argues in this work for the natural freedom and equality of all human beings. Moreover, Locke advances some quite advanced positions as to the relationships between the sexes. He not only rejects interpretations of the Bible used to justify women's subjection to men, but also conceives marriage as being based on a contract between the spouses and points at the one-sidedness of the expression "paternal power" which should in his view be replaced by the expression «parental power»<sup>70</sup>. On the other hand, however, this stance on natural freedom and equality does not prevent Locke from justifying wives' subjection to their husbands on the basis of men's "natural" superiority in ability and strength:

But the husband and wife, though they have but one common concern, yet having different understandings, will unavoidably sometimes have different wills too; it therefore being necessary that the last determination, i.e. the rule, should be placed somewhere; it naturally falls to the man's share, as the abler and the stronger<sup>71</sup>.

In this passage, Locke appeals to allegedly natural differences between men and women to justify a relationship of subordination. Although Locke does not explicitly elaborate on this passage, it has a key function in setting up the premises for his social contract, which in the end, as in all classical depictions of the social contract, implicitly takes place only among male human beings, thus excluding women from participation in the political sphere<sup>72</sup>.

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<sup>69</sup> J. Locke, *Two Treatises of Government and a Letter Concerning Toleration*, ed. I. Shapiro, Yale University Press, New Haven 2003.

<sup>70</sup> *Ibidem*, *First Treatise*, Ch. 5, §45, pp. 32-33; *Second Treatise*, Ch. VII, § 78, p. 133 and Ch. VI, §52, p. 122 respectively. I am grateful to an anonymous reviewer for drawing my attention to these aspects of Locke's reflection.

<sup>71</sup> *Ibidem*, *Second Treatise*, Ch. 7, §82, p. 135.

<sup>72</sup> For a reflection on the gendered character of classical contractarian theory, see the seminal work by C. Pateman, *The Sexual Contract*, Stanford University

In a similar vein, Locke's plea for the natural equality and liberty of all human beings does not prevent him from admitting the legitimacy of slavery<sup>73</sup>. Human beings who are captured during a just war, are, according to Locke, «by the right of nature» legitimately enslaved and thus «subjected to the absolute dominion and arbitrary power of their masters»<sup>74</sup>. Although here the key element justifying subordination is not a purported natural physical characteristic (like the inferior ability and strength which Locke attributes to women) but a historical event (being captured in a just war), the subordination of human beings to other human beings is nevertheless legitimated as an exercise of a *natural right*.

To turn now to Rousseau, whose firm condemnation of slavery is well known: In the first book of his *Social Contract* (1762), he criticises the Aristotelian thesis that some men are slaves by birth, and argues that, on the contrary,

Slaves lose everything in their bonds, even the desire to escape from them: they love their servitude as the companions of Ulysses loved their brutishness.

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Press, Stanford 1988. For a reflection on the depiction of women in western political thought, see S.M. Okin, *Women in Western Political Thought*, Princeton University Press, Princeton 1979. For an elaboration of the universal implication of contemporary liberal contractarianism, see S.M. Okin, *Justice, Gender, and the Family*, Basic Books, New York 1989. For a comparison between de Gouges' interpretation of the social contract and the theories of Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant, on the one side and de Gouges' interpretation of the social contract from a gender perspective see Orrù, *Ein Gesellschaftsvertrag für alle. Die Universalität der Menschenrechte nach Olympe de Gouges*, cit.

<sup>73</sup> Locke, *Two Treatises of Government and a Letter Concerning Toleration*, cit., Ch. 7, § 85, p. 136.

<sup>74</sup> «But there is another sort of servants, which by a peculiar name we call slaves, who being captives taken in a just war, are by the right of nature subjected to the absolute dominion and arbitrary power of their masters. These men having, as I say, forfeited their lives, and with it their liberties, and lost their estates; and being in the state of slavery, not capable of any property, cannot in that state be considered as any part of civil society; the chief end whereof is the preservation of property», *Ibidem*.

If, then, there are slaves by nature, it is because there have been slaves contrary to nature. The first slaves were made such by force; their cowardice kept them in bondage<sup>75</sup>.

Notwithstanding this clear condemnation of any attempt to justify slavery through natural law, Rousseau grounds his depiction of the ideal gender relationship in nature, which assigns to women a decidedly subjugated role<sup>76</sup>. He clearly develops this line of reasoning in Chapter 5 of his *Émile* (1762), where he describes the kind of education and social role that is most appropriate for Sophie, *Émile*'s ideal spouse. For Rousseau, the biological and anatomical differences between the sexes must influence the moral relationship between men and women<sup>77</sup>.

Indeed, «the one ought to be active and strong, the other passive and weak. One must necessarily will and be able; it suffices that the other put up little resistance»<sup>78</sup>. Women, thus, are «made to please and to be subjugated»<sup>79</sup>. Rousseau extensively draws upon these ideas throughout Chapter 5 of *Émile*, enriching them with details about the alleged destiny of women, their natural maternal role and the (limited) education they should receive in order to fulfil this natural and moral

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<sup>75</sup> J.-J. Rousseau, *The Social Contract*, ed. T. Griffith, Wordsworth, London 2013, Ch. 2, § 1.2.8, p. 16. The depiction of slaves' inner acceptance of their subordination, which de Gouges presents at the beginning of her play (see section 5 above), echoes this passage of Rousseau's *Social Contract*.

<sup>76</sup> The following critical reflections on *Émile* are not intended to reject its philosophical relevance. However, also considering the otherwise iconoclastic attitude of Rousseau against prejudices and common opinions and the (not isolated and far more advanced) positions expressed for instance already by Poullain de la Barre in his *De l'égalité des deux sexes* of 1673, I see a point in Susan Moller Okin's assessment of Rousseau's stance on the role of women as being «not merely conservative, but positively reactionary» (Okin, *Women in Western political thought*, cit., p. 102).

<sup>77</sup> J.-J. Rousseau, *Emile or On Education*, ed. A.D. Bloom, Basic Books, New York 1979, p. 358.

<sup>78</sup> *Ibidem*.

<sup>79</sup> *Ibidem*.

disposition. But the quoted passages suffice to indicate the tenor of his reasoning. The fact that Rousseau deals with this topic in *Émile* and not in his *Social Contract* should not deceive us as to the political significance of marital relationships: his social contract, indeed, is stipulated only among male subjects. As Hannelore Schröder has convincingly argued, *Émile* and the *Social Contract* should be seen as building on each other, as two parts of a unique political theory, in which *Émile* lays down the political program for the *oikos*, which serves as a foundation for the political program for the *polis* developed in the *Social Contract*<sup>80</sup>.

Compared to Locke and Rousseau, then, the consistency with which de Gouges thinks about natural equality and freedom becomes even clearer, as well as the consequent emancipatory use she makes of the conceptual tools provided by natural law theories<sup>81</sup>. The very strength of de Gouges' thought, which makes her a unique thinker among social contract theorists, thus becomes evident. It consists in her thorough adherence to the idea of universal equality among all human beings, irre-

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<sup>80</sup> Schröder, *Menschenrechte für weibliche Menschen. Zur Kritik patriarchaler Unvernunft*, cit., p. 111. For an extensive reflection on Rousseau's conception of women and gender relationships, see also S.M. Okin, *Rousseau's Natural Woman*, in «The Journal of Politics», XLI (1979), 2, pp. 393-416.

<sup>81</sup> A separate discussion would be necessary to compare de Gouges' position with Immanuel Kant's, especially regarding Kant's race theory. This comparison would be especially interesting considering that Kant wrote the works in question around the same time as de Gouges was writing on the subject. This, however, is a task for another occasion. Here I merely mention Kant's position as far as gender relationships are concerned. Overall, Kant's position overlaps with those of other social contract theorists in excluding women from the enjoyment of political rights. However, Kant does not appeal to natural law to explain this exclusion, whose basis he seems by contrast to locate in the economic and private dependence of women upon men. This dependence is not presented as natural or necessary by Kant but is nevertheless assumed as given and not questioned. See I. Kant, *Die Metaphysik der Sitten*, ed. H. Ebeling, Reclam, Stuttgart 2007, Rechtslehre, Teil II, § 46 and Orrù, *Ein Gesellschaftsvertrag für alle. Die Universalität der Menschenrechte nach Olympe de Gouges*, cit.

spective of their gender (which she specifically deals with in her *Déclaration*) and their race (as she argues in her works on slavery). She does understand natural law as providing eternal and self-evident principles in a way that may appear too essentialist for contemporary understandings. However, throughout her intellectual work, she never perverts nature into a source of legitimation for subordination and inequality.

## 9. De Gouges' "universalism of difference"

From the previous reasoning, we can conclude that de Gouges' position is intrinsically and consistently universalist. But what kind of universalism does it exemplify?

To begin with, only at first glance does de Gouges' universalism spring from general and abstract principles. A deeper look reveals the very concrete experiences of injustice and subjugation standing at the root and the core of her reflection. This applies to her reclamation of the rights of women and Black people as well. In the former case, her appeal for the recognition of women's civil and political rights is grounded in the experiences of exclusion and the negation of these very rights. In the latter case, it is the very real phenomenon of slavery and the slave trade that triggers her reflection and her affirmation of the natural equality of all human beings.

The appeal to universal and self-evident laws of nature then has the function, in this context, of unveiling the contradictions of a Reason which understands itself as abstract, impersonal and neutral, but which, in fact, expresses a particular, situated and interested point of view. Rather than adhering to an unqualified universalistic perspective, de Gouges' position is in my view to be understood as a specific option for a particular kind of universalism as opposed to another particular kind of universalism<sup>82</sup>.

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<sup>82</sup> For a discussion of different forms of universalism see N. Meeker, *Rethinking the Universal, Reworking the Political: Postmodern Feminism and the French Enlightenment*, in «Women in French Studies», III (1995), 3, pp. 21-33.

The universalism she refuses is an essentialist position which *presupposes* the equality of the subjects who are to enjoy the rights proclaimed. The apparent neutrality with which universalistic arguments of this kind are formulated conceals the exclusion of the unequal. The subjects who are to enjoy equal rights are presented as abstract beings, their point of view as neutral and objective. This abstraction from the concrete situation and position of the subjects, by not acknowledging their concrete situatedness and existing differences, ends up perpetuating inequality.

The universalism which de Gouges embraces, on the contrary, is a dynamic process, which does not begin from equality but from difference, and for which equality is not a premise but a final goal. This process focuses on existing contradictions and uses them to question and challenge the proclaimed universality, objectivity, rationality and abstractness of particular claims. This kind of universalism, which we could call the “universalism of difference”, is not meant to confirm or justify any boundaries to the enjoyment of rights. On the contrary, its purpose is to transcend existing limits and contribute to making the enjoyment of rights more real and inclusive.