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Mary Wollstonecraft, Children's Human Rights, and Animal Ethics

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Over the course of her *oeuvre*, Mary Wollstonecraft (1759–97) developed a theory of the human rights of children that had no philosophical precedent. It was original not only in the content and scope of rights she imagined for children, but also in the justification she provided for understanding children as rights-bearing subjects alongside adults. As for the content and scope of children's rights, she theorized children's possession of the same rights as adult humans, minus the right to full citizenship. While full citizenship (including equal access to public goods such as property, careers, voting, and office-holding) would only be granted at the age of majority to either sex, the state's provision of the right to free primary and secondary education would enable girls' and boys' development into full citizens capable of participation in a modern representative republic.¹ Public education would then function as a kind of school for citizenship.²

In a radical move that distanced her from even the most progressive theorists of family life in the seventeenth and eighteenth centuries, Wollstonecraft also specified the fundamental right of children to be free from physical or psychological abuse by their parents or elders, which derived from the perfect, universal, and fundamental obligation of adults to not abuse minors.³ The experience of

¹ Mary Wollstonecraft (1989 [1792]), *A Vindication of the Rights of Woman*, in *The Works of Mary Wollstonecraft*, eds Marilyn Butler and Janet Todd (New York: New York University Press), vol. 5, pp. 217–18 (hereafter cited as *Works*, vols 1–7).

² Amy Gutmann (1999), *Democratic Education* (Princeton, NJ: Princeton University Press), p. 49.

³ Wollstonecraft, *A Vindication of the Rights of Men*, in *Works*, vol. 5, p. 14; Wollstonecraft, *Rights of Woman*, pp. 221–2.

such abuse, on her account, nullified the perfect yet special duty of adult children to care for their parents in their old age.⁴ If they were given care and a rational education at home rather than abuse, children might also experience the family as a school for citizenship like the local schools they attended during the day.⁵ In addition, they would freely and reciprocally care for their parents in their old age. If the state failed to guarantee their right to be free from domestic abuse, children could still find at school an expansive space for the free and full development of their capabilities as human beings through the exercise of their rights to physical, moral, and intellectual education.⁶ If both the state and the family failed them, adult children at least had the right to extricate themselves from any further obligation toward their abusive parents.⁷

Wollstonecraft's justification for these children's rights was rooted in her metaphysical/ethical conception of the human being. Inspired by her mentor, the Reverend Richard Price, Wollstonecraft had a Dissenting Christian theological view of humans as creatures of God made in His rational image.⁸ Like Price, she drew a sharp line between humans and "brutes" (or non-human animals): the former were rational and sentient, and the latter merely sentient.⁹ Unlike non-human animals, children had a need for the development of their rational capabilities in order to fully realize their potential as moral beings. According to her deontological and correlative theory of human rights, all rights

⁴ Here and throughout I apply Onora O'Neill's typology of obligations, which has become essential to contemporary theories of children's human rights, and thus helps to elucidate the similarities and differences between Wollstonecraft's views and the contemporary work on the topic. Onora O'Neill (1988), "Children's Rights and Children's Lives", *Ethics* 98 (3): 445–63.

⁵ Elizabeth Frazer (2011), "Mary Wollstonecraft and Catharine Macaulay on education", *Oxford Review of Education* 37 (5): 603–17, p. 613.

⁶ Alan Richardson (2002), "Mary Wollstonecraft on Education", in *The Cambridge Companion to Mary Wollstonecraft*, ed. Claudia Johnson (Cambridge: Cambridge University Press), pp. 24–41.

⁷ Carol H. Poston speculated that Wollstonecraft was speaking from the perspective of an adult survivor of child abuse, "not necessarily sexual...but emotional and physical": Poston (1996), "Wollstonecraft and 'The Body Politic'", in *Feminist Interpretations of Mary Wollstonecraft*, ed. Maria J. Falco (University Park, PA: Penn State University Press), p. 87. Biographers have disagreed about the extent of Wollstonecraft's experience of neglect or abuse as a child, but at least agree that she witnessed her father's domestic violence against her mother. See Lyndall Gordon (2005), *Vindication: A Life of Mary Wollstonecraft* (New York: HarperCollins), p. 9.

⁸ My extended treatment of Wollstonecraft's theological foundations for her moral and political philosophy is found in Eileen Hunt Botting (2006), *Family Feuds: Wollstonecraft, Burke, and Rousseau on the Transformation of the Family* (Albany, NY: SUNY Press), pp. 131–88. For the importance of Price to Wollstonecraft's republicanism, see Susan James, this volume. For an alternative secular reading of Wollstonecraft's theory of rights in the context of her republicanism yet independent of her theological commitments, see Alan Coffee, this volume.

⁹ Richard Price (1991), *Political Writings*, ed. D. O. Thomas (Cambridge: Cambridge University Press), p. 23.

derived from duties, but not all duties entailed rights.¹⁰ While humans had a duty to respect sentient life, animals did not have a corresponding right to be free from abuse by humans. On the other hand, human children had a right to be free from abuse, because humans in general had a duty to respect each other as “moral beings” capable of rational self-governance.¹¹

Although Wollstonecraft’s theory of children’s rights does not apply to non-human animals, she developed a related account of animal ethics. A perfect, universal, and fundamental duty to refrain from cruelty to non-human animals arises from the obligation to respect sentient life in general. Performance of this duty can be reinforced through education, especially in the primary school years. For this reason, Wollstonecraft advocated that children be taught from an early age to at least respect if not actively care for animals and insects, not abuse or torture them. She even envisioned a state-mandated policy of animal ethics as part of the core curriculum of her ideal public co-educational day school system.

For Wollstonecraft, the ethical treatment of animals was a duty of humans at each stage of their lives, not a right of animals. Although children and “brutes” shared sentience and a vulnerability to abuse by adult humans, the human capability for reason made children rights-bearing subjects rather than mere objects of dutiful care. Wollstonecraft’s theory of children’s rights was friendly to the basic respect and even active care of non-human animals but ultimately valued human life more highly than other forms of sentient life due to its rational nature. Indeed, animals and insects figure primarily as instruments for the development of morality in children, across Wollstonecraft’s *oeuvre*. She never went so far as to advocate for vegetarianism, despite the fact that it was an emergent school of thought in the post-revolutionary era.¹² Her failure to extend her argument to vegetarianism was likely due to her distinction between “domestic brutes” (pets) and other animals, and her metaphysical/ethical view of the human being as a “creature above the brutes” (both pets and non-pets). Contra

¹⁰ Onora O’Neill (1980), “Kantian Approaches to some Famine Problems,” in Tom Regan (ed.), *Matters of Life and Death: New Introductory Essays in Moral Philosophy* (New York: McGraw Hill), pp. 258–70; Onora O’Neill (1989), *Constructions of Reason: Explorations of Kant’s Practical Philosophy* (Cambridge: Cambridge University Press), pp. 75–7, 188.

¹¹ Wollstonecraft, *Rights of Woman*, pp. 94, 101, 108, 114.

¹² In the same year as Wollstonecraft composed her *Rights of Woman*, John Oswald published a vegetarian tract: Oswald (1791), *The Cry of Nature; or, An Appeal to Mercy and to Justice, on Behalf of the Persecuted Animals* (London: Printed for J. Johnson). Extending her philosophy of animal ethics to include the nascent vegetarian cause, Percy Shelley (1813), published *A Vindication of Natural Diet* (London: Printed for J. Callow by Smith & Davy) in which he modeled his vegetarian arguments after those of the *Rights of Woman*. See Carol J. Adams (2010), *The Sexual Politics of Meat (20th Anniversary Edition): A Feminist-Vegetarian Critical Theory* (New York: A&C Black), pp. 120, 152, 193.

Rousseau, she posited that humans by nature were both “rational” and “carnivorous” animals, capable of improvement through their benevolent treatment of animals, but not obliged to refrain from eating those not kept as “domestic brutes”.¹³ For these reasons, theorists of animal rights will not find in Wollstonecraft as robust a source for their arguments as will theorists of the rights of children. Nevertheless, animal rights advocates might draw lessons from her analysis of the indivisibility of children’s and other human rights (as moral rights) and the resultant necessity for their holistic and overlapping implementation (as legal rights). By drawing attention to the gap between what rights ought to be (ideal theory) and what rights are (non-ideal practice), Wollstonecraft modeled how to use a radically utopian ideal of rights to push for a richer and creative realization of rights in hostile or unreceptive legal systems.¹⁴

5.1 Wollstonecraft’s Radical Account of the Fundamental and Universal Human Rights of Children

Wollstonecraft read deeply in seventeenth- and eighteenth-century philosophy of education, particularly John Locke, James Burgh, Jean-Jacques Rousseau, Catharine Macaulay, and Charles Maurice Talleyrand-Périgord, but ultimately moved far beyond these thinkers on the question of children’s rights. Beyond Locke, and even more briefly Rousseau, none of these writers had applied the concept of rights to children, although they typically followed Locke’s *Some Thoughts on Education* (1693) in advocating for children’s physical, intellectual, and moral freedom from parental and especially paternal tyranny. Wollstonecraft built on but moved beyond all of these theorists in developing her extended philosophical argument for the fundamental human rights of children: from Locke, Burgh, and Rousseau she took a general interest in the physical education, health care, physical freedom, and outdoor exercise of children; from Rousseau a special concern with the physical and moral benefits of maternal breastfeeding for infants and families; and from Macaulay and Talleyrand the inspiration to apply Lockean and Rousseauian arguments on the best form of early education equally to girls and boys.

The immediate context of Wollstonecraft’s concern for children’s human rights was the radical politics of late eighteenth-century England, especially

¹³ Wollstonecraft, *Rights of Woman*, pp. 83, 83 fn 1, 234.

¹⁴ Amartya Sen (2000a), “Consequentialist Evaluation and Practical Reason”, *Journal of Philosophy* 97 (9): 477–502, p. 497; Pablo Gilabert (2011), “Humanist and Political Perspectives on Human Rights”, *Political Theory* 39 (4): 439–67, p. 441.

amid its Dissenting Christian community. Under the theological tutelage of Richard Price at the Newington Green church in London in the late 1780s, she learned the theory and rhetoric of the abolitionist cause. According to Price, a country that tolerated slavery in any form was “a spot where he enjoys no right, and is disposed of by owners as if he was a beast”.¹⁵ The logic of abolition was simple and elegant: chattel slaves—or people bought and sold into forced labor—were human (not beasts), and therefore deserved the same rights as other humans, including the fundamental right not to be enslaved. Humans had a right not to be enslaved because under slavery they were denied the conditions of freedom necessary for rational agency and self-development. In short, slavery denied humans the capacity to develop their humanity, because it denied their very humanity. Slavery was thus the ultimate form of domination—extinguishing the very possibility of freedom through the totalizing and oppressive use of force—as Rousseau had argued powerfully in the opening lines of his *Social Contract* (1762).

Many late eighteenth-century thinkers had followed Rousseau in applying the abolitionist argument against chattel slavery to other domains of human social and political life. For example, Thomas Paine, in his *Rights of Man, Part the Second* (1792), contended that the “hereditary system” of aristocratic and monarchical politics was a kind of “slavery” and violation of “human rights” because it suppressed the freedom of most people.¹⁶ Wollstonecraft has been most renowned for applying the abolitionist argument to women. In *A Vindication of the Rights of Woman* (1792), she wrote that women as humans deserve to be liberated from “the slavery of marriage”.¹⁷ This analogy between patriarchal marriage and slavery was an old one, however, as Mary Astell, Macaulay, and other early feminists had regularly appealed to it.¹⁸ Wollstonecraft’s philosophical innovation was to apply the abolitionist argument to children in order to contend for their rights as humans.

As early as her 1788 collection of children’s tales, *Original Stories from Real Life*, Wollstonecraft compared children to chattel slaves: “why then do we suffer children to be bound with fetters, which their half-formed faculties cannot break?”¹⁹ While she certainly echoed book one of Rousseau’s *Emile* in this

¹⁵ Price, *Political Writings*, p. 147.

¹⁶ Thomas Paine (2000), *Political Writings*, ed. Bruce Kuklick (Cambridge: Cambridge University Press), pp. 176, 198.

¹⁷ Wollstonecraft, *Rights of Woman*, p. 226.

¹⁸ Mary Astell (1706), *Reflections upon marriage. The third edition. To which is added a preface, in answer to some objections* (London: R. Wilkin) preface; Catharine Macaulay (1790), *Letters on education. With observations on religious and metaphysical subjects* (London), p. 210.

¹⁹ Wollstonecraft, *Original Stories from Real Life*, in *Works*, vol. 4, p. 359.

passage from the preface, the rationalist pedagogy of *Original Stories* pushed beyond Rousseau's primary concern with the physical freedom of children to focus on the need to liberate children from irrational modes of education that were both intellectually and morally damaging. Wollstonecraft went still further in *A Vindication of the Rights of Men* (1790). Here, in her first political treatise and the first published response to Burke's *Reflections on the Revolution in France* (1790), she argued that "there are rights which men inherit at their birth, as rational creatures". These rights were not received, as Burke would have it, from their "forefathers", but rather from "God". God made humans different from "the brute creation" in that humans had "improvable faculties".²⁰ In order to improve their human faculties, such as reason, children had to exercise certain fundamental rights. Wollstonecraft thus established that rights are grounded in the moral status of humans as rational creatures of God, who raised them above the brute creation through their improvable faculties. This implies that humans have rights but not animals, and reason (and antecedently, God's endowment of humans with reason) accounts for this difference in moral status.

In the *Rights of Men*, Wollstonecraft specified two fundamental children's rights and strongly implied their correlative parental duties:

It is necessary emphatically to repeat, that there are rights which men inherit at their birth, as rational creatures, who were raised above the brute creation by their improvable faculties; and that, in receiving these, not from their forefathers but, from God, prescription can never undermine natural rights. A father may dissipate his property without his child having any right to complain;—but should he attempt to sell him for a slave, or fetter him with laws contrary to reason; nature, in enabling him to discern good from evil, teaches him to break the ignoble chain, and not to believe that bread becomes flesh, and wine blood, because his parents swallowed the Eucharist with this blind persuasion.²¹

Children have a "right to complain" when their "fathers" (1) try to sell them into "slavery", or (2) "fetter" them with irrational laws, such as religious rules or beliefs that are rationally unjustifiable.²² She strongly implies that these two rights are derived from a fundamental set of parental obligations: Duty 1 is to not abuse children in general, and Duty 2 is to provide basic care and education to their own children that allows for their rational development as humans.²³

²⁰ Wollstonecraft, *Rights of Men*, p. 14.

²¹ Wollstonecraft, *Rights of Men*, p. 14.

²² Wollstonecraft, *Rights of Men*, p. 14.

²³ By "own children" I mean children under the direct parental supervision and care of a particular set of adults. In contemporary terms, this could mean biological, adoptive, foster, step-, or institutional (e.g., orphanage-based) parenting. Although the terms were in some cases different, Wollstonecraft was familiar with these various forms of parenting and indeed practiced foster parenting of her ward Ann before she practiced biological parenting of her daughters Fanny and

As we shall see, Wollstonecraft more fully develops her definition and justification of Duty 1 and Duty 2 in chapters ten and eleven of the *Rights of Woman*.

According to Onora O'Neill's typology of obligations, the first of these duties is perfect, universal, and fundamental, in the sense that the parents must refrain from abuse of children in general, not solely their own children. Duty 1 therefore begets a perfect, universal, and fundamental right to be free from abuse for each and every child, which obtains independently of the particular social situation of any child. On the other hand, the second of these obligations is perfect but not universal and fundamental, in the sense that only parents have the duty to provide a rational education to their own children. Duty 2 would seem to beget a special—not universal and fundamental—children's right to parental care and education, which is dependent on a particular set of family relationships.²⁴

In contrast to O'Neill's narrow interpretation of Duty 2 as begetting a special, not universal and fundamental, right of children, Wollstonecraft theorized Duty 2 as begetting a universal and fundamental right to parental care and education. It is universal in the sense that all children are entitled to care and education from their parents or parental figures, even though not all adults are responsible for providing these rights to children in any given context. It is fundamental in the sense that this right obtains independently of children's particular social contexts. Because of the differences in development between children and adults, and the fundamental dependency of children on parental figures (biological, adoptive, step-, foster, or institutional), there cannot be a neat symmetry between the scope of parental duties and children's rights in the way we typically conceptualize the correlative rights and duties of adults. Parental duties to their own children are by definition narrower and deeper than the general human duty to refrain from abuse of children, whereas children's rights to parental care and education have the same universal reach and fundamental basis as children's rights to be free from abuse. However, the asymmetrical scope of parental duties and children's rights does not mean that children's special rights to parental care and education are not fundamental in theory with respect to their humanity, even as they are specific in practice to particular parent-child relationship(s).

Hence Wollstonecraft established in her *Rights of Men* two categories of universal and fundamental rights for children—the *generic right* to be free from abuse (begot from perfect Duty 1) and the *specific right* to be cared for and educated by parents or parental figures (begot from perfect Duty 2)—because she

Mary. See Wollstonecraft, "To George Blood, 6 October 1791", in *The Collected Letters of Mary Wollstonecraft* (2003), ed. Janet Todd (New York: Columbia University Press), pp. 188–90.

²⁴ O'Neill, "Children's Rights and Children's Lives", pp. 447–8.

had justified children's absolute possession of these rights on the basis of their moral status as rational creatures of God. Wollstonecraft's metaphysical/ethical conception of the human being thus emerges as an essential feature of her expansive theory of children's rights. Although O'Neill shares Wollstonecraft's deontological, duty-based approach to justifying rights for children, the former is not able to defend as broad a scope of rights for children as the latter as a result of taking a constructivist, non-metaphysical, non-foundationalist approach to ethics. Children's right to parental care and education cannot be fundamental for a constructivist like O'Neill because it is the duty of specific parents to specific children, understood as constructed within their relationship in a particular social context. For Wollstonecraft, children's right to care and education is fundamental because it is justified by way of her metaphysical conception of the human being first and foremost, and secondarily in relation to particular relationships of dependency. Because all adults were once children dependent on adult care for their rational development as humans, children's rights—whether generic or specific—are implicitly for Wollstonecraft the most basic type of human rights.

In her second political treatise, the *Rights of Woman*, Wollstonecraft built on the *Rights of Men's* commitment to defending the universal human rights of the poor, oppressed, and enslaved, but placed even greater emphasis on the human rights of girls and women as a group oppressed by patriarchy. She again compared children to slaves, claiming "a slavish bondage to parents cramps every faculty of the mind", but underscored that "Females . . . in all countries are too much under the dominion of their parents".²⁵ She also elaborated her earlier theory of the fundamental and universal rights of children that derived from the particular duty of parents to care for and educate them (Duty 2). Aware of the problem of sexual discrimination within families when primogeniture governed the passage of property to the eldest son at the expense of the other children, Wollstonecraft proposed an alternative, egalitarian model of the rights of children with respect to siblings. Children in the same family have an "equal right to" (1) a rational education that enables them to become independent adults, and (2) their parents' provision of their material needs during the time of their dependency on them.²⁶ Parents have a special and perfect obligation to supply these rights equally to their children because their children are humans made in God's rational image who each need their educational and material needs met for their development as humans. Boys are not more deserving of education or

²⁵ Wollstonecraft, *Rights of Woman*, p. 226.

²⁶ Wollstonecraft, *Rights of Woman*, p. 134.

development than girls, because their rational capabilities are roughly the same. Eldest sons, by the same argument, do not deserve preferential treatment but rather ought to be treated the same as their siblings with respect to these two family-related yet fundamental and universal rights to equal parental provision of education (Duty 2a) and material needs for development (Duty 2b).²⁷

In an extended case study unveiled in chapter 4 of the *Rights of Woman*, Wollstonecraft dramatizes the injustices that arise from the differential parental treatment of girls and boys with regard to these fundamental and universal rights to education and material means of development.²⁸ Girls who are denied a rational education do not grow up to be independent, and often find themselves dependent on both the reason and the property of their older brothers. When the brother marries, the wife often forces her sister-in-law out of the house due to jealousy. Wollstonecraft makes the insightful point that these two women are more similar than different in terms of their moral psychology. Neither woman has learned to respect herself or others through the exercise of reason. If the wife had done so, she would have the moral capability to love her husband for his virtues, including his generosity toward his sister. If the sister had done so, she would have the moral capability to be independent, thus rendering unnecessary either expulsion or support.

Such consequentialist arguments in favor of extending equal rights to siblings of the same families do not override her deontological justification for equal human rights. Rather, these consequentialist arguments supplement and reinforce her basic deontological and metaphysical argument for human rights as derived from duties grounded in the rational moral law of God. If parents do not fulfill their duties by providing equal rights to their children, she warns us, there will be bad consequences for society. But those bad consequences are not the reason why children have rights in the first place. Children have rights because they are rational creatures of God. Wollstonecraft's metaphysical/ethical conception of the human being is the normative standard or orientation point by which children's rights are justified in an absolute sense. From this moral standpoint, the bad consequences of children's lack of provision of basic and equal rights within the family are merely symptoms of the deeper problem of parental failure to fulfill their perfect obligations.

²⁷ Although she does not discuss the case of children in an orphanage here, Wollstonecraft's argument for Duties 2a and 2b would apply in the same way to institutional parenting as they do to biological and other forms of parenting. Equality of provision of care to children is what matters most, not the particular type of childrearing environment.

²⁸ Wollstonecraft, *Rights of Woman*, pp. 134–5.

5.2 Whose Rights? Which Duties? Wollstonecraft's Parsing of the Duties and Rights of Adults, Parents, and Children

In her typology of obligations, O'Neill went on to distinguish between perfect and imperfect obligations. Perfect obligations are those such as the *Rights of Men's* definition of Duty 1 (to not enslave or otherwise abuse children) and Duty 2 (to parental provision of care and rational education): they specify "completely or perfectly not merely who is bound by the obligation but to whom the obligation is owed."²⁹ Conversely, O'Neill defined imperfect obligations as those that do not specify to whom they ought to be fulfilled, even though the obligation is fundamental. Her example was the duty of adults to care for children in general, regardless of family relationship. This non-parental duty to care for children is generic without being universal; while one person in practice cannot possibly owe it to all children, the obligation is nonetheless binding to each and every adult. Because it is generic, it cannot be owed merely to particular children either. In the abstract, the question of how to perform such a duty is ambiguous at best. Because the imperfect obligation cannot be discharged outside the directives of a particular social context, it cannot beget a right without the aid of positive law or institutions. In other words, it is difficult if not impossible to know how to fulfill successfully one's obligation to care for children in general, without the prescription of law or other institutions. O'Neill goes still further in concluding provocatively that children do not have a universal and fundamental right to care from adults in general. This conclusion poses a moral dilemma: if adults have an imperfect duty to care for children in general, without children having a corresponding right to such care, then why should adults discharge this duty without some internal or external compulsion? This imperfect obligation appears to be so weak as to be contingent on either one's personality or prescribed norms. It seems unlikely that it would ever be discharged without the artifice of society and law imposing it on us. In this light, the ambiguity and contingency of the imperfect obligation of non-parental care for children seems to undermine the very possibility of theorizing children's rights as universal moral absolutes.

Wollstonecraft's philosophy of children's rights is instructive for resolving this dilemma born of O'Neill's distinction between perfect and imperfect obligations toward children. According to both O'Neill's and Wollstonecraft's deontological ethics, all rights derive from duties, but not all duties entail rights.

²⁹ O'Neill, "Children's Rights and Children's Lives", p. 447.

Wollstonecraft's metaphysical approach, however, allows her to avoid making such a strong distinction between perfect and imperfect obligations as does the constructivist O'Neill. From Wollstonecraft's metaphysical/ethical standpoint, the imperfect obligation of adults to care for children applies to all children in the abstract, even if in practice it is difficult if not impossible for the duty to have this sort of reach. As conceived from the God's-eye point of view, generalized yet imperfect duties apply universally and may eventually be applied in law in a general way. This is the key difference between Wollstonecraft and O'Neill, as well as between Wollstonecraft and Kant: Wollstonecraft conceives of generalized yet imperfect duties to children as universally applicable to adults (and therefore generating fundamental and universal human rights for children), when such imperfect duties are considered from the God's-eye point of view. Neither Kant nor O'Neill assumes this theologically informed metaphysical/ethical perspective due to their commitments to different forms of constructivism. Because of his constructivist account of how the human mind shapes its rational understanding of reality and morality without reference to the noumenal realm (which includes the fundamentally incomprehensible God's-eye point of view), Kant's strong distinction between perfect duties (those that must be performed and admit of no exception) and imperfect duties (those that admit of exception and whose performance must be judged case by case) is actually far closer to O'Neill than to Wollstonecraft, despite his other similarities with his philosophical contemporary.³⁰

Because her capacious metaphysical perspective accommodates it, Wollstonecraft conceptualizes the imperfect duties of adults as begetting fundamental and universal rights for children. In addition, all children's rights—even if imperfectly specified or implemented—have a fundamental (not secondary or contingent) moral status despite being derived from duties, because these concepts of right and wrong are ultimately rooted in a metaphysical/ethical conception of the human being. In other words, her conception of children's rights is ultimately grounded in her conception of the moral status of children as humans.

In chapter 11 of the *Rights of Woman*, Wollstonecraft further elaborates her conception of Duty 2 (parental care and education) by looking at its long-term implications for the parent-child relationship. She argues that there is a "reciprocal duty" of parents and children to care for one another in their respective stages of dependency.³¹ Like Locke, she claims that minors have an obligation to

³⁰ O'Neill, "Children's Rights and Children's Lives", pp. 446–7. Immanuel Kant (1785), *Groundwork for the Metaphysics of Morals* (2002), ed. Allen W. Wood (New Haven, CT: Yale University Press), pp. 38, 41, 47–8, 128, 155.

³¹ Wollstonecraft, *Rights of Woman*, p. 224.

respect and honour their parents if and only if their parents have cared for them and educated them in their dependency. Like Locke, she believes adults forfeit their status as parents, and the legitimate authority associated with it, when they fail to provide such care for their children. Unlike Locke, she absolves adult children of the obligation to respect and honour their parents merely because they gave life-sustaining care and education to them, for “to subjugate a rational being to the mere will of another, after he is of age to answer to society for his own conduct, is a most undue stretch of power”. Moving far beyond Locke, she calls attention to the problem of parental abuse of children and subsequently absolves victims of any residual duty to respect, honour, obey, or care for the perpetrators even if they had once received care or education from them.³²

Reiterating a claim made in the *Rights of Men*, Wollstonecraft contends it is both cruel and unjust to subject a child to irrational rules (such as unjustifiable religious teachings) as a means for establishing parental authority. Such exercise of parental tyranny is “injurious to morality as those religious systems which do not allow right and wrong to have any existence, but in the Divine will”.³³ For Wollstonecraft, reason is the basis for morality, not human or Divine will. Against voluntarists who posited God’s will as the basis of morality, she understands God as following His rational nature in dictating the content of morality and obeying those moral rules Himself. By analogy, the mere will of parents to be served by their children is not a justification for their parental authority or their use of irrational religious ideas to garner such authority. Authoritarian parents of this sort use “parental affection” as a “pretext to tyrannize”. For Wollstonecraft, such oppressive parental relationships with children are by definition “brutal” and abusive and therefore as illegitimate as chattel slavery.³⁴ By contrast, a justified parental authority—one that is benevolent, limited, and temporary—can only be achieved by following the rational moral law in fulfilling their children’s rights.

Rather than defend Locke’s (residually absolutist) notion of a persistent duty of children to give “respect, honour, gratitude, assistance, and support” to their parents even into adulthood, Wollstonecraft instead theorizes an egalitarian “reciprocal duty” for mutual care, shared to different degrees between parents and children over the course of their overlapping life cycles.³⁵ Initially, children

³² John Locke (1690), *Second Treatise of Government*, in *Two Treatises of Government and A Letter Concerning Toleration* (2003), ed. Ian Shapiro (New Haven, CT: Yale University Press), pp. 124, 176.

³³ Wollstonecraft, *Rights of Woman*, p. 224.

³⁴ Wollstonecraft, *Rights of Woman*, pp. 221–2.

³⁵ Locke, *Second Treatise of Government*, p. 176. Wollstonecraft, *Rights of Woman*, p. 224.

Table 5.1. The Wollstonecraftian Cascade of Duties and Rights concerning Children

Wollstonecraft's rank-ordered derivation of duties and rights	Fundamental duty	Correlative right
Duty 1	Not to abuse children in general	Not to be abused by adults
Duty 2	To care for and rationally educate your own children	To receive care and rational education from parents
Duty 2a	To equally care for and rationally educate your own children, without discrimination among siblings	To receive equal care and rational education from your parents as do your siblings
Duty 2b	To equally provide the material means of development among your own children, without discrimination among siblings	To receive equal means of development from your parents as do your siblings
Duty 3	To care for your elderly parents if they cared for you when you were dependent on them	To enjoy friendship with your adult children and be freely cared for by them in your old age

have no responsibility for care because they are incapable of it in their “helpless infancy”; but once they have grown up, and their parents are needy of care in the “feebleness of age”, then the adult child has an obligation to provide “the same attention”. Moreover, Wollstonecraft conceptualizes this obligation as begetting a parental “right” to elder care by the children they had nurtured. Thus, she theorizes an intergenerational cascade of duties as producing a correspondent series of rights: first, Duty 1 begets the correlative right of children to not be abused, the primary condition for the practice of other duties toward children and their corresponding rights; second, Duty 2 begets the correlative right of children for parental care and education; third, the fulfillment of Duty 2 entails the second-generation duty of adult children to care for their elderly parents (Duty 3); finally, Duty 3 begets the correlative right of parents for elder care by their adult children (see Table 5.1).³⁶

Later in chapter 11 of the *Rights of Woman*, she distinguishes between “the natural and the accidental duty due to parents”. On the one hand, children’s

³⁶ Wollstonecraft, *Rights of Woman*, p. 224.

“instinctive natural affection” for parents can generate a sense of obligation toward them in their old age. On the other hand, this obligation is far stronger if the bond between parent and child is due to the rational education provided by the parent. Wollstonecraft calls such an education an expression of “the parental affection of humanity”, which “leaves instinctive natural affection far behind”. Thus she counter-intuitively reframes “natural” affection as weak and merely instinctive and “accidental” affection as strong, deliberate, and truly humane. Similarly to her discussion of the generation of the right of parents to elder care, she proceeds to argue that the “accidental duty due to parents” (Duty 3) begets “all the rights of the most sacred friendship” for the parents with their adult children. Unlike Locke who would have adult children “respect” and “honour” their parents simply on the basis of their antecedent provision of “life and education” by them, Wollstonecraft drops the adult duty to *honour* parents and instead gives the enduring duty of *respect* for parents both a narrower construction and a deeper foundation.³⁷ On her model, an adult child has a duty to take “advice” from a parent under “serious consideration” only when a “sacred friendship” born of “the parental affection of humanity” abides between them.³⁸ Again, a cascade of duties toward children creates a series of parental rights: the provision of rational care and education for one’s children (Duties 2, 2a, 2b) ultimately begets “all the rights of the most sacred friendship”, which include having one’s parental advice taken seriously even in one’s old age and dependency (see Table 5.1). Interestingly, Wollstonecraft’s theory of children’s rights to care, education, and provision of basic means for development leads her to theorize a new set of parents’ rights. Rather than irrationally asserting a right to tyrannize their offspring, parents rationally earn a right to be genuine friends with their grown children.

5.3 The Indivisibility of (Children’s) Human Rights and its Implications for their Legal Institutionalization as Civil and Political Rights

Contemporary international children’s human rights law conceptualizes children’s rights in particular and human rights in general as indivisible. The 1989 United Nations’ *Convention on the Rights of the Child* (CRC) is the immediate political source for this concept of indivisibility. By indivisible, it meant the overlapping, interdependent, and mutually reinforcing relationships between

³⁷ Locke, *Second Treatise of Government*, p. 176.

³⁸ Wollstonecraft, *Rights of Woman*, p. 225.

the numerous rights of children it legislated for member nations.³⁹ Because of these relationships, any particular rights of children cannot be effectively guaranteed unless they are protected and encouraged as a set. Moreover, children's rights must be treated as a subset of universal human rights. Because all adults were once children, the failure to secure their rights as children has pernicious effects on the protection and realization of human rights over the whole life cycle and across generations.

As Tristan McCowan has argued, education is a paradigmatic illustration of the indivisible nature of children's (and other human) rights. If children are denied education at any stage of youth, then they may fail to develop their basic human capabilities (or what Wollstonecraft called "improvable faculties"). This lack of education can lead to other deprivations: lack of skills for either personal independence or familial support, lack of economic opportunity, lack of access to necessary health care and medical knowledge for sustaining oneself and one's family, and lack of political participation and influence. In his *Development as Freedom* (1999), Amartya Sen gave a powerful empirical example of how the denial of the right to education even to a single group can have exponentially negative effects on broader populations. When girls in his native India were denied education, they were more likely to marry at a young age and have increased fertility, thereby causing population pressure, exacerbating poverty, disease, and premature death, and reinforcing dangerous gender norms that discriminated against girls' right to education in the first place.⁴⁰ The indivisibility of children's (human) rights thus requires that their implementation in law and policy be as even and as interconnected as possible.

About two centuries earlier than the CRC, Wollstonecraft's theory of the legal implementation of children's rights began with this premise of indivisibility. She also highlighted the central place of education in securing other human rights. Similarly to McCowan and other contemporary philosophers of education, she conceptualized education not only as a fundamental and universal right of children but also as a "conduit" for other rights.⁴¹ In particular, she theorized that if the moral right to education was institutionalized as a civil right for all children, then it would more effectively serve as a "conduit" for the realization of other vital citizenship rights. Most importantly, education would enable adult citizens to develop their "improvable faculties" such that they were capable of

³⁹ Tristan McCowan (2012), "Human Rights within Education: Assessing the Justifications", *Cambridge Journal of Education* 42 (1): 67–81, p. 73.

⁴⁰ Amartya Sen (2000), *Development as Freedom* (New York: Anchor), pp. 195–9.

⁴¹ McCowan, "Human Rights within Education", p. 170.

exercising civil and political rights to public speech, civic association, voting, and office-holding in modern republican (representative democratic) governments. Moreover, the formative experience of receiving an “equal right” to education not only in the family but also in state-run schools would acculturate people to respecting the equal rights of citizens in other spheres of society and politics. These egalitarian conditions within formal education enabled egalitarian citizenship beyond it.

Some contemporary democratic theorists of children's rights, such as Andrew Rehfeld, have argued that children ought to have a legal right to vote as early as it is practical for them to formally participate in politics. Rehfeld's proposal is to gradually and fractionally increase the voting power of children from the age of twelve through the legal age of majority. This gradual progression to full voting influence would teach adolescents the rules of formal participation in politics, instill in them a sense of the value of participation even when one's say in any given vote is small, and most crucially, make the political system more democratic overall.⁴² Wollstonecraft, by contrast, never advocated for children's inclusion in full citizenship rights because she saw the right to education as a conduit for the later yet complete enjoyment of the full slate of civil and political rights in modern democracies. A striking philosophical predecessor to Amy Gutmann, Wollstonecraft envisioned state-run schools as sites for sustained democratic and egalitarian value formation. In her ideal classroom, the Socratic method would be used to encourage children to participate in vigorous discussion with their teachers and peers, on civic-oriented subjects such as history and politics. While children could not vote, they could deliberate rationally on political issues in school and gain valuable skills for formal political participation, broadly understood. The co-educational, free, mandatory format of her ideal day school also meant that children would be raised to appreciate the equal capabilities of the different sexes, races, and classes at least in school if not at home. The moral and social comprehensiveness of this schooling for citizenship would enable children's complete adoption of citizenship rights at the age of majority, without any formal or gradual introduction to such rights as adolescents. From Rehfeld's perspective, this political system would be less formally democratic than one with his fractional voting scheme for adolescents. However, it could be potentially more informally democratic in the sense that children and adolescents would be encouraged to actively practice the values of egalitarian citizenship and to

⁴² Andrew Rehfeld (2011), “The Child as Democratic Citizen”, *Annals of the American Academy of Political and Social Science* vol. 633 (January), *The Child as Citizen*: 141–66.

understand the right to publically sponsored schooling as the most fundamental of their civil rights.

While Wollstonecraft theorized the causal relationship between children's civil right to publicly funded education and their later practice of full and equal citizenship rights as adults, she conversely theorized the causal relationship between adults' equal access to civil rights (especially child custody, property ownership, and divorce) and the realization of the full slate of children's rights in law and policy. In her last major work, the unfinished novel *Maria, or the Wrongs of Woman* (1798), she depicted Maria as fleeing her abusive husband. Her husband's attorney threatens to seize her property, which she had inherited from an uncle, and worse, assert paternal custody over their infant child.⁴³ Under coverture, married women were "reduced to a mere cypher" in the eyes of the law, because they had no independent legal identity separate from their husbands.⁴⁴ In the case of a marital separation such as Maria's, the wife found herself in an absurdly powerless position: she could not effectively defend her rights or those of her children, because the court assumed her husband represented both her interests and those of the whole family. When Maria goes to court, she claims before the judge that an equal right to divorce is necessary for women to fulfill their duties toward their children. Maria's courtroom speech was unrealistic in terms of late eighteenth-century British legal protocols, but it underscored Wollstonecraft's political reason for writing one of the first feminist novels. In the case of a bad marriage such as Maria's, a wife often had to abandon her property (losing her material means of caring for her children) as well as forfeit custody over her children (losing at least her role as caregiver and, in extreme cases of paternal neglect, losing the assurance of care for her children altogether). Maria dramatically pleads for a right to divorce from a violent and adulterous drunk for the sake of ensuring her provision of her child's fundamental rights to parental care and rational education: "If I am unfortunately united to an unprincipled man, am I for ever to be shut out from fulfilling the duties of a wife and mother?"⁴⁵ The indivisibility of women's rights and children's rights becomes clear through Maria's tragically realistic story of estrangement from her child, which sadly reflected the actual lives of many of the women Wollstonecraft knew. The trials of these women and children teach us that human rights must be treated as an interdependent and intergenerational set in order for the moral rights of vulnerable or disadvantaged groups to be fully realized as legal rights.

⁴³ Wollstonecraft, *Maria, or the Wrongs of Woman*, in *Works*, vol. 1, p. 168.

⁴⁴ Wollstonecraft, *Rights of Woman*, p. 215.

⁴⁵ Wollstonecraft, *Wrongs of Woman*, p. 180.

5.4 Why Wollstonecraft Theorized Rights for Children but not for Non-Human Animals

Analogies between young human and non-human animals were not uncommon in Wollstonecraft's writings. In the concluding chapter of the *Rights of Woman*, she had compared young horses and children. To break horses violently was like sending children to boarding school to correct the wild behavior caused by a poor early education at home. For Wollstonecraft, both of these practices were abusive and therefore wrong, as well as unnecessary for the proper education of young creatures, human or not.⁴⁶

Despite these analogies, Wollstonecraft did not proceed to argue for the rights of animals to be free from abuse by humans as she argued for the fundamental and universal human right of children to be free from abuse by adults. Rather, she emphasized the duties of all humans—children and adults—toward non-human animals, especially to refrain from cruelty toward them. The latter negative obligation, as we shall see, was not only derivative of the self-regarding human duty to strive for moral perfection by following God's moral law, but also was grounded in the sentience of animals and their ability to feel pain.

In chapter 12 of the *Rights of Woman*, she drew a connection between parental permission of children's "barbarity to brutes" and the perpetuation of "domestic tyranny over wives, children, and servants". Children cannot be expected to learn or be motivated by "Justice, or even benevolence" unless taught to extend such benevolence and justice toward "the whole creation", beginning with non-human animals. If children are allowed to torture animals for fun, they will grow up to be perpetrators of violence and abuse toward the defenseless in their own households. She forcefully concluded: "I believe that it may be delivered as an axiom, that those who can see pain, unmoved, will soon learn to inflict it".⁴⁷ To let children hurt animals was to encourage them to learn to like to abuse the "whole creation" without conscience.

If cruelty was a learned behavior, so were benevolence and justice. Thus chapter 12 of the *Rights of Woman*, "On National Education", proposed a general rule against cruelty toward animals as an essential curricular feature of Wollstonecraft's ideal national school system: "Humanity to animals should be particularly inculcated as a part of national education, for it is not at present one of our national virtues."⁴⁸ The enforcement of this rule across a system of

⁴⁶ Wollstonecraft, *Wrongs of Woman*, p. 262.

⁴⁷ Wollstonecraft, *Rights of Woman*, p. 244.

⁴⁸ Wollstonecraft, *Rights of Woman*, p. 243.

free mandatory co-educational primary day schools would help prevent the hitherto “easy” transition from childhood’s “barbarity to brutes” to adulthood’s “domestic tyranny”.

Although Wollstonecraft conceptualizes children’s right to education as requiring and involving the right of children to be free from exposure to cruelty to sentient life in the context of both home and school, it does not translate into a right of animals to be free from cruelty. From her earliest educational writings, Wollstonecraft was consistent in arguing that animals are “brutes” without reason like humans. Animals are thus objects of care by humans, not subjects of duties and rights like humans. Her first book and educational treatise, *Thoughts on the Education of Daughters* (1787), suggests that children should be told benevolent stories about animals because the animals are the first “objects” to catch their attention. These “little stories” will “amuse and instruct” them, but more importantly, prevent the “vice” that arises from the tolerance of children’s “cruelty to animals”.⁴⁹ “Stories of insects and animals” easily arouse the “childish passions”; thus benevolent tales concerning animals can motivate children to “exercise humanity” toward the whole sentient creation. By listening to stories about the ethical treatment of animals and insects, children will learn to “rise to man, from him, to his Maker”.⁵⁰ According to Wollstonecraft’s theological and metaphysical/ethical view of the hierarchy of God’s creation, children’s education into benevolent treatment of animals brings them closer to God and further away from animals. Children’s self-conception of their moral status as humans, or rational creatures of God, is cemented by their learning how to practice the virtue of benevolence toward non-human animals.

Her *Original Stories from Real Life* (1788) put into meta-literary practice this theory of the relationship between children’s education through storytelling about animals and the ethical treatment of animals. Chapter 2 of this collection of children’s tales portrays the governess Mrs Mason teaching her young charges Mary and Caroline why they should not be cruel to animals. Striving to understand why she and her sister have been chided for torturing insects, Mary asks, “if insects and animals were not inferior to men?” Mrs Mason replies, “Certainly . . . and men are inferior to angels”. Mrs Mason continues with a theological story about how humans are closer to angels than to animals in the cosmic hierarchy: “we fit ourselves to be angels hereafter when we have acquired human virtues, we

⁴⁹ Wollstonecraft, *Thoughts on the Education of Daughters*, in *Works*, vol. 4, p. 10.

⁵⁰ Wollstonecraft, *Thoughts on the Education of Daughters*, in *Works*, vol. 4, p. 44.

shall have a nobler employment in our Father's kingdom. But between angels and men a much greater resemblance subsists, than between men and the brute creation; the two former seem capable of improvement".⁵¹ Here Wollstonecraft sounds like Immanuel Kant, whose rational moral philosophy has been compared to that of her theological mentor Richard Price.⁵² In his late eighteenth-century university lectures on ethics, Kant argued that the ethical treatment of animals is morally required of rational beings not because it improves the condition of animals but because it fulfills an indirect duty to oneself as a rational being to be morally upright.⁵³ Wollstonecraft put an explicitly theological twist on this Kantian view, however, by emphasizing how the ethical treatment of animals enables children to develop their humanity and grasp of morality and thus become closer to angels and God. Mrs Mason uses a personal anecdote to explain the moral implications of this theological point to her pupils in terms that they can understand:

It is only to animals that children *can* do good; men are their superiors. When I was a child, added their tender friend, I always made it my study and delight to feed all the dumb family that surrounded our house; and when I could be of use to any one of them I was happy. This employment humanized my heart, while, like wax, it took every impression; and Providence has since made me an instrument of good.⁵⁴

While adults have the capability to do good toward the whole sentient creation, children's lesser capabilities mean that they can only do good toward creatures lesser than them. Animal benevolence thus figures as a crucial, if not primary, way for children to learn how to be benevolent at all.

Opposite to Kant and Wollstonecraft, Rousseau in his *Second Discourse* (1755) had argued that although animals lacked the rational capability to grasp the natural law, their status as sentient beings made them "partake of the benefit of the natural law" in the sense that humans had an obligation to follow the natural law in treating animals benevolently. He strongly implied that non-human and human animals alike had a natural right not to suffer, derived from a

⁵¹ Wollstonecraft, *Original Stories*, pp. 371–2.

⁵² For a comparison of Price's moral philosophy with Kant's, see M. B. Smith (2010), "Does Humanity Share a Common Moral Faculty?", *Journal of Moral Philosophy* 7 (1): 37–53. Sylvania Tomaselli (1995) noted that Wollstonecraft cited Kant in her unpublished *Hints* for a sequel to the *Rights of Woman*, and that she was indirectly referencing Kant's *Critique of Judgment* (1790). See Mary Wollstonecraft (1995), *A Vindication of the Rights of Men and A Vindication of the Rights of Woman*, ed. Sylvania Tomaselli (Cambridge: Cambridge University Press), pp. 298, 301.

⁵³ Immanuel Kant (1997), *Lectures on Ethics*, eds Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press), p. 212.

⁵⁴ Wollstonecraft, *Original Stories*, pp. 372–3.

fundamental human obligation “not to injure” other sentient beings.⁵⁵ In his *Introduction to the Principles of Morals and Legislation*, Jeremy Bentham (1789) made a similar argument for the ethical treatment of animals on the basis of their sentience and capability for suffering, but he also explicitly called for the legal extension of “rights” to “the rest of the animal creation” which “never could have been withholden from them but by the hand of tyranny”.⁵⁶ As Josephine Donovan has argued, these sentience-based arguments for animal ethics and animal rights have the advantage of dispensing with the Kantian (and, I will add, Wollstonecraftian) “higher-intelligence criterion” for assigning duties of benevolence to humans toward animals.⁵⁷ Dispensing with the higher-intelligence criterion in favor of the sentience criterion means that young children, whose mental development puts them initially closer to animals than to either adults or angels, can still be assigned a duty to not abuse animals due to their common status as sentient beings, independently of the state of their rational capability. In this way, sentience-based arguments for animal ethics and animal rights offer a stronger basis for the fundamental and universal duty to at least refrain from abuse of sentient life from the earliest time that one could possibly enact harm on it. Like Wollstonecraft, Bentham neither advocated nor practiced vegetarianism as part of his philosophy of animal ethics, but his sentience-based arguments allow for the institutionalization of rights for animals that might prevent their cruel treatment in slaughterhouses. His classical utilitarianism also allows for the comparative assessment of projected outcomes such that the happiness that would be gained by legislation of the pain-free death of animals for the sake of enriching human dietary sources and health might be judged to outweigh the happiness that non-human animals would have gained from an absolute legal prohibition on meat-eating.⁵⁸

Following Rousseau and Bentham’s concern with the feelings of non-human animals, however, Wollstonecraft moved beyond the strictly deontological Kantian justification of the ethical treatment of animals. Her rational theology allowed for and even encouraged consideration of how animals benefited from their benevolent treatment by humans. In *Original Stories*, Mrs Mason emphasized how the ethical treatment of animals made children moral, but she

⁵⁵ Jean-Jacques Rousseau (2002), *The Social Contract and the First and Second Discourses*, ed. Susan Dunn (New Haven, CT: Yale University Press), pp. 84–5.

⁵⁶ Jeremy Bentham (1789), *An Introduction to the Principles of Morals and Legislation* (London: T. Paine), p. cccix.

⁵⁷ Josephine Donovan (1990), “Animal Rights and Feminist Theory”, *Signs* 15 (2): 350–75, p. 355.

⁵⁸ Emilie Dardenne, “From Jeremy Bentham to Peter Singer”, *Revue d’études benthamiennes* [En ligne], 7 | 2010, mis en ligne le 13 septembre 2010, consulté le 28 juillet 2014. <<http://etudes-benthamiennes.revues.org/204>>.

also taught her charges that it was both right and good to be “useful” to one’s “fellow-creatures”. Mrs Mason’s lifelong care for the whole sentient creation (she “never wantonly trod on an insect” or disregarded the “plaint of a speechless beast”) enabled her to become a charitable and giving adult devoted to serving the needs of the poor, sick, hungry, and young. Beyond making her moral, her care for animals made these creatures happier. She explained to her charges that while humans “grow humbler and wiser” through suffering, animals do not gain any virtues from suffering because they lack the necessary improvable faculties for the achievement of such virtue. From this metaphysical/ethical perspective on the different experiences of suffering by humans and animals, animal suffering should not only be avoided but also actively relieved whenever possible. Moving beyond the basic and negative duty not to abuse animals, Mrs Mason concludes that humans have a more robust obligation to “not prevent their enjoying all the happiness of which they are capable”.⁵⁹ Wollstonecraft’s outward-directed moral concern with preserving the happiness of animals sets her apart from the total objectification of animals found in Kant’s ethics and closer to Bentham’s cosmopolitan concern with increasing happiness among all sentient beings. Her appeal to the good consequences of animal benevolence is consistent with her overall moral theology in the sense that the rational and benevolent plan of God’s providence allows and accounts for right actions to generate good consequences and, eventually, rational political progress on issues such as animal cruelty. Because Wollstonecraft is not interested in justifying moral rights or institutionalizing legal rights for animals, but simply justifying and encouraging human duties toward animals, she leaves open the question of how to legally institutionalize animal benevolence beyond her visionary prescription of a national rule against animal cruelty in public (especially primary) schools. Animals rights advocates might nonetheless learn from her political theory of the legal implementation of children’s rights, in order to develop creative strategies for giving animals the rights in law that, as Bentham put it, have only been denied them by “the hand of tyranny”.

5.5 Wollstonecraft’s Political Lesson for Advocates of Children’s and Animal Rights

Although Wollstonecraft never argued for the moral or legal rights of non-human animals, her concept of the indivisibility of (children’s) human rights

⁵⁹ Wollstonecraft, *Original Stories*, p. 373.

and her holistic approach to their legal realization is relevant for theorizing and advocating for the rights of animals in law. The central place of animal benevolence in the moral formation and education of equal citizens makes the ethical treatment of animals a vital area of legal regulation for modern democracies. Now, the law could stop short of assigning rights to animals, as Wollstonecraft did, but it could also take her argument a step further, once the latter was stripped of its theological assumptions. After all, contemporary liberal and democratic theory has typically dispensed with metaphysical/ethical foundations of the sort found in Wollstonecraft's political theory. A theorist of rights, especially a legal constructivist such as Charles Beitz, need not be limited by Wollstonecraft's theologically driven concern to draw a sharp line between human and animal life. With the institutionalization of human rights since the 1948 *Universal Declaration of Human Rights* and its related covenants and instruments such as the Convention on the Rights of the Child (CRC), theorists of rights have the relative luxury of proceeding from the established norms of an international legal practice rather than naturalistic and therefore contestable foundations such as metaphysical/ethical conceptions of the human being.⁶⁰

From a contemporary international legal standpoint, much of Wollstonecraft's political argument still pertains. The indivisibility of (children's) human rights bears on other aspects of ethics and political justice, including the well-being of animals in relation to human society. Realizing children's rights to care and education requires and involves the protection of the well-being of animals through the law, such as rules against animal cruelty in publicly funded schools. Children cannot learn how to be equal citizens who are respectful of each other's rights if they are allowed to abuse vulnerable and dependent creatures as part of their educations. Such abusive behavior will only spiral into other domains of life, reinforcing both domestic and political tyranny on both the national and international levels.⁶¹

The indivisibility of (children's) human rights also bears on the question of the status of animals in law. When the law treated children as mere objects of adult charity, children had no rights, not even to protect their bodily integrity. As philosophers, legislators, and jurists began to conceptualize children as rights-bearing subjects over the course of the past two centuries, domestic and international laws came to prescribe a range of children's rights for modern

⁶⁰ Charles R. Beitz (2009), *The Idea of Human Rights* (Oxford: Oxford University Press), pp. 128, 209–12.

⁶¹ Carol J. Adams (1994), "Bringing Peace Home: A Feminist Philosophical Perspective on the Abuse of Women, Children, and Pet Animals", *Hypatia* 9 (2), *Feminism and Peace*: 63–84, pp. 78–80.

democracies, such as a right not to be abused by adults (CRC, section 19), a right to primary education (CRC, article 28), and a right not to be forced into labor or slavery (CRC, article 35).⁶² By analogy, if the law treats animals as mere objects of human charity, not as subjects of feeling (let alone rights), then the law will have a limited role in protecting their well-being. But if the well-being of animals is treated as indivisible with the fundamental human rights of children to care and rational education, then the assignment of rights to animals in law might be justified as a corollary of children's rights law. At the very least, an animal's right to not be abused might be understood in law as running parallel to the child's right to the same freedom from tyranny, with both kinds of rights justified by way of a fundamental human duty to refrain from mistreatment of sentient, vulnerable, dependent beings.

While Wollstonecraft's theory of (children's) human rights is built on the metaphysical/ethical assumption that the status of humans and animals is fundamentally different, there is room for pragmatically adapting her interrelated theories of children's rights and animal ethics for the political cause of animal rights in the context of the international legal system. While this might sound preposterous or politically foolish to skeptics of the idea of rights let alone animal rights, it behooves us to recall the title of an early satire of Wollstonecraft's and Paine's theories of rights: *A Vindication of the Rights of Brutes* (1792). Peter Singer noted that this parody written by a Cambridge Platonist philosopher unintentionally set forth a basic and effective framework for animal rights argumentation.⁶³ While animal welfare conventions may be more politically palatable than the various declarations of the rights of animals that have circulated without formal legal adoption since the twentieth century, there is nonetheless a political value in alleging a right for an oppressed group (human or not) long before they can possibly enjoy any such rights.⁶⁴ By explicitly including slaves, children, and women in her arguments for the "rights of humanity", Wollstonecraft established an aspirational and fully universal model of human rights advocacy, which boldly claimed rights for people who did not yet enjoy

⁶² The United Nations' *Convention on the Rights of the Child* (1989), <<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>, accessed 15 July 2014.

⁶³ Thomas Taylor (1792), *A Vindication of the Rights of Brutes* (London: Printed for Edward Jeffrey, Pall Mall); Peter Singer (1989), "All Animals are Equal", in *Animal Rights and Human Obligations*, eds Tom Regan and Peter Singer (Englewood Cliffs, NJ: Prentice Hall), <<http://www2.webster.edu/~corbetre/philosophy/animals/singer-text.html>>, accessed 15 July 2014.

⁶⁴ See the *European Convention on the Protection of Pet Animals* (1987), <<http://conventions.coe.int/treaty/en/Treaties/Html/125.htm>>, accessed 16 July 2014. See the *Universal Declaration of the Rights of Animals* (1977), <http://www.jainworld.com/jainbooks/images/20/The_Myth_About_Milk.htm>, accessed 16 July 2014.

them in practice or even have means of their provision.⁶⁵ Her joint political lesson for (children's) human rights and animal rights advocates is to have the courage and creative vision to demand for future generations what seems to be impractical or unjustifiable in the present.

⁶⁵ Sen, "Consequentialist Evaluation and Practical Reason", p. 497; Gilibert, "Humanist and Political Perspectives on Human Rights", p. 441.