

## John Stuart Mill on the gender pay gap

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### 0. Introduction

Few detailed analyses of John Stuart Mill's approach to gender wage inequality have been proposed. Yet, such an analysis seems to us essential from two points of view. First, elements of Mill's study still seem relevant today and can enrich contemporary studies that focus on gender pay inequalities. In general, in modern approaches, the effect of social norms and custom on women's wages is rarely considered as a full-fledged factor. In Mill's analysis, the weight of custom, usage, and social norms (including that of the male-breadwinner), appear as essential causes of gender wage differences. Of course, the times are not the same and since the inequalities of wages between men and women have largely diminished. But old customs and norms, which have long prevailed in society, still persist today and continue to explain at least a part of the current wage differences between the sexes. It is therefore necessary to question the impact that they may have had at a given moment and that may have led to the persistence of their effects over time. Second, the approach developed by Mill is particularly interesting from the perspective of the history of ideas: on the question of women's wages, Mill appears as a real exception among his peers economists. In general, contemporary commentators recognize as a remarkable fact that Mill has taken an interest in the problem of women's low wages in his time. However, many of them expressed serious reservations about the scope of his analysis. For Michèle Pujol, the first economist to have addressed the issue of feminism and anti-feminism in the early days of English economic thought, Mill has the merit of having proposed in his *Principles of Political Economy* (1848) a study of the causes of women's wages that reflect "an understanding of the economic consequences of the specific social relations which affect women's economic status" (Pujol, 1992: 27). Nevertheless, the commentator criticizes Mill for having evaded the question of remedies that could help to reduce these inequalities (*Ibid*: 27). In a more recent article, Jennifer Ball argues that for Mill wage differentials between men and women come primarily from occupational segregation by sex (Ball, 2001: 511-3). Mill would thus suggest as the only remedy for these gaps the removal of laws restricting women's access to the labour market; an insufficient remedy to allow full equalization of the wages of men and women, women's domestic duties preventing them from fully participating in the labour market. For Pujol as for Ball, Mill's analysis of women's wages is mainly limited by his belief in a natural foundation

of the traditional sexual division of roles in the household, by which the man is the main breadwinner and the woman keeps the home and manages the family budget. These criticisms, although partly founded, give a truncated view of Mill's study of gender pay inequalities. They do not sufficiently take into account the context in which Mill writes on this subject and obscure important constitutive elements of his study, thus underestimating his contribution to the understanding of the gender pay gap and occupational segregation by sex. The purpose of this article is to shed light on this contribution through a critical rereading of Mill's analysis both as a first liberal attempt to theorize wage discrimination and wages inequalities between men and women and as a denunciation of ideologies and prejudices impregnating Victorian society. The first part aims to situate Mill's analysis in its context – characterized by a deep rootedness of gender inequalities – in order to better define and delineate its object. The second part consists to evaluate this analysis as it appears in 1848 in the first edition of Mill's *Principles*: what place does it give to gender stereotypes and injustices as explanatory factors of wage differences between men and women? While Mill has first of all developed a positive analysis that aims at identifying the sources of wage discrimination against women in the labour market, it is possible, in the light of this analysis, to trace his normative analysis of wage inequalities due to discrimination. Mill's analysis focusing on the effects of economic discrimination in competitive segments of the labour market, it leaves aside the question of wage differentials between the sexes due to women's difficulties of access to skilled and gainful employment. However, Mill addresses the subject outside of his paragraph, then comparing two possible sources of occupational segregation by sex: male monopolies or women's specialization choices.

### **1. A first contribution to the question of women's low wages**

Set in context, Mill's analysis of women's low wages appears as a first theoretical contribution on this subject within liberal economy. As early as 1848, Mill devotes a paragraph of his *Principles* to women's low wages (Mill, 1848: 394-6). His analysis appears as an exception from a double point of view: before Mill, no economist had devoted himself to examining so rigorously the problem of inequalities of wages between men and women; after him, it is only in the years 1880 that the issue will be posed again by liberal economists.

With the entry of women into the labour force at the time of the Industrial Revolution, philosophers and economists of the late eighteenth and early nineteenth century take a position on the participation of women in the labour market. In particular, their attention focuses on women's access to subsistence means or occupations adapted to their feminine

qualities. The problem of pauperism, concomitant with industrialization, particularly affects women. In the 1780s, Jeremy Bentham, generally considered as the father of utilitarianism, explains that women are more affected by poverty than men because of less financial autonomy and higher unemployment, linked to a “peculiar disadvantage in finding an occupation”<sup>1</sup> (Bentham 1782: 543; Cot 2003: 171-2, Bahmueller 1981: 16). He advocated reserving for women certain occupations “particularly suited for the female sex”<sup>2</sup>. Shortly afterwards, Priscilla Wakefield advocates a general extension of economic opportunities open to women and opposes – without analysing them – gender inequalities in wages (Wakefield, 1798: 151; Cot, 2003: 194-200). She explains that women must have access to respectable, income-generating occupations, appropriate to the female character, which would enable them to escape poverty (Wakefield, 1798: 164-75; Cot, 2003: 197). At the same time, the French economist Jean-Baptiste Say addresses the issue of women’s poverty. He considers that some occupations “hardening the heart or making bitter the character” should be closed to them while others, more adapted to their feminine qualities – cooking, sewing or hairdressing – must be reserved for them in order that they can earn an honourable living (Say, 1800: 47; Forget, 2003: 214-7). He does not take into account the negative effect of the confinement of women in some occupations on their wages. According to Forget, “the analysis of gender that Say articulated in *Olbie* persisted as the foundation of the nineteenth-century analyses that argued, for example, that the ‘natural wage’ of women is lower than that of men because men must support a family, whereas women need only support themselves”<sup>3</sup> (Forget, 2003: 220).

The industrial development of England then continued and was accompanied by an increase in women’s work outside the home or family business<sup>4</sup>. The first restrictive labour laws for women were introduced in the 1840s. Previously, only child labour was regulated through the Factory Acts. In 1842, the Mines and Collieries Act prohibited the underground

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<sup>1</sup> Bentham indeed affirms in the introduction of his *Principles of Morals and Legislation* that “(i)n point of pecuniary circumstances, according to the customs of perhaps all countries, she is in general less independent” (Bentham, 1780: 58-59 ; cited by Cot, 2003: 171).

<sup>2</sup> Bentham, University College Mss., LXXXVII: 80; cited by Bahmueller, 1981: 16 and Cot, 2003: 172.

<sup>3</sup> Similarly, in his *Treatise on Political Economy*, Say defends the idea of a family income for the man. He argues that the male wage must allow the reproduction of labor and to cover the needs of the worker’s wife and children. Women, on the other hand, only seek to supplement the family income. As a result, they only need a supplementary wage, which justifies the fact that their wages are lower (Say, 1803, book II: 54-5; De Curraize and Hugounenq, 2004: 197).

<sup>4</sup> Few socialist theories or with socialist influence of the first half of the nineteenth century – based in particular on the positions defended by the Saints-Simonians in France and by Robert Owen in the United Kingdom – addressed the question of wage inequalities between the sexes. William Thompson and Anna Wheeler did it indirectly in 1824-25, arguing that in order to achieve full equality between men and women, including material equality, it is necessary for society to abandon the market economy and to adopt socialism – a system in which both production and reproduction would be taken into account and each would receive an equal share of the wealth generated through co-operation (Nyland & Heenan, 2003: 241-61; Thompson and Wheeler, 1825).

work of women in coalmines. The Graham's Factory Act of 1844 limits the daily working hours of women to 12 hours. In 1847, a new law restricted this period to 10 hours<sup>5</sup>. Debates then emerge among economists on the industrial legislation regulating the work of women in factories and workshops. John Stuart Mill positions himself as an opponent of these restrictive regulations of women's work. In his *Principles* (1848), he includes women as participants in the labour market and highlights the illegitimacy of the restrictions affecting their labour. It is also in the first edition of the *Principles* that he undertakes his detailed study of the causes of low wages for women. Barbara Bodichon, a prominent figure of Victorian feminism, will be the only economist of the time to react indirectly to Mill's analysis, although it will be critically. She, who will be actively working to open jobs for women, will take up the issue of women's low wages in her 1857 *Women and Work* (Pujol, 1992: 37-42). In this work, she criticizes Mill's position as it appeared in his essay *On Marriage* (1832). Mill wrote that, in a state of things where legal equality between the spouses would have been established, married women would not need to work effectively. Bodichon fought for women's right to work and keep their own wages, including for married women (Bodichon, 1857: 11-12). According to her, "women are placed in a great disadvantage in the market of work because they are not skilled labourers, and are therefore badly paid. They rarely have any training. It is the duty of fathers and mothers to give their daughters this training" (*Ibid.*: 50-51). Aside from Barbara Bodichon's indirect reaction, Mill's attempt to denounce and explain the gender pay gap did not immediately have a big impact in the world of economists. Several reasons can explain it. At the time, the position of women in wage labour was strongly questioned<sup>6</sup>. In addition, the issue of women's wages will remain a problem until the adoption of the first Married Women's Property Act in 1870<sup>7</sup>. The legal doctrine of the Coverture, then registered in the Common Law of England, implied the suspension of the legal existence of a woman at the time of her marriage, since it was then integrated with that of her husband. This doctrine attributed the status of *feme coverte* to the wife who, losing all legal capacity, could not go to

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<sup>5</sup> At the same time, feminist stances multiplied during the eighteenth century until the emergence of a genuine English "feminist movement" in the years 1850-1860, at the beginning of the Victorian era. Equal pay for men and women is not among the main demands of activist groups at the beginning of the movement. The inferiority of women's wages is often denounced as an injustice, but this does not give rise to any specific analysis of the problem. Attention was particularly focused on women's right to vote and access to the labor market.

<sup>6</sup> On this subject, see for example Friedrich Engels, 1845 and Lewis and Rose, 1995.

<sup>7</sup> Mill will not resume the question of women's low wages in *The Subjection of Women*, written in 1859 and published ten years later, in 1869. This can in part be explained by the fact that, in this work, he adopts a strategic position consisting to attract as many readers as possible to his demands for political and social rights for women. He adopts a short-term vision which allows him to put forward his demands for the right to vote of women, the right of married women to dispose of their property, the right of women to freely access employment and education, without drowning them among other considerations. He leaves aside questions which would refer to long-term developments such as population growth.

court or sign any legal document such as a contract in her own name. She was deprived of all property, her goods and income being abandoned to the management of her husband, regardless of the extent of the property brought into the marriage. The Married Women's Property Act of 1870 stipulates that wages and property derived from the wife's work must be considered as her separate property<sup>8</sup>. Part of the effect of this measure was to protect the wages of working-class women by preventing their husbands, often represented as "good for nothing", from squandering their money in drink and gambling. Moreover, the condition and specific problems of working-class women will only be fully considered after the 1880s, when the first women's labour unions were created, the demands of which being partly on workers' wages (Corvisy and Molinari, 2008: 168-172; Lewis and Rose: 1995)<sup>9</sup>.

It will be only with Alfred and Mary Paley Marshall that the issue of inequalities of wages between men and women will be again considered within liberal economics. The newlyweds will dedicate a chapter of their sole joint production published in 1879, *The Economics of Industry*, to the analysis of gender pay gaps<sup>10</sup>. But it is only in the 1890s that the problem of women's low wages will become a real concern for economists and will be the subject of debates. Various theoretical approaches will be developed at this time (S. Webb, 1891; Fawcett, 1892; Smart, 1892; Heather-Bigg, 1894; Cadbury, Matheson and Shann, 1906; Cannan, 1914). A second wave of theorization will take place during the First World War (Fawcett, 1916, 1918; Rathbone, 1917; B. P. Webb, 1914, 1919) and a third in the inter-war period, including two articles of Francis Ysidro Edgeworth published in 1922 and 1923.

It is therefore in an unfavourable context that Mill writes his paragraph on women's low wages. Several elements can explain his interest in this question. In the line of Bentham, he is preoccupied by the social condition of women, especially the difficulties they face to be financially independent or to earn sufficient wages to live without other resources. At the same time, the context has changed. The increase of women's work runs counter to the

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<sup>8</sup> The property brought by the wife into the marriage remained at the full disposal of the husband. It was not until the Married Women's Property Act of 1882 that the equity rules were extended to all married women's property, regardless of its origin or the time required for its acquisition (Caine, 1997: 119, Griffin, 2003: 80-1).

<sup>9</sup> In 1874, at the initiative of Emma Patterson, is born The Women's Trade Union League with the ambition of proving that women can improve their economic position by unionizing (Lewis and Rose, 1995: 105-6). A decade later, in 1883, The Women's Co-operative Guild, affiliated to the Labor Party, advocated a peaceful transition from autocratic capitalism to democratic co-operation through the reunification of working-class housewives into consumers co-operatives. These labor organizations have their own demands, including reduced hours of work, higher wages, and maternity privileges, but also share the broader ambitions of the middle class women's movement.

<sup>10</sup> Marshall will not resume the question in his *Principles of Economics* (1890). He will assert in this work that too high wages lead women to abandon their homes and neglect their duties (Marshall, 1890: 727-8, 1920: 685). The analysis conducted in *The Economics of Industry* seems to reflect Mary Paley Marshall's ideas rather than those of her husband (see Gouverneur, 2018: 7-8).

ideology that women's place is at home. Mill reacts negatively to the regulations of women's work which condemn them to economic dependence. He is also opposed to the law which owes all property to women who are married (Mill, 1869: 86). In addition to these factors, the exceptional character of Mill's study is above all representative of his progressivism on the subject of inequalities between men and women, largely related to his utilitarian heritage<sup>11</sup>. Initiated by Jeremy Bentham and other utilitarian philosophers as William Thompson, Mill fought very early for women's rights and the improvement of their condition. In *Utilitarianism*, published in 1863, he advocates the equal treatment of men and women, equating "sex aristocracies" with a custom or an obsolete institution that must cease to be considered expedient and must be placed in rank of injustice:

"All persons are deemed to have a right to equality of treatment, except when some recognised social expediency requires the reverse. And hence all social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice, and appear so tyrannical, that people are apt to wonder how they ever could have been tolerated [...]"

(Mill, 1863: 93)

Then, in *The Subjection of Women*, he advocates "perfect equality" between men and women, basing his plea mainly on utilitarian arguments (Mill, 1869: 1). The social progress goes hand in hand with the reduction of inequalities between the sexes, which must take place gradually, by taking into account the context and countering the weight of custom and old institutions (*Ibid.*: 2, 36). The question is then whether women's right to equal treatment implies a right to wages equal to those of men. In other words, to what extent is the progress inseparable from the reduction of gender pay inequalities? As set out in the *Principles*, Mill's analysis focuses on the phenomenon of wage discrimination against women, i.e. the fact that, in the labour market, "equal capacity is remunerated for women at a lower wage rate because of their group belonging" (Sofer and Havet, 2002: 83).

## **2. Equal efficiency, unequal pay: an analysis of economic discrimination**

Mill's study of women's low wages has both a positive and a normative side. It consists to identify the causes of the observed gender pay inequalities not justified by differences in productivity. At the same time, it brings into light sources of discrimination and obstacles to wage equity that have to be fought in order to eliminate these unjust wage inequalities. The reduction of the gender pay gap then appear as an inherent element of the society's progress.

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<sup>11</sup> Mill's beliefs in gender equality may have also been reinforced by the influence of the Socialists and by Harriet Taylor, her partner in life and in work. But these additional influences don't oust the closed links existing between Mill's utilitarianism and his defence of women's emancipation.

### 2.1. A positive analysis of the inequalities of wages between men and women

Mill's paragraph begins with the observation that women earn wages "generally lower, and very much lower, than those of men"<sup>12</sup> (Mill, 1848: 394). Throughout the paragraph he devotes to the gender pay gap, Mill reasons in terms of equal productivity of men and women. This has a positive aspect in the sense that Mill explains the inferiority of women's wages to those of men by causes other than that of a lower productivity. He argues that in their case the rule of equal pay for equal efficiency is rarely respected. He presents it as the result of gender stereotypes and inequalities operating at all levels of society.

#### *The weight of the custom inducing hierarchical relationships between the sexes*

Mill links the gender wage inequalities observed in his time in the industrial sector and in the domesticity to the position assigned to women in society and in family. His analysis of wage inequality is thus inseparable from his analysis of the gender relations that prevail in the Victorian era. According to him, women's wages are not universally lower than those of men. In the case of occupations in which both sexes are employed, men and women "are not always unequally paid"<sup>13</sup> (Mill, 1848: 394-5). Women working in factories can "*sometimes* earn as much as men"<sup>14</sup> (*Ibid.*: 395. Italics added). According to Mill, for example, in handloom weaving, workers are often paid by the piece, their efficiency being thus subject to a sure test<sup>15</sup> (*Ibid.*: 395). However, apart from this case, women often earn lower wages than men in the trades in which they work together. Here we take a different view from Jennifer Ball who argues that for Mill, women generally "earn" the same wages as men when they do the same job as they do (Ball, 2001: 512). Mill does not argue that the rule of equal pay for equal efficiency applies in most occupations held by both men and women. He only mentions

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<sup>12</sup> At the time, women's wages were almost half those of men (Burnette, 2008: 73; Honeyman, 2000: 54; Corvisy and Molinari, 2008: 167).

<sup>13</sup> Mill leaves aside the question of wage differentials in low-skilled "common" occupations which result from differences in productivity due to women's less physical strength. Studies have shown that mechanization has made it easier for women to enter the labor market (Thompson and Wheeler, 1825: 183-4; Nyland and Heenan, 2003: 257-8). Nevertheless, according to the economic historian Joyce Burnette, it would not have eliminated all the differences in men's and women's productivity in the industrial trades. For example, handloom weaving was more difficult for women, the machines being cumbersome (Burnette, 2008: 138-71).

<sup>14</sup> The term "sometimes" was added by Mill in the third edition of the *Principles*, published in 1852.

<sup>15</sup> In his *Principles*, Mill reveals that he believes in equal efficiency of women and men for factory work in his criticism of the second benefit of the division of labor as stated by Adam Smith (Mill, 1848: 125-8). He then tries to show that specialization in a single type of task is not necessarily source of greater efficiency and, more generally, that efficiency depends less on the work process itself than on the habit, acquired by the worker, to operate according to a certain work process (Pujol, 1992: 27-8). Thus, although women reveal characteristics engendered by habit more specific to general occupations which need to perform different tasks simultaneously than to particularized works, they are not considered less "efficient" than men for "the uniformity of factory work" (Mill, 1848: 128). Otherwise, they would not be so widely employed as factory workers.

the example of hand-weavers: “In most kinds of weaving, women can and do earn as much as men” (Mill, 1848: 394). It should be noted, however, that even in these types of occupations, it is not certain that women always received wages equal to those of men. Mill does not cite any statistical evidence in support of his remarks.

For Mill, only the custom can be at the origin of a state of things in which women receive unequal pay for equal efficiency<sup>16</sup>. He indicates in his *Principles* two factors of regulation of wages in a context of free competition, not hindered by human interferences. Wages “may be regulated either by competition or by custom” (Mill, 1848: 337). In some cases where “there is nothing to restrict competition ... the result is not determined by competition, but by custom or usage” (*Ibid.*: 239). While Mill generally presents custom as a punctual determinant of wages, he considers it as a rule in the case of the determination of women’s wages (Ball 2001: 511). Far from using it as an abstract concept that only allows explaining the inexplicable, he gives a precise definition of it. Mill indeed defines the “custom” or “usage” which affects women’s wage rates as the product of gender stereotypes and the manifestation of unequal power relations between the sexes, based on the assignment of socially constructed roles. The inferiority of women’s wages is explained by the custom which, “grounded either in a prejudice, or in the present constitution of society ... [makes] almost every woman, socially speaking, an *appendage of some man*, enables men to take systematically the lion’s share of whatever belongs to both” (Mill, 1848: 395. We underline). As Mill explains in *The Subjection of Women*, the position of women in society and in family is such that they are reduced to an “appendage to men” (Mill, 1869: 141).

That being said, the main question for Mill is not about sectors that are almost equally occupied by both sexes, but occupations that are predominantly female. He argues that in these occupations, women’s pay is “always” well below that perceived by men in occupations which require “equal skill” and are of “equal disagreeableness”<sup>17</sup> (Mill, 1848: 395). In the domestic service sector, which at the time comprises 50% of working women, the weight of custom is also responsible for the differences in wages observed between men and women<sup>18</sup>.

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<sup>16</sup> J. Burnette criticizes eighteenth- and nineteenth-century economists who emphasized custom as a major cause of wage differentials between men and women (Burnette, 2008: 1, 135).

<sup>17</sup> Mill’s paragraph on gender wage differentials is part of the chapter on “the differences of wages in different employments” (Mill, 1848, chapter XIV: 380-99). According to Mill, these wage differentials, in a situation of free competition, may be linked either to a different degree of attractiveness or to natural monopolies over certain skills (Mill, 1848: 380-9). However, Mill does not introduce such causes in his analysis of women’s low wages, in which he reasons in terms of equal productivity of men and women.

<sup>18</sup> On this point, Mill defends a distinct view from that of William S. Jevons who says in 1882, a decade after the publication of the last edition of Mill’s *Principles* (1873), that in the domesticity sector women have been able to

According to Mill, the wages of domestic workers are far in excess of the market value of labour, and “in this excess, as in almost all the things that are regulated by custom, the male gets by far the largest share”<sup>19</sup> (Mill, 1848: 395). Similarly, the economic historian Sharpe argues that in the nineteenth century in England wages of domestic women were fixed by custom (Sharpe, 1996: 114).

Mill therefore gives a great role to custom in the gender pay gap observed in his time. A role minimized by Jennifer Ball who seeks to show in her study that, in Mill, occupational segregation is the root cause of gender pay inequalities (Ball, 2001). Even more so with Barbara Caine, who totally excludes the custom from Mill’s explanations of the gender pay gap (Caine, 1994: 41). This underestimation of the role attributed to custom by Mill is all the more unjustified because custom appears as a decisive element in all the explanations which he gives for wage differences. As we will see below, Mill presents the male-breadwinner norm as the cause of the gap existing in the subsistence wages perceived by men and women. At this occasion, he establishes a positive link between the population growth rate and the widening of the gender pay gap.

#### *The effect of the male-breadwinner norm on the subsistence wages of men and women*

Mill adheres to the idea, conveyed at the time by the doctrine of the wages fund, that the remunerations distributed depend on the proportion between the capital devolved to the payment of workers and the number of workers. As a result, wages decrease when the labour supply increases and, in times of high competition in the labour market, wages tend towards their subsistence level. However, the increase in overall labour supply affects women’s subsistence wages more than men’s ones. Mill argues that a certain degree of superabundance of labour can lead, “as matters now stand”, to women’s wages being set at a lower minimum than men’s wages (Mill, 1848: 395). This inequality is explained by the “general custom” that makes the man the sole earner of the family or prevents the woman from contributing to the

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defend their interests as well as men and that the determination of wages through the operation of the laws of supply and demand guarantees that everyone receives the share due to him or her (Jevons, 1882: 118).

<sup>19</sup> The excess in question is due to an employers’ practice: “[...] most persons who can afford it, pay to their domestic servants higher wages than would purchase in the market the labor of persons fully as competent to the work required. They do this, not merely from ostentation, but also from more reasonable motives; either because they desire that those they employ should serve them cheerfully, and be anxious to remain in their service; or because they do not like to drive a hard bargain with people whom they are in constant intercourse with; or because they dislike to have near their persons, and continuity in their sight, people with the appearance and habits which are the usual accompaniments of a mean remuneration” (Mill, 1848: 399). However, this practice does not imply that the average wage for paid domestic work is greater than the market value of that work (*Ibid.*: 337). All domestic employees can not be paid above the market price, that is to say above the cost of a domestic worker of equal skill for the work required. Otherwise, it would limit the possibility of providing employment to the masses (*Ibid.*: 398-9).

family income (*Ibid.*: 396). While women's wages must allow only their own subsistence and no more, the minimum at which the densest competition can bring down men's wages is equivalent to the necessities required to support an entire family. In other words, a man's wage must be sufficient to allow him to maintain, in addition to himself, a wife and "a number of children adequate to keep up the population" (*Ibid.*: 396). Even in cases where the wife "earns something", the total income, consisting of both wages, must be sufficient to support the parents and children (*Ibid.*: 396). That's why, Mill tells us, the lowest wages rarely appear in occupations that provide a livelihood for employees. This only happens in occupations held by women, who are considered economically dependent on a man<sup>20</sup>. Contrary to what contemporary commentators Caine and Coole affirm, Mill does not argue here for a family income for men (Caine, 1994: 41; Coole, 1988: 144; Ball, 2001: 511). He seeks only to explain why the rule of equal pay for equal work does not apply in the case of subsistence wages received by men and by women.

*The impact of the sexual division of roles on wages in traditionally female occupations*

Finally, with regard to occupations predominantly held by women in which wages are regulated by competition, Mill presents occupational segregation as an important cause of women's low wages. He explains that it is the overcrowding of traditionally female jobs that leads to the inferiority of women's wages in these jobs compared to the wages of men in jobs requiring equal skills. Mill is thus the first, even before Millicent Garrett Fawcett and Francis Ysidro Edgeworth, often cited as references on this subject, to highlight the role of occupational segregation in gender pay gaps<sup>21</sup> (Havet and Sofer, 2002: 92). A large number of trades, considered unsuitable for women, were closed to them in the nineteenth century. Thus, although a much smaller number of women than men earn their living on their own, "the occupations which law and usage make accessible to them are comparatively so few, that the

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<sup>20</sup> The idea of a subsistence wage will be largely abandoned by economists who will develop a theory of wages based on marginal productivity. According to Ball, if this theory postulates that wages become lower when the supply of labor increases, it does not imply that such a fall affects particularly women's wages (Ball, 2001: 511). Unlike her, Havet and Sofer mention the modern theory according to which when women's labor supply exceeds women's labor demand, wage gaps between women and men appear (2002: 92). In 1881, Alfred and Mary Marshall were already trying to explain in *The Economics of Industry* why, even when market forces operate, women's wages do not correspond to their marginal productivity. In addition, the standard of the male breadwinner will often be put forward to explain the pay gap between men and women. A. Marshall will argue in his *Principles of Economics* that a man must at least earn enough to meet the "necessaries" for his family's "efficiency", including sufficient freedom for his wife to perform her household duties (Marshall, 1890: 123; 1920: 69). Francis Ysidro Edgeworth will explain that, because of the universally accepted male-breadwinner norm, men must have a higher income in compensation for their role as breadwinner. In his view, therefore, the free competition of women, which would result in equal pay for both sexes, is not desirable (Edgeworth, 1922).

<sup>21</sup> Occupational segregation is still presented today as an important factor of wage inequalities between men and women (Havet and Sofer, 2002: 92, Lemièrre and Silvera, 2008: 7).

field of their employment is still more overcrowded” (Mill, 1848: 395). Occupational segregation confines women to a small number of occupations, which are thus overburdened. To explain the impact of this phenomenon on women’s wages, Mill uses economic theory. The inferiority of women’s wages compared to men’s ordinary wages is explained by the excess of labour force in traditionally female occupations, especially as a high degree of overcrowding may depress women’s wages to a much lower minimum than those of men. Mill blames the “law” and “usage” which limit women’s access to the labour market<sup>22</sup>. However, he does not say more about these two sources of barriers to women’s entry into the labour market (Mill, 1848: 395). The first five paragraphs of his chapter on “the differences of wages in different employments”, including the fifth paragraph on women’s low wages, are about cases of free competition, that is to say competition not hindered by human interference (*Ibid.*: 396). It is therefore outside of his analysis of women’s low wages that Mill specifies what are the impediments to women’s competition. He first denounces the laws restricting their work. According to him, while children’s freedom of contracting may legitimately be restricted, particularly to protect them from overwork, it is not legitimate to limit women’s freedom to compete in the labour market. They are just as capable as men of pursuing their personal interests (*Ibid.*: 394, 952-3). Under the pretext of “protecting the interests of women”, men – including those who make the laws, the Parliament being entirely masculine at the time – do not allow them to engage in other “careers” than marriage and motherhood (Mill, 1848: 765; 1869: 48-9, 51-3). As for “usage”, it presumably refers to the ideology according to which the place of women is at home – or domestic ideology (Mill, 1848: 765; Lewis and Rose, 1995: 91).

## 2.2. A normative analysis of the gender pay gap

In his analysis of women’s low wages, Mill endeavours above all else to clarify the causes of wage discrimination against women in the labour market. He does not explicitly position himself on the legitimacy or illegitimacy of these inequalities nor on the remedies to be applied to them. Nevertheless, he clearly presents the existence of wage gaps not justified by differences in productivity (or in talents and skills) as going against the principle that “equal efficiency” should lead to “equal pay” (Mill, 1848: 396). This principle has an anchor in Mill’s utilitarianism. It refers to the “highest abstract standard of social and distributive

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<sup>22</sup> In the editions of 1848 and 1849, Mill used the term “custom”, which he replaced by the term “usage” in subsequent editions.

justice” as defined in *Utilitarianism* (1863: 91). Mill explains indeed that equal treatment must be given to the men and women who have deserved just as much from society:

“[...] we should treat all equally well (when no higher duties forbid) who have deserved equally well of us and [...] society should treat all equally well who have deserved all equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost possible degree to converge. But this great moral duty rests upon a still deeper foundation, being a direct emanation from the first principles of morals, and not a mere logical corollary from secondary or derivative doctrines. It is involved in the very meaning of Utility, or the Greatest-Happiness Principle.”  
(Mill, 1863: 91)

Since society receives an equal gain from workers whose return is equal (or whose services are equally useful), these workers must receive an equal gain from society (Mill, 1863: 84-85). In other words, they are entitled to equal pay. Wage inequalities between men and women that don't result from a difference in efficiency are unfair and illegitimate. It therefore appears necessary to reduce them. Although Mill's analysis does not as such address the issue of remedies that would overcome wage discrimination against women, it implicitly suggests solutions<sup>23</sup>. Mill mentions remedies likely to work in the long run. Reducing the gender pay gap related to the status of women in society and in the family can only be achieved through a transformation of the relations between men and women.

#### *Replacing hierarchical relations by just relations*

Mill considers that the normal state of society is “society between equals” (Mill, 1869: 1, 79). He advocates for more justice in the relations between men and women, starting with the family, which, designated by Mill as a school of despotism, must become a school of sympathy in equality (*Ibid*: 66, 81-2, 148-53). Mill analyses marital relations as power relationships. While the husband has the absolute power – women, at the time, vowing obedience to their husband – the condition of the wife is similar to that of a slave (in particular, says Mill, in working-class households). These despotic relations must give way to a fair division of power between the spouses (*Ibid*.: 71-3). It is only when the family will be formed on just foundation and will be made up of individuals equal in rights and in light that the gender relations at the level of society will tend no more to be regulated by the “law of the strongest” (*Ibid*.: 10, 152). This progress will have an impact on the labour market through the elimination of the custom which, by making every woman the appendage of a man, allows men to appropriate the lion's share in “what belongs to both sexes” (Mill, 1848: 395). More

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<sup>23</sup> We oppose Pujol on this point, according to whom Mill does not deal at all with the question of the remedies to be implemented to overcome the inferiority of women's wages to those of men (Pujol, 1992: 27).

justice in the relation between the sexes would lead to more justice in the determination of the wages of men and women. That said, this vision of justice, putting men and women on an equal footing, does not necessarily imply the total rejection of the male-breadwinner model.

*Mill on the male-breadwinner norm*

In his explanation of the gap in men's and women's subsistence wages, Mill mixes two factors, namely overly high competition and the norm of the male breadwinner. This gap arises when the labour supply available on the labour market – or on segments – is too abundant. Wages will rise above their subsistence level only if the overall labour supply decreases. To this end, Mill advocates the prohibition of child labour and the decline in the rate of population growth (Mill, 1848: 370-9, 394, 952-3). The reduction of the population growth must occur through the lessening of the number of children per family. Now, the diminution of family size may be mainly promoted by better education but also by women's emancipation in the family and by women's work, which leads to a decline in the fertility rate (Mill, 1848: 765). This last argument seems to apply in particular to the work of single women. Mill invokes a somewhat distinct argument as regards married women. In their case, it is about improving their status in the family so that their voice counts for more in the decision on the number of children to bring into world (*Ibid.*, 372-3). In fact, married women's work has a negative impact by putting downward pressure on wages. Mill does not say if the decline in the fertility rate would offset the rise of competition due to the participation of married women in the labour market. Does it mean that he adheres to the norm of the male-breadwinner, the main cause of the gap between men's and women's subsistence wages? This goes back to the question of whether or not a man should receive a family income.

In all likelihood, Mill cannot accept the norm of the male-breadwinner. Many single women have to work to survive and earn too low wages because of the effects of this norm on all women's wages, particularly in traditionally female sectors (Mill, 1848: 395-6). Moreover, if Mill asserts that the work of married women has negative consequences, he considers that, given the context of the time and their condition in the family, they *must* work. In the pages preceding his paragraph on women's wages, he explains that in the industrial sectors where women and children work, the family income composed of the wages of both spouses and children is likely to be lower than the family income earned only by man in other sectors. This is particularly the case with the hand-loom weaving sector, where women often earn the same wages as men and where children are sent to work very early. Due to high competition

in this sector, including that of individuals with other sources of income than work, individual wages are lower than those that men perceive in sectors where women and children do not work. Similarly, in the handloom weaving branches in which neither women nor children are employed, wages are higher than the common wage rate in this industry. Therefore, limiting married women's work would limit the effects of too much competition on wages. However, for Mill, women's freedom to work must not be restricted. Even when the work of two spouses does not yield more than what would be earned by the man alone, "the advantage to the woman of not depending on a master for subsistence may be more than an equivalent" (Mill 1848: 394). In the unjust state of things that then prevails, it is better for married women to work to preserve their "dignity" (Mill, 1869: 89, 182). On the other hand, it is necessary to limit child labour and to reduce the effect of their competition on wages. This would, even if Mill does not explicitly say so, compensate in part for the effects of married women's work. For Mill, nevertheless, it is not desirable as a permanent element in the condition of the working class that "the mother of the family (the case of a single woman is totally different) should be under the necessity of working for subsistence, at least elsewhere than in their place of abode" (Mill, 1848: 394). This is probably why he does not mention the decline in the population growth rate as a factor likely to offset, in the long run, the effects of married women's work on wages<sup>24</sup>. While he warns against the diktat of the norm of the male-breadwinner, he recommends the traditional sexual division of family roles, by which the man provides for the needs of the family, while the woman takes at her charge the education of the children and the domestic chores (Mill, 1869: 87-8). This raises a question: will not the norm of the male breadwinner last as long as the traditional sexual division of roles continues? Is it not the effective participation of married women to the labour market and their systematic contribution to the family income that will lead to the disappearance of this norm? If Mill does not answer these questions, it cannot be concluded that he minimizes the effect of the norm of the male-breadwinner on women's wages. First, the gap between men's and women's subsistence wages stems from socially prescribed roles, from a family model imposed by a "general custom" (Mill, 1848: 396). In *On Liberty*, Mill warns well against the weight of custom, which must not be followed blindly by individuals (Mill, 1859: 16, 105-7). Second, Mill does not present the traditional sexual division of labour as a family model that would be justified by natural differences between men and women<sup>25</sup> (see on this point Gouverneur, 2013: 760-2). This model should not be imposed by laws restricting women's work. The

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<sup>24</sup> Unlike Harriet Taylor in *Enfranchisement of Women*, published in 1851.

<sup>25</sup> Mill, however, puts forward the idea of a particularly strong link between the mother and her child.

division of tasks in the family should be a matter of choice. Mill advocates the traditional sexual division of labour only as a recommendation, and only in case of the establishment of a just state of things, in which unjust marriage laws would have been abolished. In such context, women would be free to specialize in any occupation, including unpaid domestic work, that Mill presents as a full-time activity; and even then, it would belong to the spouses to decide which attribution of roles seems most appropriate to them, according to their private suitabilities (Mill, 1869: 73). Mill adds that the one who brings the livelihoods must retain greater decision-making power, but he does not affirm that this one must absolutely be the man (*Ibid.*: 73-4). As he affirms, the “inequality from this source does not depend on the law of marriage, but on the general conditions of human society, as now constituted” (*Ibid.* 73-4). Moreover, Mill leaves open the possibility of adjustments. The division of family roles, which should no longer be imposed by a norm, but be the result of a decision taken in common, is likely to evolve with customs and mentalities. Alongside this possible long-term evolution, Mill mentions another remedy, with more immediate effects, for women’s low wages in traditionally female occupations. The opening of all types of industrial employments to women would reduce the effects of overcrowding due to occupational segregation.

*An equal access for women to the labour market*

According to Mill, women’s wages in traditionally female sectors will increase if competition decreases in these sectors. For this, it is necessary to prevent the cantonment of women in a small number of occupations. Mill advocates the removal of barriers to women’s entry into the labour market. In the chapter of the *Principles* “On the Limits of the Province of Government”, he argues that it should be an “object to give [to women] the readiest access to independent industrial employment, instead of closing, either entirely or partially, that which is already open to them” (Mill, 1848: 953). The freedom of women to enter the various industrial trades would reduce the excess of labour force in traditionally female jobs so that women’s wages in these jobs would increase. It is thus necessary to fight against “the law and usage” that closes most jobs to women (*Ibid.*, 395). Women’s work, unlike that of children, should not be the object of specific regulations and mustn’t be regulated by preassigned social roles and hegemonic social norms. But apart from these sources of barriers to women’s entry into the labour market, Mill does not explicitly mention the role of male workers’ associations

in excluding women from a certain number of skilled trades<sup>26</sup>. His paragraph on women's low wages focuses on observable wage inequalities in the competitive segments of the low-skilled common labour market. Yet, there are non-competitive segments of the labour market where economic forces do not operate freely. At the time, men held a monopoly over skilled (crafts) and high-paid occupations<sup>27</sup>. Has Mill nothing to say about these professional barriers? Does he include them in what he calls the "usage"? The economic historian Joyce Burnette, in her study of "Gender, Work and Wages in Industrial Revolution Britain", argues that during the Industrial Revolution, women's labour regulations were not the main cause of the observed gender wage gap; it was men's labour organizations, which excluded women from many trades. Mill, unfortunately, does not address this issue in his study of women's low wages, in which he reasons in terms of equal productivity of men and women. He thus offers only a partial analysis of the effects of occupational segregation on the wages of both sexes. He considers the impact of horizontal segregation – that is the concentration of women in some sectors – on women's wages in the trades reserved for them. But he leaves aside the issue of wage differentials between men and women due to differences in the type of jobs held, or, in other words, to productivity gaps. These ones may come from a gender division of labour deepened by women's exclusion from skilled trades or branches (Mill, 1848: 128, 394). Does it mean that Mill underestimates the effect of differences in productivity on men's and women's wages? Not quite. First, Mill may voluntarily insist on inequalities not justified by such differences. He emphasizes that economic forces do not always operate when they should and that even when they effectively operate, they are not sufficient to prevent pay inequity. Second, Mill does not completely elude the issue. Elements related appear outside his paragraph on women's low wages. He addresses the question of women's difficulties in accessing the labour market, particularly the market of skilled labour. This question is quite distinct from the one of pay equity or of equal pay for equal work. Here, the right to a just treatment implies an equal freedom of choice of occupation, while the *immediate* entry of *all* women in the traditionally male occupations is not necessarily favourable.

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<sup>26</sup> It will be necessary to wait for the analysis of Alfred and Mary Paley Marshall (1881). Note that if workers get the right to meet in 1824, unions remain illegal until 1871 in England.

<sup>27</sup> Today, Burnette (2008: 228) and Rose (1988) highlight the important role played by male associations in excluding women from skilled jobs in the nineteenth century in the United Kingdom. Burnette considers that the inequalities of wages between men and women observed in the early days of the Industrial Revolution are mainly explained by differences in productivity. These differences, according to her, were due in particular to the exclusion of women from occupations in which male labor associations predominated. She argues that government regulations are not a major source of occupational barriers, as they do not imply a total exclusion of women from affected jobs (Burnette, 2008: 228-31). She considers that real barriers to entry appear "in less competitive parts of the labour market, where control of an important skill allowed the workers in that occupation to limit competition" (*Ibid.*: 227-8).

### 3. Equal opportunities, unequal positions: toward a just(ified) division of labour?

In modern theories of economic discrimination, wage inequalities due to occupational segregation are presented as unjustified or as justified (Havet and Sofer, 2002: 86-7). For example, unequal wages between men and women may be unjustified when they come from a male monopoly over skilled and better-paid occupations in non-competitive parts of the labour market. On the other hand, followers of the beckerian human capital theory believe that wage inequalities are justified if they are induced by distinct human capital investments. Mill indirectly considers both sides of the question. In this manner, he puts into light different causes or origins of the occupational segregation by sex. He addresses the issues of male monopolies in the labour market and of women's specialization choices in a just state of things. His treatment of this issues highlights the importance that he gives to the circumstances and state of advancement of the progress, what leads him to distinguish, more than a class bias, between the cases of working-class women and of wealthy women.

#### 3.1. Male monopolies on skilled trades

Mill's paragraph on gender wage inequalities is followed by a paragraph on wage differences due to the existence of non-competitive segments on the labour market (Mill, 1848: 396-7). "Law and custom", according to Mill, can limit competition; in particular, workers combinations prevent the least qualified workers, especially hand-operated weavers, whose employments are overloaded, from gaining access to more qualified trades:

"Thus far, we have, throughout this discussion, proceeded on the supposition that competition is free, so far as regards human interference [...] But *law or custom* may interfere to limit competition [...] In some trades [...] to some extent, the combinations of workmen produce a similar effect. Those combinations always fail to uphold wages at an artificial rate, unless they also limit the number of competitors [...] It was given in evidence to the Hand-loom Weavers Commission, that this is one of the hardships which aggravate the grievous condition of that depressed class. Their own employment is overstocked and almost ruined; but there are many other trades which it would not be difficult for them to learn: to this, however, the combinations of workmen in those other trades are said to interpose an obstacle hitherto insurmountable."

(Mill, 1848: 396. We underline)

These "partial monopolies", Mill explains, may be desirable in the short run (Mill, 1848: 796). As long as the improvement of the condition of the lower working-class members will not have had its effects in terms of limiting the population growth rate, some classes of artisans will have an interest in placing barriers to the entry of their trades to prevent the deterioration of their own condition (*Ibid.*: 374). But when such reasons will no longer be relevant, neither do professional barriers. At a general level, Mill calls into question the existence of partial monopolies exercised by a small number of individuals on skilled trades

to the detriment of the mass of the people. For him, human progress cannot continue until the privileges of a minority are prolonged:

“[E]very restriction of [competition] is an evil, and every extension of it, even if for the time injuriously affecting some class of labourers, is always an ultimate good. To be protected against competition is to be protected in idleness, in mental dullness; to be saved the necessity of being as active and as intelligent as other people; and if it is also to be protected against being underbid for employment by a less highly paid class of labourers, this is only where old custom, or local and partial monopoly, has placed some particular class of artisans in a privileged position as compared with the rest; and the time has come when the interest of universal improvement is no longer promoted by prolonging the privileges of a few.”

(Mill, 1848: 795-6)

Does Mill apply the same reasoning to women who, belonging to the higher working classes, are confined to low-skilled occupations? To what extent does he consider their exclusion from skilled trades as inefficient? Should not men’s privileges be abolished? If skilled jobs were open to women, they might agree, accustomed to low wages, to work for lower wages than men in traditionally male occupations. Gradually, women’s preferences could adapt to new circumstances, so that they would no longer represent unfair competition. Male monopolies would then become unjustified and incompatible with the general interest.

That being said, when Mill highlights the negative effects of the law and usage restricting women’s access to the labour market on wages in traditionally female occupations, he seems to refer to something else than men’s monopolies over high-paid trades. He explains in an ulterior chapter of his *Principles* that, from the point of view of justice, “law and custom” should not condemn women to economic dependence on men. Women must be able to “gain a livelihood” by other means than as wives and mothers:

“This most desirable result would be much accelerated by another change, which lies in the direct line of the best tendencies of the time; *the opening of industrial occupations freely to both sexes*. The same reasons which make it no longer necessary that the poor should depend on the rich, make it equally unnecessary that women should depend on men; and *the least which justice requires is that law and custom should not enforce dependence* (when the correlative protection has become superfluous) by ordaining that a woman, who does not happen to have a provision by inheritance, shall have scarcely any means open to her of gaining a livelihood, except as a wife and mother. Let women who prefer that occupation, adopt it; but that there should be no option, no other *carrière* possible for the great majority of women, except in the humbler departments of life, is a flagrant social injustice.”

(Mill, 1848, p. 765. We underline)

All types of industrial occupations must be open to women to get them out of this relationship of dependence. The law and usage that impede women’s entry into the labour market must be fought: “the ideas and institutions by which the accident of sex is made the groundwork of an inequality of legal rights, and a forced dissimilarity of social functions, must ere long be recognized as the greatest hindrance to moral, social, and even intellectual

improvement”<sup>28</sup> (Mill, 1848: 765). In this manner, Mill denounces as unjust and a hindrance to the progress the sexual division of social roles founded upon the idea that women’s “nature” destines them to be only wives and mothers (Mill, 1869: 38). By advocating women’s freedom to enter the labour market, he appears to have in mind a purpose quite distinct from that of the equalization of wages of both sexes. He was already affirming in *On Marriage* that a woman must have enough to support herself, either because her parents gave her independent means of livelihood, or because she alone earns these means thanks to the education she received (Mill, 1832: 74):

“But whether so united or not, women will never be what they should be, nor their social position what it should be, until women, as universally as men, have the power of gaining their own livelihood: until, therefore, every girl’s parents have either provided her with independent means of subsistence, or given her an education qualifying her to provide those means for herself.”

(Mill, 1832: 77)

Women’s freedom to work is necessary to give them the power to earn a livelihood and to support themselves (Mill, 1848: 765). Their wages must be at least sufficient to enable them to be financially independent, to survive on their own, so that they do not have to marry or remain with a brutal husband<sup>29</sup> (Coole, 1988: 144-5; Ball, 2001: 514-6; Pujol, 1992: 26). The opening of all occupations to women would allow them to benefit from a real alternative to marriage or from the possibility of leaving their husbands in case of abuse. Mill’s primary purpose is thus to convince his readers of the necessities to open all employments to women and to change the laws of marriage:

“But if marriage were an equal contract, not implying the obligation of obedience; if the connexion were no longer enforced to the oppression of those to whom it is purely a mischief, but a separation, on just terms (I do not now speak of a divorce), could be obtained by any woman who was morally entitled to it; and if she would then find all honourable employments as freely open to her as to men; it would not be necessary for her protection that during marriage she should make this particular use of her faculties.”

(Mill, 1869: 89)

However, although he insists on the necessity to give to women the means of being independent, this does not mean that he is not concerned about male monopolies over skilled

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<sup>28</sup> In addition, Mill presents the social and industrial independence of women as one remedy for too high competition in the labour market, which puts downward pressure on the wages of low-skilled workers. Women’s freedom of working would lead to a decline in the fertility rate and thus in the number of future workers: “I shall only indicate, among the probable consequences of the industrial and social independence of women, a great diminution of the evil of over-population. It is by devoting one-half of the human species to that exclusive function [to make children], by making it fill the entire life of one sex, and interweave itself with almost all the objects of the other, that the animal instinct [...] is nursed into the disproportionate preponderance which it has hitherto exercised in human life” (Mill, 1848, p. 766).

<sup>29</sup> Mill, without going into the issue of divorce, advocates access to judicial separation for women: “It is only legal separation by a decree of a court of justice, which entitles her to live apart, without being forced back into the custody of an exasperated jailer—or which empowers her to apply any earnings to her own use, without fear that a man whom perhaps she has not seen for twenty years will pounce upon her some day and carry all off” (Mill, 1869: 58).

and high-paid occupations. In *The Subjection of Women*, he advocates women's "admissibility to all the functions and occupations hitherto retained as the monopoly of the stronger sex" (Mill, 1869: 91). He then focuses on the case of middle-class and well-off women who don't have access to the lucrative occupations (as physicians, advocates or members of parliament). But the arguments that he invokes are of a universal character. Mill indeed argues that it is both an injustice – women being deprived of the moral right of all human beings to choose their occupations "according to their own preferences, at their own risk" – and a damage for society to close high-skill functions for women (Mill, 1869: 32, 94-5, 182-187). First, women's exclusion from gainful employment is an unfair and tyrannical practice (*Ibid.*: 94). As Mill explains, many men in the nineteenth century justify the prohibition of women's access to these occupations by the idea that women, by aspiring to such professions, "depart from their real path of success and happiness" (*Ibid.*: 92). But in reality, the argument of protecting women's interests, according to Mill, hides a real aversion of men to live with equals. To allow women equal access to the labour market would entail the possibility that they would rather do anything than marry if it means that they must submit to a master. In other words, men who "have a real antipathy to the equal freedom of women" are afraid that they will demand conditions of equality in marriage (*Ibid.*, 51-2):

"[...] I believe that their disabilities elsewhere are only clung to in order to maintain their subordination in domestic life; because the generality of the male sex cannot yet tolerate the idea of living with an equal. Were it not for that, I think that almost everyone, in the existing state of opinion in politics and political economy, would admit *the injustice of excluding half the human race from the greater number of lucrative occupations*, and from almost all high social functions; ordaining from their birth either that they are not, and cannot by any possibility become, fit for employments which are legally open to the stupidest and basest of the other sex, or else that however fit they may be, those employments shall be interdicted to them, in order to be preserved for the exclusive benefit of males."

(Mill, 1869: 91. We underline)

Second, Mill puts forward also economic arguments to justify the removal of the monopolies exercised by men over lucrative occupations. Opening occupations previously closed to women would increase the overall efficiency of work. Allowing women to choose the occupation which best suits their faculties would "doubling the mass of mental faculties available for the higher service of humanity"<sup>30</sup> (*Ibid.*: 32-3, 48-9, 153-4). In this way, everyone would specialize in the activity to which his or her talents are most suited. Vice versa, if women are less able than men to perform certain jobs, the laws of competition will prevent them from entering these jobs (*Ibid.*: 93). It is necessary to let them trying in order

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<sup>30</sup> The increase of the overall labor efficiency, by leading to productivity gains, would promote economic growth and, thereby, the increase of the wages fund. This would result in an increase of the wages of men and women in low-skilled trades.

that they discover by and for themselves what they can do (*Ibid.*: 48). The opening of occupations to women would also stimulate the intellect of competitors through a system based on merit rather than birth privileges (*Ibid.*: 95, 154). Even if the extension of competition induced by women's freedom of choice of occupation would "for the time" affect men, the suppression of male monopolies would be "an ultimate good" (Mill, 1848: 795).

Mill is aware of men's reluctance to the opening to women of "all honourable employments and of the training and education which qualifies for those employments", both because of a characteristic shared by all individuals, the fear of competition, and because of men's fear of equality in marriage (Mill, 1869: 148). Partly by pragmatism, he speculates on what would be the choices of women in a just state of things. It appears that, in the context of the time, women's effective participation to the labour market would remain limited since the majority of them would continue to invest more in family life. Mill, implicitly, presents women's specialization choices and investments in human capital as determinants of the occupational segregation by sex. Moreover, in his approach to women's specialization choices, he takes into account the context of the time and the "effect" on women's preferences and abilities "of the differences in their education and circumstances" (*Ibid.*: 98). Although he does not identify directly the lack of sharing of domestic chores with a discriminatory social practice, it appears as a basic assumption of his model and as one of the *circumstances* which affect women's choices and may lead them away from skilled, remunerative occupations<sup>31</sup>.

### 3.2. Mill's conjectures on women's specialization choices

We have already seen that, for Mill, in the unjust state of things which then prevails, most women should rather do anything other than marry if it means that they must submit to a master (Mill, 1869: 51). Similarly, he believes that "[t]he power of earning is essential to the dignity of a woman, if she has no independent property" (Mill, 1869: 89). Married women must work in order to enhance their value in the eyes of their husband, even if "it enables him still farther to abuse his power, by forcing [his wife] to work, and leaving the support of the family to her exertions to work, while he spends most of his time in drinking and idleness"

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<sup>31</sup> Modern theories of economic discrimination exclude discriminatory social practices from their analytical framework, even if they recognize that the lack of sharing of the domestic tasks limits women's ability to reconcile private and professional life. They consider as "out of the scope of economic discrimination all the differences which derive from male/female differences in choices, preferences or social roles, as long as they do not result from a constraint: differences in productivity justifying, from an economic point of view, differences in wages can come from the choice of a priority investment in family life rather than in professional life. This may result in less investment in initial education" (Havet and Sofer, 2002: 84. Our translation). Economic discrimination is due to obstacles occurring at the level of the labour market or education.

(Mill, 1848: 394, 953; 1869: 88). On the contrary, Mill imagines a just state of things in which women could have access to all occupations already open to men and where a fair marriage contract would have been established. Women could then freely choose to specialize in paid work outside the home or in unpaid work at home. In Mill's model, the lack of sharing of domestic tasks appears as a contextual element to be taken into account. He argues that, when the wife works, "[t]he care which she is herself disabled from taking of the children and the household, nobody else takes" (Mill, 1869: 88). Thus, married women's work is detrimental to the care and education of children and the management of the household and family budget: "those of the children who do not die, grow up as they best can, and the management of the household is likely to be so bad, as even in point of economy to be a great drawback from the value of the wife's earnings" (*Ibid.*: 88). But these negative consequences, according to Mill, would be avoided in a just state of things. Women's freedom of choice of occupation, along with equality in marriage, would not lead to the immediate and massive entry of all women on the labour market. Mill makes his "conjectures" on what would be women's specialization choices in just circumstances without questioning the traditional sexual division of labour at home (Mill, 1869: 42, 125). Given the lack of sharing of domestic tasks, it is as if women, by choosing to marry, choose a career among all those open to them, at least until that their children leave home.

Mill explains that some women, not inclined to marriage, would always prefer to specialize in an occupation on the labour market. They will in this case invest in the human capital necessary to exercise the chosen profession. This would concern in particular women who, "having no special vocation for married life, or preferring another employment of their faculties (as many women even now prefer to marriage some of the few honourable occupations within their reach), have spent the best years of their youth in attempting to qualify themselves for the pursuits in which they desire to engage" (Mill, 1869: 185; see also 1832: 76). Mill advocates the access of women to training and education qualifying them for "all honourable employments" (Mill, 1869: 148). These remarks suggest that only women who would choose single life could specialize in an occupation that requires a significant investment in human capital. Would many women make that choice? It is likely that few women would prefer to specialize in an activity outside the home if it implies that they must remain single. And indeed, as Mill affirms, it is not to be feared that women will turn away from family life and home. He makes the hypothesis that, in a just state of things, most women would specialize in unpaid domestic activity rather than in a career outside the home

(Gouverneur, 2013: 760-2). According to him, in the society as it is then constituted, the aptitudes and preferences of women would rather direct them toward the household management and education of children. It is at this time the occupation “for which they are most fit” and “in which there is nobody to compete with them” (Mill, 1869: 49, 93). However, Mill’s hypothesis is based on the observation of women’s behaviour in a context in which all the force of education is used to teach them that they are made only for one function, maternity and caring for others (*Ibid.*: 85, 143, 154). Since their character has been shaped, their abilities built and their preferences internalized, it is impossible to obtain certitudes on the behaviour that they would adopt in a different context. Their specialization choices are the result of particular circumstances rather than a reflect of their nature.

Mill does not a priori include in women’s circumstances the lack of sharing of the domestic tasks as a social norm impacting their decisions. Yet, it would force women – not men – to choose between a family life and a career on the labour market. He also fails to mention other factors that may influence women’s choices. As long as women’s wages will be generally lower than those of men, choosing single life would force women to accept a lower standard of living than they would obtain through marriage. As regards married women, the traditional sexual division of labour will remain the most favorable arrangement as long as the wages that they can gain will be lower than those of their husbands<sup>32</sup>. In this case, women marrying would be obliged to give up any activity “incompatible” with household work, what will limit their interest in investing in other domains than family life (Mill, 1869: 89). Mill, nevertheless, mentions some possibilities to increase women’s ability to conciliate domestic tasks with an outside career. He affirms that married women who are able to reconcile the household work with another occupation – for which they would have a special vocation – could, notwithstanding marriage, work outside the home (Mill, 1869: 89-90). All wives would not be confined to child rearing and housework. It would be the case in households who have the means to recruit paid domestic servants to perform household chores and private teachers for school-aged children<sup>33</sup> (Mill, 1832: 75-6). However, Mill does

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<sup>32</sup> It is interesting to compare Mill’s model to the Beckerian theory of the traditional sexual division of labor in the household justified by the comparative advantages of men and women. According to this theory, biological differences between the sexes imply that women are more efficient than men in maternal, educational and domestic tasks. In addition, the inferiority of women’s wages to those of men, partly due to the fact that women invest primarily in family life, explains that married women leave the labor market and that it is the father who earns the family income. That being said, at least one fundamental difference opposes Mill and Becker. Mill does not present the traditional division of roles as being justified by natural differences between the sexes.

<sup>33</sup> The traditional sexual division of labor in the household is not necessarily an efficient arrangement if we refer to the position advocated by Mill in *On Marriage* (Ball, 2001: 522). Indeed, for Mill, it is “absurd to set one-half of the adult human race to perform” educational tasks “on a small scale”, while teachers trained for this purpose

not raise the question of hiring nurses, and in *The Subjection of Women*, he seems unfavourable to the delegation of the management of the family budget to domestic servants, which he considers as a source of “waste” (Mill, 1869: 136-7, see also 1848: 138). In the case of working-class women, they will have no choice but to take care of household chores, as well as caring and raising children. Mill does not propose any form of socialization of household and educational tasks, nor any system of public or employers’ *crèches* (Pujol, 1992: 30; Ball, 2001: 522-3). Thus, it is clear that, without a sharing of domestic chores, few married women, apart from a minority able to reconcile private and professional life, would be able to work outside the home; even less to occupy qualified jobs or remunerative functions for which they would have spent the necessary time to train. This echoes Gary Becker’s conclusion that women choosing to marry do not have an interest in investing in human capital exploitable on the labour market (Becker, 1981, 1985). Few women choosing marriage would devote several years of their youth to training in another occupation. Mill only affirms that married women could, with an appropriate education, apply the talents they have acquired in the family to “a less contracted scale” (Mill, 1869: 184-5).

But while Mill does not clearly admits that the traditional sexual division of family roles limits women’s ability to specialize in an activity outside the home, he does not oppose the idea that the family model can evolve, so that women could more easily reconcile family and professional life. First, he links the difficulties of working-class mothers to reconcile their domestic work with work outside the home to the fact that they have a high number of children, which results in a “domestic drudgery” (Mill, 1848: 372, 953). The decrease in the fertility rate would reduce their household work and facilitate their access to employment. At the same time, it would lead to a diminution of the labour force counterbalancing the negative effect of the entry of married women into the labour market on individual wages. Second, while it is true that, in *The Subjection of Women*, Mill preconizes the traditional sexual division of labour within the household in a just state of things, he does not present it as a family model based on natural differences between men and women but rather as a modifiable circumstance<sup>34</sup>. The traditional sexual division of labour is an arrangement among others; a

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will be more efficient (Mill, 1832: 75). Women play an essential role in the moral and emotional education of children, but this role is not a real work, which would be incompatible with an outside activity (*Ibid.*: 76). It is only when a private teacher can not be hired that the mother becomes the “natural teacher” of her children (*Ibid.*: 76). Mill also explains that it would be better to delegate the household tasks to specialized workers (*Ibid.*: 75). Thus, the commodification of household chores would be more efficient than their fulfillment by the wife.

<sup>34</sup> We thus adopt a different position from Pujol and Ball, who argue that Mill’s lack of a proposal for sharing domestic chores or of an alternative form of performing household and educational tasks stems from his belief in natural differences between men and women (Pujol, 1992: 30, 34-6; Ball, 2001: 519, 521).

form of power-sharing that can be adopted by some households at a given moment, without constituting a universal and timeless arrangement:

“The natural arrangement is the division of powers between the two [...] any change of system or principle requiring the consent of both [...] The division of rights would naturally follow the division of duties and functions; and that is already made by consent, or at all events not by law, but by general custom, modified and modifiable at the pleasure of the persons concerned.”

(Mill, 1869: 72-3)

Therefore, a sharing of domestic tasks is not inconceivable with the evolution of mentalities and the modification of the relations between the sexes. Women will certainly be better able to defend their own interests once they will have access to the labour market and will enjoy legal equality with their husbands. In particular, it will allow them to gain more weight in the decisions of the household, including that of the sharing of household chores. With the progress of society, especially the advancement of gender equality, the division of labour at home and on the workplace is likely to change.

#### **4. Conclusion**

With his analysis of women’s low wages, Mill offers a first liberal contribution to the question of wage differences between men and women. In a context where prejudices against women and the ideology that their place is at home predominate, he shows a real interest in the situation of women in the labour market. This interest stems from a broader concern for the status of women in society and in the family. Mill denounces in particular the relations between men and women that prevail in Victorian society. He analyses them as power relations and argues that despotic relations between the sexes must give way to relationships based on justice, starting in the sphere of the family. His study of women’s low wages is a continuation of her argument in favour of greater justice for women. In its positive side, this analysis aims to explain the differences in wages observed between the sexes at the time. But it also has a normative side. It can indeed be seen as an additional attempt by Mill to denounce the domination of men over women. Understood thus, its objective is not the complete equalization of the wages of men and women. Its primary focus is on highlighting the repercussions on the labour market of hierarchical gender relations and predetermined gender roles. Thus, it doesn’t consist to analyse the differences in wages between men and women that would be explained and justified by differences in productivity, but to clarify the causes of wage discrimination against women. Mill situates these causes mainly in male domination and the sexual division of social functions. He advocates equal treatment between men and women, this requiring profound changes. Changes that include, in addition to the

replacement of despotic relations by just relationships between men and women, the elimination of the diktat of the general opinion and norms (including the standard of the male-breadwinner) and the free access of women to the labour market. In suggesting remedies for discrimination against women in the labour market, Mill is guided by the principle of equity or of just treatment, according to which, in a competitive context, women's wages in the trades which are open to them should be equal to those of men in trades which require equal faculties. Mill does not have in view the entire equalization of the wages of men and women, which would require the access of women to the trades that are then closed to them. Thus, his analysis leaves aside the question of gender pay inequalities due to differences in skills and occupied trades or, in other words, to differences in productivity. It is outside his paragraph on women's low wages that there are elements that could shed light on Mill's position regarding the entry of women into skilled and remunerative occupations. Implicitly, Mill mentions two factors that may limit women's access to higher-paying jobs. First, the existence of non-competitive segments on the labour market, that some modern theories present as a case of economic discrimination. Second, women's specialization choices, which, while they may explain or justify wage differentials, are in part conditioned by the situation of women in Victorian society and discriminatory social practices. Mill, in both cases, makes a distinction between the women of the working class and the women of the middle and upper classes. In *The subjection of women*, he reveals his position on the monopolies exercised by men in the labour market. Nevertheless, his focus is on the case of middle-class and well-off women. He seems less concerned by the situation of working-class women, excluded at the time from many professions by the predominantly male labour organisations. Several reasons can explain it. As cheap labour force, women are likely to represent a threat for men's wages, at least as long as they accept lower wages. On the other hand, the opening of occupations to women must first and foremost enable them to earn a livelihood, even if it may be only a first step towards access to higher wages. Mill's ambivalence also appears with regard to women's specialization choices in a fair state of things. If he explains that women preferring celibacy will invest in human capital that can be valued in the labour market, he does not explicitly propose to improve the access of working-class women to technical education. As for married women, they could have a career in the labour market provided that they can reconcile it with their domestic chores, what seems difficult for working-class women who cannot delegate the household work to domestics. Nevertheless, the decrease in the number of children, the evolution of the division of tasks in the home, are likely to facilitate in the future women's access to better-paid jobs.

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