

Lisa Simeone  
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Professor Michael Geyer

**“Dangerous Classes, Races and Sex”: Modeling Equality and Protecting the French Motherland during the Second Half of the 19<sup>th</sup> Century**

*“There are few traditions which are so much a part of the history of my country as the concept of equality... Every place where French laws and mores are the rule, there is no discrimination. It has not even been forbidden because it is not necessary to do so.”*

*-French UN Security Council Representative, 1959*

*“There is a great social current which is carrying humanity to its doom, with the formula of equality which does not exist in nature...”*

*-Claude Bernard, *Penseés*, 1837*

Central to the Parisian myth is the image of the urban wanderer who loses himself in the spectacle of modern life. The birthplace of liberal democracy, Paris has been cultural crucible and political shelter to generations of outsiders. The city has swelled with workers, students, artists and tourists from the provinces, throughout Europe and other parts of the world. Yet not all differences melt into that effervescent multitude. Historians and many of today’s immigrant residents can attest to a persistent discrepancy between the abstract ideals of *liberté, égalité, fraternité* and the experience of walking the streets. In the words of Walter Benjamin, “There was the pedestrian who wedged himself into the crowd, but there was also the *flâneur* who demanded elbow room and was unwilling to forego the life of the gentleman of leisure.”<sup>1</sup> This image of assured personhood captures both the singularity and the privilege of French political belonging. Its proud claims of universality are both highlighted and betrayed by the presence of those who do not enjoy them. Some members of the Republic have always been more equal than others.

How can a democracy justify exclusion without undermining its legitimacy? In this paper, I will illustrate how a modern standard of recognition emerged through the application of a scientific logic which effectively disqualified blacks, Muslims and women from participation. The consequences of nearly a century of political turmoil, the onset of industrialization and urbanization in the metropole and a shift in its productive relations with the colonies all contributed to a sense of potency and foreboding throughout French society. As evidenced in the writings of Karl Marx, Auguste Comte, Emile Durkheim and Emile Zola, to name just a few, the anticipation of progress and the fear of degeneration were opposing features of the same lived phenomenon of modernity. As the natural sciences were coming into their own, demographers, doctors and

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<sup>1</sup> Walter Benjamin (1968), “On Some Motifs in Baudelaire,” in *Illuminations* (New York: Schocken), p. 172.

anthropologists were in a position to set the terms for policymaking according to a “rational” conceptual apparatus which reflected the anxieties of the moment and met the material requirements of Empire. At three critical moments during this period, their influence was key to the justification of decisions that, while articulating Enlightenment ideals, withheld the full rights of membership from certain key groups.

Immediately after “the European revolution”, France’s second abolition of slavery in 1848 followed years of deliberation and uncertainty regarding the threat of black freedom. Also in the colonial context, the 1870 Decree Cremieux granted unconditional French citizenship to Algerian Jews, though Muslims were required to renounce their allegiance to customary law. In the metropole, concerns over population decline led in 1892 to the prohibition of night work for women only, though they constituted almost half of the industrial labor force. Each of these legislative fiats framed in moral terms a debate which challenged the prevailing balance of power within the fragile 2<sup>nd</sup> and 3<sup>rd</sup> Republics. For the sake of the nation, they blurred the public/private dichotomy which had been key to the constitution of the free individual within the philosophies of Rousseau, Diderot and Condorcet. Finally, they demonstrated the elite, “insider” nature of post-revolutionary French activism, through which white, bourgeois men employed gradualist tactics respecting the interests of their opponents and protecting a shared platform of privilege. By investigating the circumstances surrounding each of these interventions within a context of capital accumulation, nationalist expansionism and scientific rationalization, I hope to reveal that these categorical exclusions have been critical to the realization of the modern French state.

### **Historiography: The Sorry State of the Republic**

The mid-19<sup>th</sup> Century was frustrating for committed Republicans in France. After the world-historical impact of the 1789 Revolution, they had watched their high hopes for rational governance crumble as their own Jacobin fringe, and then successive monarchist and imperialist waves of political favor, plunged the nation repeatedly into bloody rebellion, war and economic crisis. When the socialists made their appearance in 1848, the results were no better, with a Second Empire of Louis Napoleon III following the stillborn Second Republic within only four years. By the time that the Third Republic came into being in 1870, France had lost Alsace-Lorraine to Prussia and moderates doubted their ability to heal the nation’s wounds. They had reason for doubt. By all accounts, the majority of the National Assembly preferred a constitutional monarchy, and would have prevailed had the politics of succession not proven so complicated. Meanwhile, the utopian Paris Commune of 1871 invoked the familiar spirit of popular insurrection; its brutal repression left at least 50,000 dead. Within this volatile context, radicals, socialists, liberals, conservatives, republicans and monarchists all vied for power during an era characterized by intense nationalism and xenophobia.

The consolidation of France’s far-flung, multilingual provinces into a unified nation of Frenchmen is a compelling story in itself.<sup>2</sup> Suffice it to say that, in Benedict

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<sup>2</sup> In 1790, approximately 50% of the population neither spoke nor understood French. Strategies to cultivate a “nation” included education and linguistic policies, conscription, and investment in integrating structures such as roads, trains, a common currency and standard weights and measures. For an authoritative account of France’s internal *Mission Civilisatrice* during the

Anderson's words, "[s]een as both a *historical* fatality and as a community imagined through language, the nation presents itself as simultaneously open and closed."<sup>3</sup> History both fortifies the sense of inevitability rooting us in the present, and justifies the necessity of future actions. Anderson demonstrates how effectively the trope of "the nation" served to mediate this temporal continuity, to great political effect, during this period of political and socioeconomic transition. Even as cultural "naturalness" was becoming a feature of French identity, precisely because it seemed to have always been so, the imperial ambitions ignited by Napoleon Bonaparte implied the transferability, even the universality of its essential qualities. Efforts to abolish slavery, extend citizenship to colonial subjects and grant suffrage to women were all rooted in the belief that the anthropological and gendered "other" could also be part of this national unity, and indeed must be so under its principles of freedom and equality. Yet other arguments mitigated just as effectively against that conclusion, as we shall see. The emergence of the proto-fascist Boulangist movement, the anti-Semitism surrounding the Dreyfus Affair, and the clerical anti-intellectualism of the far right were all reflections of a popular distrust of the cosmopolitan decadence associated with the bourgeois Republican leadership.<sup>4</sup>

The social displacements of industrial capitalism were critical to this climate of political instability. Large-scale proletarianization was not as all-encompassing a transformation in France as in Britain and Germany: about half of the French population was still agrarian at the start of the First World War.<sup>5</sup> Nevertheless, urbanization and the employment of women outside the home exacerbated existing apprehensions regarding the social costs of modernity. The proportion of women in the formal workforce increased steadily from below 25% to over 40% by 1920, as the fertility decline which had begun in the late 18<sup>th</sup> Century continued unabated.<sup>6</sup> At the same time, immigration levels, while modest by 20<sup>th</sup> Century standards, accounted for a third of the nation's population growth between 1851 and 1886, and a full 80% between 1886 and 1891.<sup>7</sup> Mostly Italians and Belgians, with sizable numbers of Germans, Spanish and Swiss, these migrants settled primarily in border provinces and manufacturing centers, such as the mines and steel works of Longwy, where disease and infant mortality rates were high.<sup>8</sup> France had always accommodated assimilated outsiders, yet about 50 laws to curb immigration were introduced between 1883 and 1914. Though the interests of industry

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nineteenth century, see: Eugen Weber (1976), *Peasants into Frenchmen. The Modernization of Rural France 1870-1914* (Stanford: Stanford University Press).

<sup>3</sup> Benedict Anderson (1983), *Imagined Communities* (New York: Verso), p. 146.

<sup>4</sup> See Zeev Sternhell (1971), "Paul Deroulede and the Origins of Modern French Nationalism," *Journal of Contemporary History*, 6(4), pp. 46-70.

<sup>5</sup> For a range of perspectives on the riddle of French "backwardness" and the complexities of comparative industrialization in Europe, see Richard Sylla and Gianni Toniolo eds. (1996), *Patterns of European Industrialization: The Nineteenth Century* (London: Routledge) and Sidney Pollard, "Industrialization and the European Economy (1973)," *Economic History Review*, 26 (4), pp. 636-648

<sup>6</sup> See Louse Tilly and Joan Scott (1978), *Women, Work, and Family*. (New York: Holt, Rinehart and Winston)

<sup>7</sup> O. Rabut (1974), "Les étrangers en France," *Population* 28: 147-160.

<sup>8</sup> Gerard Noiriel (1988). *Le creuset français: Histoire de l'immigration, XIX-XXe siècles*. (Paris: Seuil)

ensured that these measures did not pass, French opinion was clearly divided regarding the impact of foreigners as supplemental labour and replacement population.<sup>9</sup>

Across the political spectrum, politicians, journalists and scientists debated “the social question” of population decline, articulated alternately as a threat to cultural integrity, military strength and imperial expansion, social stability and the future of the family. In the wake of the Franco-Prussian war, France’s crude birthrate fell from 26.2% in 1876 to 18.8% by 1913, growing by only 89,700 per annum, while 600,000 new Germans were born each year.<sup>10</sup> Some alleged that families were shrinking due to the dehumanizing influence of industrial work, and called for the institution of social welfare programs to assist them. Traditionalists mourned men’s loss of authority at home; feminists blamed women’s lack of citizenship rights; both government and industrialists feared the spread of socialism. Motherhood became a state project, both increasing women’s political profile and stigmatizing their control of reproduction. Between 1873 and 1875, the newly-formed *Société d’anthropologie de Paris* participated in discussions about French natalism, during which a heated disagreement ensued between social scientist Clémence Royer and her male colleagues. The *Société’s* recommendations, which highlighted the family’s instinctive conservation of resources and encouraged socio-economic incentives for fathers, ultimately omitted her dissenting opinion that only support for *mothers* and a revision of the Civil Code would convince women to “labor” for the Republic.<sup>11</sup> From either perspective, sexuality had become a matter of state.

This account illustrates both the framing of the body politic in sociobiological terms and the disciplinary niche acquired by the sciences. By the mid 19<sup>th</sup> Century, the natural laws of classicism had given way to the philosophical sensibilities of romanticism, which were more interested in the material specificities of nature and the determining forces which shape social life. For example, whereas pre-Darwinians like botanist Jean Lamarck and George Buffon could argue that racial difference was an environmental attribute, sensitive to changes in circumstance and regenerative in combination, the theory of natural selection embedded human variation within the intransigent codes of heredity. Theories of environmental determinism, such as the longstanding belief that marshy ground led to retardation and weak socialization, became terminal prognoses; brain size became destiny; free will was subsumed by the tyranny of the body.<sup>12</sup> In this way, the “monogenist” assumption that humanity is descended from a common ancestor was replaced at mid-century by the more secular “polygenist” claim that race was species. More likely to be clerical in their sympathies, monogenists were generally committed to the notion of a universal human family, and expected missionary influences on the heathen to yield dramatic results. Only at the turn of the century, as

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<sup>9</sup> Saskia Sassen (1999), *Guests and Aliens* (New York: New Press)

<sup>10</sup> Philip E. Ogden and Marie-Monique Huss (1982), “Demography and pronatalism in France in the nineteenth and twentieth centuries,” *Journal of Historical Geography*, 8(3), p. 285. “The French began to equate relatively declining numbers with declining quality through ageing, increasing external threat, decreasing likelihood of innovation and vitality at home, and a general weakening of the French race through immigration.”

<sup>11</sup> Jean Elisabeth Pederson (1996), “Regulating Abortion and Birth Control: Gender, Medicine, and Republican Politics in France, 1870-1920,” *French Historical Studies*, 19(3), p. 674.

<sup>12</sup> Daniel Pick (1989) *Faces of Degeneration: A European Disorder* (Cambridge: Cambridge University Press), pp. 46-52.

natural selection and Mendel's genetics became better understood, did "milieu" re-emerge as a progressive key to development, largely through the concept of "culture" as formulated by ethnographers such as Franz Boaz and Bronislaw Malinowski. Even then, French anthropology was dominated by evolutionary functionalists such as Emile Durkheim and his nephew Marcel Mauss, who viewed society as an organism jeopardized by collective pathogens such as suicide, extreme individualism and the forced division of labour.<sup>13</sup>

In fact, Durkheim's notion of modernity as pathology reflects a European preoccupation with the degeneration of Western civilization as the dark underside of technological progress. Daniel Pick attributes this moment in intellectual history to a pervasive sense of corruption from past political turmoil and the uncertainties of the future; a displacement of the problems of history into the rationalized realm of heredity. "Where the Enlightenment had seen communication as the key to the dissemination of knowledge and progress, medical psychiatry beyond the mid-nineteenth century laid an unprecedented stress upon the morbid lines of connection which linked present bodies with the past and the future, the dead with the living and the unborn, as though the dangerous classes had entered into the very physiology of France itself."<sup>14</sup> Through the interventions of a new generation of natural scientists, biology and the medical model became a useful paradigm for understanding a broad range of social problems, from poverty, labor, race and gender to health, education and criminality. Not only blacks and women, but the lower classes as well could be legally apprehended as categorically distinct from the rational, bourgeois, male subject without contradicting Republican principles of equality. The persistent difficulties in operationalizing liberty, which cannot be controlled, and equality, which undermines privilege, could be resolved within a Republican politics of bodily regulation, as long as the boundary between public and private spheres so critical to liberal social organization could be transgressed in the interests of the common good.

Thus, during an historical period marked by transition, when any radical shift within the gradually stabilizing Third Republic was a sign of potential collapse, the progressive implications of Darwin's theory of evolution were overshadowed in favor of an interpretation emphasizing the potential for genetic mutation. Whereas the socialists predicted a narrative telos of equality, the proponents of degeneration theory could produce data to prove the reverse, that the natural order condemned all living things to a ruthless hierarchy of strength, skill and intellect. Within this analytical framework, what historian Robert Nye has called a "pessimistic counter-ideology to Marxist and liberal optimism," social scientists found ample complementary evidence of racial contamination and internal degeneracy.<sup>15</sup> Immigrants, colonial subjects and peasants-cum-workers carried within them the germs destined to poison the national stock, even when they appeared healthy and could disappear within the urban crowd. As Pick observes, "degeneration appeared to represent a terrible and inverted process of

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<sup>13</sup> See Emile Durkheim (1984), *The Division of Labor in Society* (New York: The Free Press), and Marcel Mauss (1967), *The Gift* (New York: Norton)

<sup>14</sup> Pick, p. 62.

<sup>15</sup> Robert A. Nye (1993), "The Rise and Fall of the Eugenics Empire: Recent Perspectives on the Impact of Biomedical Thought in Modern Society," *The Historical Journal*, 36(3), p. 688

accumulation in the racial economy, a bizarre mirroring of the laws of capital.”<sup>16</sup> Republican leaders ignored this threat to their own peril, as the bloody effects of counter-revolution had countenanced. In the words of 19<sup>th</sup> Century physiologist Charles Féré:

Without ‘changing human nature’, as J.J. Rousseau demanded of the legislator, it is impossible to [accept][social] solidarity without reservation in a society where a certain number of members are unproductive and destructive...incapable of rendering anything, above all when these individuals run the greatest risk of procreating offspring even more degenerate than themselves. Society is an organism; like all organisms, it is threatened by death each time one of its organs ceases to function.<sup>17</sup>

Such warnings were taken seriously by those whose future depended on the health, productivity and compliance of the workforce and the military. Many French politicians, businessmen and colonists presided over populations whom they held accountable for the sorry state of the Republic. Slaves in Saint Domingue, insurgent Algerian natives and revolutionary women had not behaved in a manner fitting to a sovereign public. The best and brightest French scientists could explain why.

### **Free at Last, but Equal? Scientific Racism and the 1848 Abolition of Slavery**

The 1848 Abolition of Slavery was a long time coming, and like many post-revolutionary political events, was a repeat performance. The First Republic had abolished slavery along with absolute monarchy and feudalism, but as with many of its innovations, could not keep its promise. Only eight years later, Napoleon Bonaparte, who as First Consul had effectively unmade what remained of the legislature, reinstated slavery in the colonies. Many of the circular arguments for doing so sound like thin justifications to a contemporary reader, yet they were in keeping with prevailing notions of racial difference. The fact that blacks allowed themselves to be enslaved demonstrated their suitability for enslavement; slaves were savages unless submitted to strict oversight. “Everywhere in the world, the beautiful, the powerful and the creative coincided.”<sup>18</sup> The polygenists argued that racism *itself* explains racism, because distinct species don’t find each other attractive and would rather not interbreed.<sup>19</sup> Before the polygenists brought physiological differentiation to the species level, the notion of the “Great Chain of Being” arranged all forms of life along an evolutionary ladder of qualitative gradations, on which European men stood closest to God. Thus, contact with Christians could only improve an African’s relative standing, even if he remained a slave. In the words of the Comte d’Artois, who became Charles X in 1824, the main concern “is that they be

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<sup>16</sup> Ibid., p. 32

<sup>17</sup> Charles Féré (1888), *Dégénérescence et criminalité. Essai physiologique*, Paris, p. 106.

<sup>18</sup> Seymour Drescher (1990), “The Ending of the Slave Trade and the Evolution of European Scientific Racism,” *Social Science History*, 14(3), p. 439.

<sup>19</sup> Claude Blanckaert (2003), “Of Monstrous Métis? Hybridity, Fear of Miscegenation, and Patriotism from Buffon to Paul Broca,” in *The Color of Liberty: Histories of Race in France*, Sue Peabody and Tyler Stovall, eds. (Durham: Duke University Press), p. 49

baptized.”<sup>20</sup> But even monogenist abolitionists like Abbé Gregoire, who compiled stories of black achievement in the late 18<sup>th</sup> Century, believed that both conversion *and* crossbreeding would improve the race, advocating as a member of the National Assembly in 1789 that immediate citizenship be granted to *gens de couleur* but not to slaves.<sup>21</sup>

The widespread assumption of black inferiority did not presuppose support for slavery. In fact, it was only after the second, definitive abolition that writers succumbed *en masse* to the determinism of *dégénérescence*. While the *philosophe* Turgot held that blacks would actually turn white when exposed to a healthier climate, August Comte, the father of positivism, suspected that differences in brain structure explained the gap between primitive and modern societies.<sup>22</sup> Indeed, his rigorous empiricism *supported* racism. Yet men of science were also likely to have republican and humanist sympathies, and as such generally found slavery to be a distasteful institution, degrading to both slave and owner, a violation of human freedom which reflected badly on France. Perhaps they would have intervened more consistently in the abolition debate if it had commanded their attention. But, as William Cohen points out in his landmark history, *The French Encounter with Africans*, slavery was peripheral to life in the metropole and interested only an expert few.<sup>23</sup> Unlike in England, where evangelicals mobilized a powerful base against slavery in the West Indies, French organizations such as the Abbé Grégoire’s *Amis des Noirs* never gained much momentum. Their networks dissolved almost completely under Napoleon, as the government promoted proslavery writing and censored criticism. As long as France showed strength on the imperial stage and the price of sugar stayed low, the moral contradictions of that infamous institution were palatable to the bourgeois majority.

In the meantime, however, the economic structures supporting slavery had begun to shift. Having ended its slave trade in 1807, Britain forced France to do the same at the Congress of Vienna in 1815. Though this negatively affected seaboard cities in both countries, France had already begun to wean itself from its dependence on colonial profits following the loss in 1793 of its most lucrative possession, Saint Domingue. While France fed its sweet tooth with domestically cultivated sugar beets, Britain put its faith in the viability of free labor and went through with its own abolition in 1834. This altered the emphasis of the competition between the two countries. France initially benefited from Britain’s difficulties in capitalizing its colonies. Yet it found itself in an increasingly immoral minority with the Americans and the Dutch, as the Swedes, the Danes, even the Bey of Tunis and the Algerian Jews outlawed slavery.

As the debate resumed under the “King of the French,” Louis Phillipe, politicians struggled with the question of how to indemnify planters for the losses they would incur under abolition. According to Alexis de Tocqueville, who featured prominently in these discussions, “If the Negroes have the right to become free, it is incontestable that the settlers have the right not to be ruined by the liberty of the Negroes.”<sup>24</sup> The liberal

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<sup>20</sup> As quoted in William B. Cohen (1980), *The French Encounter with Africans: white Response to Blacks, 1530-1880* (Bloomington: Indiana University Press), p. 188.

<sup>21</sup> Alyssa Goldstein Sepinwall, “Eliminating Race, Eliminating Difference: Blacks, Jews, and the Abbé Grégoire,” in *The Color of Liberty*, p. 28.

<sup>22</sup> See Pick, p. 65 and Cohen, p. 212.

<sup>23</sup> Cohen, p. 181.

<sup>24</sup> As quoted in Cohen, p. 195.

equation of freedom with property rights could not be clearer. Republican politicians felt their obligations to the colonists most acutely, and sought to maintain social order even during the inevitable transition to a more efficient mode of production. In fact, the most compelling argument against slavery may well have been its inconsistency with the changing parameters of free trade. A cynical case has been made that colonial policy had always prioritized the interests of capital. Cohen recounts how, under the first French law against the slave trade, passed only three years after the new Republic had committed itself to abolition, “the fines for trafficking in men were infinitely less severe than those for burning a mill or even for stealing a loaf of bread.”<sup>25</sup> Unlike the socialists, however, the Republicans did not recognize contradictions between economic and ideological interests. If such a contradiction should exist, other explanations could always be found to reconcile them. Scientific racism and the fear of rebellion served this function quite well.

The great irony of post-revolutionary France has been its reactive tendency, despite one of the richest histories of political theory and deliberation in modern Europe. Ever since the bloody insurrection in Saint Domingue, which had instigated the first abolition, the dread of black rage had been an influential element of the slavery debates. A close friend of racial theorist Arthur de Gobineau, de Tocqueville remarked in *Democracy in America* that “whenever the whites have been the more powerful, they have kept the Negroes down in degradation or in slavery. Everywhere where the Negroes have been the stronger, they have destroyed the whites.”<sup>26</sup> He supported the Broglie plan of 1843, which would have freed the slaves after a ten-year period of preparation, though opponents asserted that “the best training for liberty is liberty itself; one cannot prepare for it or be worthy of it in any other way than by exercising it.”<sup>27</sup> Deeply concerned that slaves were simply not ready for freedom, the politicians dragged their feet until forced to move their hand. The Revolution of 1848, punctuated by a slave uprising in Martinique, was the catalyst.

It would be unfair to imply that the abolitionists’ work was irrelevant to this outcome. Having reassembled following the British emancipation, they were able to deploy their “arsenal of shame” and exploit the fear of British influence to some effect.<sup>28</sup> Much of the opposition was Protestant, never a powerful lobby in France; the rest constituted a limited, elite group of bourgeois Republican men who preferred to operate within the system, through legislative debate and persuasion of power brokers. Nevertheless, though the planters had a very strong lobby, supported by port cities which continued to depend on what remained of the slave and sugar trade, it was becoming increasingly clear that slavery was too costly to sustain. Economic priorities were

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<sup>25</sup> Cohen, p. 185.

<sup>26</sup> Alexis de Tocqueville (1969), *Democracy in America*, George Lawrence trans., J.P. Mayer, ed. (New York: Doubleday), p. 342.

<sup>27</sup> Guillaume de Félice, *Emancipation immediate et complete des esclaves: Appel aux abolitionnistes* (Paris, 1846), p. 35. According to Drescher, the socialists had lobbied for a colonial transition scheme that would organize ex-slaves as sharecroppers in order to keep sugar plantations in production. In 1847, the Colonial Council of Guadalupe presented a variation of this plan. See Seymour Drescher, “British Way, French Way: Opinion Building and Revolution in the Second French Slave Emancipation,” *The American Historical Review*, 96(3), p. 727.

<sup>28</sup> Drescher, “British Way, French Way,” p. 733.

changing with the rise of industrial production, and following the conquest of Algeria in 1830, free-labor imperialism promised to compensate for any losses in the Antilles. While political pressures to take action were mounting prior to the Revolution of 1848, the 30,000 petition signatures collected by advocates in only a few months during the fall of 1847 evidenced a corresponding shift in public opinion. After years of cultivating connections, leaders were finally gathering broad support, and involving provincial villages.<sup>29</sup>

Come the Revolution, metropolitan insurgents had other issues on their minds. The leading abolitionist, Victor Schoelcher, was accused of focusing on narrow colonial interests rather than the universal emancipation of labor. But his persistence and advantageous appointment as a member of the provisional government ensured the success of his emancipation committee within only two months. Seymour Drescher argues that Schoelcher had more individual impact in the Spring of 1848 than any abolitionist in the history of slavery. In debate at the Chamber of Deputies, he presented a detailed defense of African civilization, indicting the dehumanizing influence of slavery, mirroring Grégoire and Turgot in his optimistic predictions for the recovery of the race. His indefatigable efforts surely had their impact, but would not have met their end without the dawning awareness, by both state and nation that the global economy had moved beyond slavery. Whether emancipation meant equality is a more difficult question.

With abolition slaves had been granted full French citizenship, and for the first time in history could elect representatives to serve in a parliamentary democracy. Yet according to Drescher, “the newly freed blacks were exposed to the rapid retrenchments of their rights as citizens and workers as France again stumbled toward Bonapartist domination.”<sup>30</sup> As long as an international slave economy remained, French slaveholders were tolerated in Louisiana, and French ships took advantage of a return to debt peonage in the colonies by intercepting the slaves of others, and then “liberating” them to work off the price of their freedom as *engagés*. Schoelcher’s fragile coalition fell apart, predictably, under Napoleon III, so this practice went unchallenged in France. From exile in Britain, Schoelcher conducted research to gauge progress in the colonies. In Martinique in 1881, he discovered that out of 138 government officials, 99 were white, 38 were colored, and a single policeman was black.<sup>31</sup> Most disturbingly, the black majority had slipped quietly into a quagmire of poverty and illiteracy from which they were unlikely to recognize, far less exercise their free rights as citizens.

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<sup>29</sup> For an excellent comparative treatment of abolition politics in Britain and France, see Drescher, “British Way, French Way,” pp. 717-720. He shows that the British Anti-Slavery Society played a major role in supporting the French petition campaign during 1846-47. “British emancipationists increased their missions to France. They expanded their geographical contacts in the hope of stimulating support from provinces outside Paris. They succeeded in convincing a Montauban professor, Guillaume de Félice, to compose an abolitionist pamphlet calling for a British-style popular movement and to organize provincial committees. They underwrote the distribution of Félice’s pamphlet and some of the expenses of Cyrille Bisset, the most active petition gatherer in Paris.” Even with assistance, French abolitionists never had the success experienced by the British. In 1788, the city of Manchester yielded the same number of signature collected in all of France 60 years later.

<sup>30</sup> Drescher, “British Way, French Way,” p. 734.

<sup>31</sup> Cohen, p. 206-207.

In the metropole, blacks remained an exotic minority of increasing fascination during an era of imperialist expansion. De Gobineau's 1853 *Essai sur l'inegalité des races humaines* popularized degeneration theory and the notion of Nordic superiority.<sup>32</sup> Though disparaged by more sophisticated racial thinkers such as Paul Broca, the *Société d'Anthropologie de Paris* was publishing work with similar implications.<sup>33</sup> Throughout the late 19<sup>th</sup> Century, "ethnological fairs" in France used live Africans as exhibits, and "authentic" minstrel shows were imported from the United States to meet the demands of the growing leisure class for spectacle. As Leora Auslander and Thomas Holt point out in their essay "Sambo in Paris," racialized images have proliferated whenever the definition of "Frenchness" undergoes challenge. The *fin-de-siècle* was such a moment, as France accumulated its colonial possessions, invited immigrants to address labour shortages in the face of continued population decline, and continue to struggle with the social transformations of industrialization and commodity capitalism. Auslander and Holt invoke Michael Taussig's analysis of mimesis to describe how the fetishized images of black laborers, natives and clowns allowed whites to displace their political, economic and identity anxieties through the vicarious enjoyment of their own atavistic desires.<sup>34</sup> No longer the private property of others, the black private domain remained the object of obsessive scrutiny for generations of white Europeans. Through product labels and advertising, suspicious stares and a curiosity that smacked of voyeurism, those blacks who made it to the metropole were reminded of their cultural outsidership, despite their status as French citizens.<sup>35</sup>

### **The Cremieux Decree of 1870: a Culture of Law**

On April 24, 1847, the day on which abolitionists presented their popular petition to the Chamber of Deputies, the minister of war sent a note to Marshal Bugeaud, the governor-general of Algeria, urging a swift end to slavery in the colony. Bugeaud responded that "[t]he interests of domination enjoin us not to brusquely change a state of things which we implicitly promised to respect upon the capitulation of Algiers."<sup>36</sup> But the minister had sought his acquiescence, not an opinion. Over Bugeaud's vehement opposition, an ordinance was drafted on June 2 immediately prohibiting slave trading and ownership among Europeans and Algerian Jews, with a postponement until 1852 for the Muslim population. Bugeaud's resistance represented the sentiments of most colonists,

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<sup>32</sup> See Arthur de Gobineau (1853), *Essai sur l'inegalite des races humaines* (Paris)

<sup>33</sup> See Drescher, "The Ending of the Slave Trade," p. 447. In a footnote, Drescher refers the reader to Franz Pruner-Bey's "Mémoire sur les Nègres," a lecture delivered on 21 February, 1861, at the *Société d'Anthropologie de Paris*, in which blacks are compared to children, "the most patient, and often the most useful animal."

<sup>34</sup> Leora Auslander and Thomas C. Holt, "Sambo in Paris: Race and Racism in the Iconography of the Everyday," in *The Color of Liberty*, p. 163. Also see James Smalls (2003), in "'Race' as Spectacle in Late Nineteenth-Century French Art and Popular Culture," in *French Historical Studies*, 25(2), who discusses the representation of a black *flâneur* in an illustrated text by Gaston Bergeret and artist Henry Somm, as well as the aestheticization of a celebrated black Caribbean acrobat in Eduard Degas' *Miss Lala at the Cirque Fernando*.

<sup>35</sup> Also see Dana S. Hale, "French Images of Race on Product Trademarks during the Third Republic," in *The Color of Liberty*.

<sup>36</sup> See Drescher, "British Way, French Way," pp. 723-724.

who were acutely aware of their minority status in a foreign land. According to Louis Faidherbe, who had served as governor in Senegal, “one would never think of enslaving Arabs, for they would assassinate their masters.”<sup>37</sup> Like the planters in the Antilles and the Parisian Republicans, European *pieds-noirs* lived in fear of rebellion. As interlopers to a Muslim culture with twelve centuries of history in Algeria, however, their territorial claims required an even more creative justification.

Many historians ground the French motivation for expansion in a kind of revolutionary evangelism, which was secular perhaps, but sustained by its theology of universality. In *A Turn to Empire*, Jennifer Pitts cites Condorcet’s *Esquisse d’un tableau historique des progrès de l’esprit humain* as a seminal text of the *Mission Civilisatrice*, articulating the obligation to liberate the ignorant and spread moral progress. His internationalist vision evokes the pre-industrial optimism of the Great Chain of Being:

All peoples whose history is recorded fall somewhere between our present degree of civilization and that which we still see amongst savage tribes; if we survey in a single sweep the universal history of peoples we see them sometimes making fresh progress, sometimes plunging back into ignorance, sometimes surviving somewhere between these extremes or halted at a certain point, sometimes disappearing from the earth under the conquerer’s heel, mixing with the victors or living on in slavery, or sometimes receiving knowledge from some more enlightened people in order to transmit it in their turn to other nations, welding an uninterrupted chain between the beginning of historical time and the century in which we live, between the first peoples known to us and the present nations of Europe.<sup>38</sup>

At the time of the Algerian conquest in 1830, the French army very much conceived of itself as a revolutionary force with a humanitarian project of pacification.<sup>39</sup> Armed with the conceptual tools of science, its 27-year military administration viewed the population through a categorical lens which reduced a complex of historically interrelated communities into a clear-cut hierarchy in which only Europeans, Algerian Jews, Berbers and Arabs were recognized. By simplifying its characterizations of these groups and disregarding the assorted “others” – Turks; Kouloughlis, both Turk and North African; Andalusians, descended from Spanish Moors; blacks; and non-Muslim Arabs, known as “Infidels” – the French state could employ its utopian plans for assimilation in all earnestness. As Edward Said has famously argued in *Orientalism*, “the relationship between Occident and the Orient is a relationship of power, of domination, of varying degrees of a complex hegemony... The Orient was Orientalized not only because it was discovered to be ‘Oriental’ in all those ways considered commonplace by an average nineteenth-century European, but also because it could be – that is, submitted to being – made Oriental.”<sup>40</sup>

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<sup>37</sup> Louis Faidherbe (1875), *Essai sur la langue poul* (Paris), p. 14.

<sup>38</sup> Jennifer Pitts (2005), *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press), p. 170.

<sup>39</sup> As quoted in Patricia Lorcin (1995), *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria* (London: Tauris), p. 243.

<sup>40</sup> Edward W. Said (1978), *Orientalism* (New York: Vintage), pp. 5-6.

The semi-nomadic and communal native communities of Algeria, practicing a religion which brooked no dissent, appeared antithetical to the secular republicanism of their colonizers. Raised on generations of political turmoil, the French were ill-prepared to appreciate a juridical ideology of power which coalesced a territorially dispersed constituency. In Senegal, Faidherbe found Islam to be a progressive force in Africa, which brought literacy and Judeo-Christian referents to the savage animists.<sup>41</sup> On the other hand, Islam was virtually impenetrable to the flood of missionaries who descended upon the French colonies during the Third Republic.<sup>42</sup> Father Lavigerie, who established the White Fathers in Algeria, concluded that “[t]he Moslem creed is the masterpiece of Satan, for whilst satisfying to a certain extent the religious needs of the human heart...it legitimizes the baser cravings of our lower nature.”<sup>43</sup> Through his prolific writing, Lavigerie promoted the idea that the African slave trade was of Islamic invention. The Kabyle-Berbers, on the contrary, he viewed as a distinct race descended from the early Christians. An enthusiastic admirer of Saint Augustine, who had been the Bishop of Hippo Regius in what is present-day Algeria, Lavigerie speculated that the Kabyle may actually be French, having crossed the Mediterranean with an invasion of Celts and Gauls before becoming corrupted by nomadic swarms of Islamic Arabs.

This “Kabyle myth” was entertained by many European colonists who found reassurance in Kabyle settlement patterns, monogamous marriages, entrepreneurial spirit and relaxed observance of Islam. This good Berber/bad Arab distinction was supported by the ethnographic and archeological work of Emile Masqueray, who likened the French to the Romans and the Berbers to primitive European peasants in terms of social organization, philology and architecture.<sup>44</sup> As Patricia Lorcin argues in her colonial history of Algeria, this fantasy-construction of the Euro-Kabyle predecessor allowed colonialists to naturalize their imagined community and conceive of the Arabs as the invaders. This became an increasingly popular trope as waves of voluntary and forced settlers fled each consecutive political transition. Refugees and dissidents from the July Monarchy, the 1848 Revolution, the 1851 *Coup d’etat* of Louis Napoleon, the German occupation of Alsace-Lorraine and the Paris Commune built themselves secular French cities in the midst of a deeply religious Muslim majority with little interest in what they had to offer. As the social pessimism of the mid-19<sup>th</sup> Century undermined the State’s hopes for assimilation, the transition to civil administration of the colony following the collapse of the Second Empire retreated into a policy of “association.” Paternalism gave way to separatism; separate but equal became the strategy, which in the imperial context inevitably implied hierarchy.<sup>45</sup> For all intents and purposes, indigenes were allowed to hang onto their own primitive institutions because they were considered too inferior to take advantage of their colonizer’s civilizing influence.

Algerian Jews, on the other hand, gained a competitive edge in trade in these new urban economies, due to their ability to communicate with both French-speaking and Arabic-speaking elites. Whereas Islam was seen as a religious system of “entrenched

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<sup>41</sup> According to Cohen, Faidherbe attempted to fund and modernize Koranic school in Senegal in order to spread literacy and facilitate administration. Cohen, p. 256-7.

<sup>42</sup> In 1900, over 2/3 of all Catholic missionaries were French. Cohen, p. 276.

<sup>43</sup> As quoted in Cohen, p. 256.

<sup>44</sup> See Lorcin, pp. 189-193.

<sup>45</sup> See Lorcin, p. 171

prejudice and superstition,” the French were accustomed to Judaism, and found Jews relatively more assimilable. Thus, when the metropolitan Jewish lawyer and politician, Adolphe Cremieux, became Minister of Interior under the provisional government at Tours during the most turbulent year since 1848, his speedy passage of *en bloc* naturalization for Algerian Jews barely caused notice. This is not to say that the colonists were copasetic about the development, or that anti-Semitism had faded at the metropole.<sup>46</sup> By the time colonists realized what had happened, however, they were sharing the privilege of citizenship with this relatively small portion of the native population. Like Victor Schoelcher, Cremieux had shrewdly and effectively optimized a golden opportunity to exercise his leadership. This development has been *historically* naturalized by generations of scholars. To quote an article by political scientist Benjamin Rivlin published in 1955, “no Cremieux Decree was conceivable for the Muslims, as the latter were psychologically unreceptive to French citizenship.”<sup>47</sup>

The situation facing Muslim Algerians, particularly following the Cremieux Decree, was categorically different from that of European settlers and the newly naturalized Jewish population. While the latter could observe religious authorities within their private sphere of conduct, Muslims were still required under the Senatus-Consulte of 1865 to renounce their personal statutory rights under Islamic law in order to claim citizenship. The French state maintained that its legal jurisdiction was fundamentally incompatible with the *cadi* throughout the colonial period, despite the fact that the outdated Muslim law on the French books did not reflect the adjustments of customary practice.<sup>48</sup> According to legal historian Michael Brett, “It goes without saying that none of the provisions for the government of the native population of Algeria had been made in formal consultation with the people concerned, or with their approval.”<sup>49</sup> Yet the requirement that devout Muslims observe the private/public distinction between faith and law was nonsensical from a Muslim perspective. Thus, the Cremieux Decree codified the sharpening boundary between those colonial subjects who could and could not be “French,” and granted citizenship rights accordingly.

Even the “good” Kabyles had shown the state that they could not be trusted by orchestrating a major revolt against French authority in 1871. The recent transition from military to civilian administration at the collapse of the Second Empire offered an opening for resistance which was pursued sporadically for the next decade.<sup>50</sup> The

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<sup>46</sup> Over a century later, Klaus Barbie’s lawyer, Jacques Verges, was reported to have commented that the French of the left learned merely to include Jews in the white race, not to eschew racism. See Alain Finkielkraut (1992), *Remembering in Vain* (New York: Columbia University Press)

<sup>47</sup> Benjamin Rivlin (1955), “Context and Sources of Political Tensions in French North Africa,” *Annals of the American Academy of Political and Social Science*, 298, p. 111.

<sup>48</sup> This is a common problem with colonial treatments of customary law. See Martin Chanock (1989). “Neither Customary nor Legal: African Customary Law in an Era of Family Law Reform.” *International Journal of Law and Family*, 3:72-88. Reprinted in *African Law and Legal Theory*, eds. Gordon R. Woodman and A.O. Obilade. (New York: New York University Press) 1995.

<sup>49</sup> Michael Brett (1988), “Legislating for Inequality in Algeria: The Senatus-Consulte of 14 July 1865,” *Bulletin of the School of Oriental and African Studies, University of London*, 15(3), p. 449.

<sup>50</sup> The ongoing outbreaks were partially a response to the punitive confiscation of 324,000 hectares of collective and 250,000 hectares of individual land holdings from the Kabyle for

colonists had been blinded by their hereditary hopes for the Kabyles, who had after all been the last group in Algeria to succumb to colonial rule in 1857. Stung by this betrayal, racists blamed North African savagery, nationalists suspected Prussian meddling. Anti-Semites used every opportunity to target the Cremieux Decree as the cause of all Algerian turmoil, though there were few Jews in Kabylia and the most prominent Kabyle leader had opposed Muslim, not Jewish, citizenship. The insurgency actually proved beneficial to the colonists, as Kabyle land was confiscated and distributed to settlers, encouraging greater migration from Europe. As the colonial investment grew, labour-intensive capitalist agriculture promised to compensate for the transfer of imperial resources from the Antilles, as anticipated. Meanwhile, the phylloxera epidemic of the 1870's forced many French peasants off their land, swelling the European migrant ranks and reducing the need for recalcitrant native workers.

After generations of resistance to colonialism, the French public became caught up in the French "imperial consciousness," that specific mix of hubris, curiosity and desire central to Said's notion of Orientalism. Yet as Pick notes, if the East showcased Western strengths through difference, it was also represented in the literature of *dégénérescence* as a parallel of debasement. To quote psychologist Theodule Ribot in 1875:

In the east, the harem, with its life of absolute ignorance and complete indolence, has, through physical and moral heredity, led to the rapid decay of various nations. 'We have no harem in France,' says a naturalist, 'but there are other causes, quite different in their origin, which tend ultimately to lower the race. In our day, paternal affection, with the assistance of medical science, more certain, and possessed of more resources, makes more and more certain the future of children, by saving the lives of countless weak, deformed, or otherwise ill-constituted creatures that would surely have died in a savage race, or in our own a century ago... The descendants go on degenerating, and the result for the community is debasement, and finally, the disappearance of certain groups.'<sup>51</sup>

In 1889, another naturalization law granted birthright citizenship to all Europeans in Algeria, though efforts to universalize suffrage were met with steadfast resistance by the Algerian deputies, who insisted that such a move would enfranchise "ignorant, fanatical, and hostile masses, among which the French people would be swamped."<sup>52</sup> Indeed, colonists called themselves "Algerians" to the *exclusion* of Muslims, even after the Jules Ferry laws of 1883 extended compulsory, free, secular education to all French subjects, and established a University of Algiers. Though the Cremieux Decree opened the door to greater Jewish participation in the urban institutions which flourished under civilian rule, strengthening ties to France and occasioning the proliferation of French architecture, indigenous alienation from this system discouraged their participation in civil administration. At the time of Algerian Independence in 1962, only 10,000 Muslims had

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colonial use. Mysterious arsons in the forests of Kabylia consumed hundreds of thousands of hectares; the worst damage in 1881 was estimated at 10 million francs. See Lorcin, pp. 173-177.

<sup>51</sup> Pick, p. 41.

<sup>52</sup> Patrick Weil (2002), *Que-est-ce qu'un français? Histoire de la Nationalité française depuis la Révolution* (Paris: Editions Grasset et Fasquelle), p. 230.

become French citizens.<sup>53</sup> For politicians concerned with the implications of *dégénérescence*, this failure of the *Mission Civilisatrice* was just as well.

### **Laboring for the Republic: Pronatalism and the Regulation of Women Workers in 1892**

As we have seen, while the ideal of Republican brotherhood survived generations of political struggles over its implementation, the criteria of admission into the French family was a strict one. Indeed, filiation governed the logic of nationality until 1927, when *droit de sol* was adopted to allow for the assimilation of growing numbers of immigrants in the metropole.<sup>54</sup> Ironically, however, while color and culture may have been grounds for disqualification, the largest group by far was excluded from citizenship by virtue of its place at the heart of the nation. Despite the participation of feminists like Olympe de Gouges in revolutionary debates, women were prohibited from public association by the National Convention because it was thought to detract from their obligations within the private sphere. The Jacobins followed the advice of Rousseau and Diderot in their representations of “Republican motherhood” as an essential alternative form of citizenship.<sup>55</sup> Condorcet, in contrast, did not accept the notion that women’s reproductive role somehow rendered her unsuitable for public life. “It would be difficult to prove that women are incapable of exercising the rights of citizenship. Why should individuals exposed to pregnancies and other passing impositions be unable to exercise rights which no one has dreamed of withholding from persons who have the gout all winter or catch cold quickly?”<sup>56</sup> This disagreement was resolved in favor of the former for the next hundred years through the classification of woman as legal minor in the Napoleonic Code of 1804. In this much-vaunted cornerstone of the French judiciary, wives were placed under the authority of their husbands, disposed of their property once married, and consigned to the church for their educational needs.

As the century progressed, the politics of gender equality became deeply entangled with those pronatalism, *dégénérescence* and the survival of the Republic. Influential writers like Jules Michelet and Victor Hugo waxed prolifically over the secular morality of the nursing mother and the altar of the hearth. In the symbolic language of romanticism, working class women were the pure guardians of the French spirit, uncorrupted by bourgeois decadence, angels of peace and solidarity who

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<sup>53</sup> Weil, p. 230.

<sup>54</sup> Interestingly, birthright citizenship had been considered a feudal concept, through which peasants were identified with a noble under the *ancien regime*. Its reintroduction had been considered by Napoleon in order to strengthen his imperial base through military conquest. See Weil.

<sup>55</sup> “Could I forget that precious half of the Republic which creates the happiness of the other and whose gentleness and wisdom maintain peace and good morals? Amiable and virtuous countrywomen, the fate of your sex will always be to govern ours. It is fortunate when your chaste power, exercised solely in conjugal union, makes itself felt only for the glory of the State and the public happiness.” Jean-Jacques Rousseau (1995), “Discourse on the Origin and Foundations of Inequality Among Men (Second Discourse),” in *The Discourses and Other Early Political Writings*, Victor Gourevitch, ed. (Cambridge: Cambridge University Press)

<sup>56</sup> Marquis de Concorcet (1976). “On the Admission of Women to the Rights of Citizenship.” *Selected Writings*, ed. Keith Baker. (Indianapolis: Bobbs-Merrill).

guilelessly occupied their place in the natural order of things.<sup>57</sup> However, within the emerging scientific discourse, they were also responsible for the deterioration of the race through their sexual depravity and their failure to bring enough healthy babies into the nation. Their behavior during the Revolution of 1789 was recalled by psychologist Gustave Le Bon as atavistic and unrestrained.<sup>58</sup> His “crowd science” expressed a combined fear of feminism and socialism as manifestations of social decay. The *flaneur* was a bourgeois illusion; the individual would never survive the crowd intact. In addition, from a purely political perspective, Republicans had reason to fear women’s clerical sympathies. Abandoned to the church for their tutelage, their loyalty to the cult of the virgin over that of the secular “mother for the nation” provided a valuable resource for anti-Dreyfusards and monarchists.

Sympathetic men, both liberal and conservative, argued that attention to women’s rights was not incompatible with her domestic duties. “Solidarist” Léon Bourgeois conceived of a positivist feminism that viewed social life, in classic Durkheimian fashion, as a collective web of social obligations which subordinated the individual. Solidarity across class and gender lines was essential to the conservation of a healthy division of labour, particularly given the damaging effects of industrialization, and as such it was a moral imperative to attend to everyone’s health, education and welfare.<sup>59</sup> Ernest Legouvé, a pioneer in women’s education, similarly advocated for “equality in difference,” valorizing women’s intuitive and affective intelligence and noting wryly that “when you speak of improving the situation of girls, all the fathers are on your side, but when you propose increasing women’s rights, all the husbands are against you.”<sup>60</sup> In the debates surrounding gender at the end of the 19<sup>th</sup> Century, the intimate contradictions of women’s disenfranchisement forced blunt statements from the mouths and pens of even the most moderate figures, such as Henri Napias, general inspector of public assistance: [A woman’s] life itself does not belong to her... When she is a young girl, she must preserve her health from all that can prevent the perfect, harmonious, complete development of her being; [as a] woman, she needs to conserve her health and multiply all her forces for her children.”<sup>61</sup> The proponents of “patriarchal patriotism,” such as Jacques Bertillon, considered population decline to be a man’s problem, urging a tax on the childless and a subsidy for fathers with three or more children.<sup>62</sup> As journalist Maria Martin quipped in *Revue socialiste*: “It appears that some think it possible to have too

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<sup>57</sup> See Judith F. Stone, “The Republican Brotherhood: Gender and Ideology,” in *Gender and the Politics of Social Reform in France, 1870-1914* (Baltimore: Johns Hopkins University Press), p. 34.

<sup>58</sup> Gustave Le Bon (1896), *The Crowd. A Study of the Popular Mind*, trans. From the French (London).

<sup>59</sup> See Karen Offen (1984), “Depopulation, Nationalism and Feminism in Fin-de-Siècle France,” *The American Historical Review*, 89(3).

<sup>60</sup> Offen (1986), “Ernest Legouvé and the Doctrine of ‘Equality in Difference’ for Women: A Case Study of Male Feminism in Nineteenth-Century French Thought,” *The Journal of Modern History*, 58(2), p. 468.

<sup>61</sup> Elinor A. Accampo (1995), “Gender, Social Policy, and the Formation of the Third Republic: An Introduction,” in *Gender and the Politics of Social Reform in France*, p. 9.

<sup>62</sup> Offen, “Depopulation, Nationalism and Feminism,” p. 660.

many women to discuss the matter of population growth. But no one has yet discovered a means of achieving it without them.”<sup>63</sup>

In the last decade of the century, the word “feminisme” began to circulate in the press and public documents. Like the abolitionists and the metropolitan Jewish community, however, French feminists preferred rational insider strategies to the often theatrical tactics of their English sisters. Even as they agitated for suffrage and full legal recognition, they built their claims around their unique role as mothers, accommodating the Republican desire to envision domestic stability as the foundation of French political culture.<sup>64</sup> They became skilled at riding the rising tide of public interest in their private sphere onto the political and professional stage. But more “individualist” approaches withered before the anxieties of the *belle-epoque*. The demands made by radical male feminists Charles Fourier and Henri Comte de Saint-Simon during the early part of the century for sexual freedom and emancipation from the prison of monogamous marriage did not reappear until the 1950s and 60s. Historian Karen Offen asserts that, with the exception of Simone de Beauvoir, French feminism has always insisted on sexual difference as the starting point for self-realization.<sup>65</sup>

Though some radical libertarians and neo-Malthusians continued to promote birth control as a right and a form of resistance against discrimination, most women silently continued to control their own fertility by ending families earlier and extending the time between children. Rudolph Binion associates this strategy with a widespread shift in popular consciousness following the liberal revolutions in both France and the United States, which empowered women to seize control of the domestic sphere and start moderating childbirth. He speculates that this may have been the demographic expression of the modern philosophical transition from social control through community and spiritual surveillance to internal monitoring through conscience, as articulated by Kant’s “categorical imperative.” This shift in moral judgement permitted women to reap the advantages of smaller family size, such as easier maternity, healthier infants, greater personal independence and less marital strain without suffering the stigma of infertility. Binion’s theory is less rational choice than collective unconscious: “In the human species as in other species, it is obvious that fertility rates reflect collective determinants operating at a much deeper level than that of individual decisions concerning reproduction and sexuality.”<sup>66</sup> This is true enough, yet such a notion of species self-regulation, without recourse to the cultural forms of practice through which it operates, utilizes a naturalizing logic akin to the biological reductionism of the scientific racists. To quote Marx, “Social life is essentially *practical*. All mysteries which mislead theory into mysticism find their rational solution in human practice and in the comprehension of this

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<sup>63</sup> Ibid., p. 648.

<sup>64</sup> Ibid., p. 674 and Stone, p. 58.

<sup>65</sup> Offen, “Ernest Legouve and the Doctrine of ‘Equality in Difference,’” p. 481.

<sup>66</sup> Rudolph Binion (2001), “Marianne in the Home, Political Revolution and Fertility Transition in France and the United States,” *Population: An English Selection*, 13(2), p. 174. Binion utilizes demographic data to track population decline from a 10% fertility reduction in the 1790’s over the next 150 years, and in the United States until the baby boom of 1945. The first instance of systematic birth control within marriage, this phenomenon cannot be attributed to a spontaneous compensation for the declining mortality rate, because their curves are absolutely coincident.

presence.”<sup>67</sup> It becomes a chicken-and-egg question, but the radical change in material forces of production for at least half of the population was the decisive factor in the transformation of the French family.

Before the state began meddling in the private sphere, industry had already invaded the “moral haven” of home in search of women workers. As labor became a resource to be guaranteed by the state, its relationship to the public adjusted to accommodate the needs of capital. Yet in times of shortage, a tension existed between industrial and state interests. Who should women be laboring for? By the turn of the century, Republicans had uneasily joined the socialists in the theoretical critique of economic liberalism. The social model of *solidarité* necessitated state intervention to address unjust social inequalities and protect meritocracy. Characterized by T.H. Marshall as the transition from political to social rights, this reorientation signaled the birth of the welfare state. But because revolution was the last thing on the Republicans’ moderate minds, the avoidance of a class analysis was critical. Thus, gender-specific labor legislation became a remarkably uncontroversial reformist agenda. Certainly, there were disagreements regarding the extent and nature of state regulation. Like Clémence Royer, Maria Deraismes, Founder of the *Association pour le droit des femmes*, insisted on equal rights and financial assistance to mothers because women wouldn’t bear more children than they could support.<sup>68</sup> Physicians orchestrated a shift from a demographic to a medical model of assessment, emphasizing maternal assistance, infant mortality, the control of abortion and *women’s* contraception, as well as other forms of “social hygiene.”<sup>69</sup> Many industrialists understood that a cradle-to-grave care system would stabilize the labor force, but wanted to see the state pick up the cost without impeding production. However, when economic liberals objected that work restrictions would impinge on women’s liberty, politicians could reply that women were not citizens.<sup>70</sup>

The arguments against night work were indisputable. It ruined women’s health, causing extreme fatigue and loss of appetite. Women’s absence from the home disrupted family life: husbands drank and children wandered the streets without parental supervision. Social chaos ensued. The Academy of Medicine testified that women couldn’t handle night work physically. And then there was the familiar spectre of *dégénérescence*. As one social scientist lobbied: “If women who worked to excess would only injure themselves, it might be permissible to argue that the legislator should not intervene; but this is not the case. The woman injures the child she might produce. Without regulation of female labor, society will soon be menaced by a bastardization of

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<sup>67</sup> Karl Marx (1978), “Theses on Feurbach,” in *The Marx-Engels Reader*, 2<sup>nd</sup> Edition, ed. Robert C. Tucker (New York: Norton), p. 145.

<sup>68</sup> Pederson, p. 679.

<sup>69</sup> Accampo, p. 16. It is important to note that medical interventions focused exclusively on the bodily practices of women. Condoms and venereal diseases contracted by men were rarely targeted. Also see Mary Louse Roberts (2003), “The Dead and the Unborn: French Pronatalism and the Abortion Law of 1920,” in *Landscaping the Human garden: Twentieth Century Population Management in a Comparative Framework*, Amir Weiner ed. (Stanford: Stanford University Press).

<sup>70</sup> Mary Lynn Stewart (1995), “Setting the Standards: Labor and Family Reformers,” in *Gender and the Politics of Social Reform in France*, p. 116.

the race.”<sup>71</sup> In 1892, bourgeois republican majorities passed a law forbidding night work and limiting the length of the workday for women, adolescent girls and children. Working-class representation for the bill never reached 15%.<sup>72</sup> In fact, there was some socialist resistance to the bill, and to the feminist movement generally. Socialist women were pressured not to join the rights struggles of the bourgeoisie, and were assured that gender equality would accompany the revolution.<sup>73</sup> As it was, competition from women workers created surplus labor and undermined men’s demands for a family wage. Those who organized around the bill met some ambivalence from women workers themselves. In 1888, Eastern cotton Syndicate interviewed and distributed questionnaires among 8,000 workers from Vosges, Nord, and Paris. Respondents noted that the bill had no wage and employment guarantees, and 186 wool carders worried about losing their jobs as a result. Many cotton spinners explained that they got better childcare coverage when they worked at night because their husbands were home with the children. And though there was unanimous opposition to late-night overtime, more than 300 seamstresses added that they would stay late if paid overtime wages.<sup>74</sup>

None of these issues were addressed in the final version of the bill. However, the rhetoric surrounding its passage demonstrated a widespread recognition of women’s public role as wage earner. Never was her suitability for factory work seriously questioned; the stereotype of the sordid and impious *ouvrière* had disappeared.<sup>75</sup> With the passage of the Ferry Laws, women teachers and bureaucrats delivered other women from the private sphere of religious instruction; between 1876 and 1906, the number of women teachers in France quadrupled, making primary school pedagogy a women’s profession. Slowly, the long-sought amendments to the legal code granted single and separated women full status in 1893, allowed adult women to witness civil litigation in 1897, and offered women control of their own wages in 1907. However, voting rights, the true measure of political membership, evaded the mothers and daughters of the Republic until after the Second World War.

## Conclusion

Through each of these legislative events, the state modified its membership boundaries by re-examining the parameters of the public sphere. For freed ex-slaves as for Algerian Muslims, poverty and discrimination became personal problems, even a matter of choice, while for women, sexuality became an all-too-public form of production. Either way, the mutation was framed as an act of national becoming, which both modeled the universal principle of equality and protected the French motherland. Indeed, the “insider” advocacy tactics in all three cases minimized embarrassment and steered clear of the prospect of

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<sup>71</sup> Paul Pic (1903), *Traité élémentaire de législation industrielle: Les Lois ouvrières*, 2d ed. (Paris: Arthur Rousseau), p. 503.

<sup>72</sup> Stewart, p. 107.

<sup>73</sup> Claire Goldberg Moses (1992), “Debating the Present, Writing the past: ‘Feminism’ in French History and Historiography,” *Radical History Review* 52(79), p. 83. The socialist resistance to identity politics explains Simone de Beauvoir’s insistence on treating gender as a social construction, unlike feminists from the psychoanalytic tradition.

<sup>74</sup> Stewart, pp. 124-125.

<sup>75</sup> Accampo, p. 20.

structural change. The implicit tension between equality and stability has problematised liberal democracies since their inception. Key to the second is a definition of the first sufficiently limited as to conserve resources, maximize the benefits of power and prevent instabilities which might lead to structural change or permanent disorder. Given the challenges to the viability of the French state during the century following its first Revolution, it is hardly surprising that the balance between popular sovereignty and social control should have undergone such protracted negotiations. What I find intriguing is the way in which an abstract ideology of justice has so effectively erased the legacy of domination underlying this process.

Since the era in question, social theorists have struggled to grasp how a particular configuration of production, knowledge and power could work such a magic trick. Karl Marx understood “false consciousness” as an effect of commodification, which disassociates ideas from their material causes and invests them with a life of their own. For Max Weber it was an iron cage of unexamined assumptions produced and communicated through the rationalizing dynamics of modern institutions. Durkheim explained the complexities of modern consciousness as a function of the minute adjustments of organic solidarity, which reproduced the ontological categories of knowledge at every level of social life. Most recently, Michel Foucault coined the term “biopower” to describe the “explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations.”<sup>76</sup>

In the three expressions of statehood discussed above, the role of disciplinary knowledge through medicine, natural science and anthropology can certainly be understood as a mechanism for constructing race, cultural and gender categories in order to facilitate their management by the state and their insertion into the capitalist machinery of production. Race became the primary explanation for human variation only as the system of slavery threatened to generate disorder, and new relations of production became necessary. Essentialized difference also justified the French assertion of cultural homogeneity as the central component of its imperial civilizing mission. In the metropole, the terms of political equality - initially limited to white, educated men with property - was gradually expanded to fit successive denotations of “universal suffrage,” but this movement was not necessarily progressive. Republicans long resisted opening the vote to women because of their conservative leanings, and there is ample evidence to suggest that women enjoyed more rights under the *ancien regime*.<sup>77</sup> In fact, the Republic adjudicated *against* gender equality, as it had against the full recognition of its Muslim subjects and until 1848, against blacks. To quote Joan Scott, “[Equality] is not the absence or the elimination of difference, but the recognition of difference and the decision to ignore it or take it into account.”<sup>78</sup> The norm is not collectivized, only the outsider is; such is the logic of category formation. Italian criminologist Cesare Lombroso once wrote that “all women fall into the same category, whereas each man is an individual into himself; the physiognomy of the former conforms to a generalized standard; that of the latter is in each case unique.”<sup>79</sup> Thus the neutral citizen could enjoy

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<sup>76</sup> Michel Foucault (1978), *The History of Sexuality* (New York: Vintage) p. 140.

<sup>77</sup> Stone, p. 56.

<sup>78</sup> Joan Scott (1999), “The Conundrum of Equality,” (Princeton: School of Social Science, Institute for Advanced Study), p. 3.

<sup>79</sup> As quoted by Scott, p. 4.

the leisurely stroll of the *flâneur* while blacks, Muslims and women could not assimilate into the crowd as long as they were marked by their respective collectivities. This cultural coding served to stabilize a fragile social order during a period of rapid change. By fetishizing difference through the rationale of *dégénérescence*, the Republic as a collection of equal and unique individuals could assert itself as a progressive meritocracy.

L. Poliakov remarked in *The Aryan Myth* that “A vast chapter of Western thought [has been]...made to disappear by sleight of hand.”<sup>80</sup> Many of his post-war generation of scholars published hopeful studies attempting to prove the contingency of the Holocaust by delimiting the Nazi experience temporally and culturally.<sup>81</sup> This objectification and distancing of the event assisted in its domestication and rewriting, even in its erasure. Comparably, it is no accident that the scientists practicing the heuristic of *dégénérescence* embodied the 19<sup>th</sup> Century’s ideal subject. Even as they expressed their contamination anxieties, they held themselves above their marked objects of investigation. Daniel Pick maintains that their interventions were not Foucauldian expressions of power, but of powerlessness; yet the intentions and conditions of knowledge production do not solely determine its political effects.<sup>82</sup> Such “pseudo-science” has since been exposed as a social product, the unfortunate outcome of certain narratives in which we remain entangled. Nevertheless, Emile Zola’s desire for “a science which could master disorder” has hardly been eclipsed within our global culture of technological disorientation, political disenchantment and consumer excess.<sup>83</sup> Today, the French universal secondary school curriculum omits mention of slavery or race, though this history pertains quite directly to the growing numbers of immigrant students in the classroom.<sup>84</sup> The racialized controversies surrounding immigration quotas in the 1930s have been forgotten within the current debate, which in its fixation with “Islamicization” recalls the rhetoric of Algerian colonists over 100 years ago. As we attempt to recuperate such convergences, we are constructing new narratives with historical effects of which we are only dimly aware.

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<sup>80</sup> L. Poliakov (1974), *The Aryan Myth. A History of Racist and Nationalist Ideas in Europe*, E. Howard trans. (London), p. 5.

<sup>81</sup> Christen Jonassen (1951), “Some Historical and Theoretical Bases of Racism in Northwest Europe,” *Social Forces* 30(2), p. 156. “Though some forms of racist ideas were present in Spain, Portugal, and particularly France, racism never took root and grew to such virulent proportions in these countries even though their exploitation of colonial peoples created a situation in which one could expect such ideas to flourish.” P. 159. Also Dante A. Puzzo (1964), *Racism and the Western Tradition*, *Journal of the History of Ideas* 25(4), p. 583. “Racism...resulted from the conjunction of certain historical developments, ranging from the end of Europe’s isolation through the emergence of the secular, national state to the struggle for empire. It is this unique set of circumstances which serves not only to account for the rise of racism but to set it off from earlier ethnocentric notions and simple patriotism.”

<sup>82</sup> Pick, p. 237.

<sup>83</sup> *Ibid.*, p. 73-74.

<sup>84</sup> Peabody, p. 4.