

## **The Long Road of French Women Towards Emancipation**

Patriarchal hierarchy was begun since the start of humanity. Men wanted women at their disposal « so that the race of men would be continued ». The wish for immortality led them to establish an ancestor cult, from father to son, so as to ensure that their sons were indeed theirs.

Greek philosophers theorised on the inferiority of women; Roman law legalised their subordination.

These stereotypes remain pregnant. Next to the hypocritical notion of protecting women, that of intimidation (threat of punishment on earth or in heaven, i.e. eternal if women do not obey traditions), are still voiced today to convince women to return to theocratic patriarchal patterns; submission to God is interpreted on earth as submission to men. In the collective unconscious, the legitimacy of male power over women is forged, with violence as its tool.

In order to put an end to this wilful domination, women must refuse to be enclosed in a role supposed to be "natural", archaically defined by Rousseau as "To please men, to serve them, to be loved and honoured by them, to bring them up when young, to care for them when adult, to advise, console and make their lives pleasant and sweet, - these have always been the duties of women and what should be taught to them from childhood." (Emile, Book IV).

### **From Individual Revolts to Feminist Combats**

The feminists want to create equality when a difference is a carrier of hierarchy and submission. Women and men are dissimilar but equal.

The history of France teaches us that the women of Gaul worked, were allowed to decide on peace and war, that trial marriages and divorce by mutual consent were part of the mores but that the husband had the power of life and death over his wife.

During the barbaric invasions, the Salian Franks, settled in France, forbade women to inherit land. This custom was transformed into the impossibility for women to inherit the Kingdom of France by the Valois dynasty, to justify their access to the throne on the death of Philippe Le Bel (1316). Salic law was established, despite sharp political arguments lasting over two centuries. For Brantôme (1540-1614), women are "as capable of governing as kings". The persistence of this law in people's minds explains the difficulties encountered by French women with regard to political representation.

But, since the beginning, men and women have denounced patriarchal hierarchy, first by individuals, in particular, when individual women rebelled, by means of advantages of birth, of circumstances or of their personal reflections. Men and women affirmed "If custom allowed little girls to attend school, they also would learn perfectly", according to the expression used by Christine de Pisan in her book "The City of Ladies" (1405) that calls on "Reason, Righteousness and Justice".

Among those who contributed to the Renaissance and to the basic ideas of the 1789 Revolution, and who denounced the responsibility of the difference in education and not in nature, we must name Poulain de la Barre and Helvetius, as well as Rabelais, Montaigne, Miss de Gournay, Gabrielle Suchon, Montesquieu and d'Alembert (especially in a letter to Rousseau).

The philosophers of the Enlightenment consider Mankind endowed with reason and understanding, adult and autonomous, voluntarily able to acquiesce or to refuse, and

include the notion of the individual. At the same time, economic and political, social and cultural changes were decisive in the combat between subordination and freedom.

The Enlightenment philosophers are going to question the age-long bonds between spiritual and temporal powers. They will denounce the absolute power of kings over their subjects. Their thoughts were decisive in the struggle between subordination and freedom. Inequalities of sex were as iniquitous as those of birth; it seemed clear that both were also cases of subordination.

The Enlightenment philosophers, although in favour of developing instruction for girls, denouncing violence in marriage and favouring divorce, do not question tyranny over women in general.

In the XVIIth and XVIIIth centuries, when men speak of women, they do not forget their secondary condition, the fact that they were supposed to have been created by and for men. When they speak then of "their" creatures, their speech is well-nigh theological and does not question tyranny over women. Exceptions are very rare, e.g., Poulain de la Barre in his treatise published in 1673 "On the Equality of the Sexes", or Helvetius.

Helvetius goes so far as to assert the equality of men's and women's brains. He claims that the differences in "nature" between the sexes are the results of the differences in their education; this should be the same for boys and for girls and should be controlled by the State. His statement "Of the Mind" is thus logically condemned by Pope Clement XIII in 1759 and burned, among others by the Theological Faculty of the Sorbonne.

To abolish this domination, the French Revolution broke the first barriers: recognising the status of individuals, "whatever their religion, their colour or their sex". To assert that the past can be changed and the future can differ from the present, legitimises a space for demands by those who refuse to be submissive because they are women.

Women spoke in public, stood on speakers' platforms at political meetings, claimed the right to organise as national guards, the right to work and denounced the guilds, refused the idea of universal suffrage reserved for men alone. In 1791, Olympe de Gouges asked men to mobilise against the injustices that they tried to perpetuate by writing the "Declaration of the Rights of Women and Women Citizens".

In 1790, Condorcet published "On granting women civil rights", and in 1792, "Five memoirs on teaching". He stated that education in common for men and women, public, secular and without cost, is essential. Men cannot be free and equal if half of humanity is not freed from its age-old bondage. These are the foundations on which the feminist combats will be built.

The laws passed in September 1792, - secularisation of the civic State - authorising divorce by mutual consent, was unthinkable for those who considered their domination over women as "natural". Therefore, in 1795, women are excluded from public life.

In 1804, the Civil Code, based on Roman law, writes into the texts the inequality of women and men. Man is "the sovereign and absolute judge of family honour". The code permits the husband to add "force to authority" with moderation! Article 324, called the "red article", excuses the husband for murdering his wife or her lover in cases of flagrant adultery. No reciprocity of this indulgence is granted the wife. Divorce is forbidden in 1816 until 1884.

Women are not recognised as individuals; have no place in the universal and individualistic citizenship. They are not included in the so-called "universal" suffrage of 1848 of the hemiplegic Republic.

The space reserved to women, both private and public, is reduced, places of power are forbidden to them.

In their desire to put women back into the ancestral places they never should have left, men will allow the Church to use women in their struggle against Republican ideas.

Nevertheless, despite the legal and civic incapacity of married women, considered as minors for life, the absence of religious references (Divine right of kings is abolished), as well as the civil liberties for men, will also be used as arguments for women's combats.

For the great Republicans, such as Jules Ferry, "he who controls women, controls everything; that is why the Church wants to control women, and that is also why democracy takes it from her".

The struggle for secular education then becomes also a struggle for women's education: girls with freed minds in a public space, that of reason.

Thus the laws of 1881 and 1882, defining schools that are secular, free of charge and compulsory for both sexes will open the way to equality between women and men.

Education will permit access to knowledge, to reflection, to training and to the diplomas required for the exercise of previously inaccessible professions.

On 9 December, 1905, the law separating Church and State puts an end to the millennial rivalry between the French State and the dominating Catholic Church, and enables French women to be freed from theocratic patriarchy.

A few clarifications concerning the principle of laïcité: this organises the political space based on freedom of conscience, equality before the law of philosophical choices and religious beliefs, and on Republican fraternity towards the Other. To maintain all three simultaneously is neither natural nor inborn, but constructed and acquired. Laïcité requires an effort on the part of each one, but it is the way for individuals to coexist, although they do not necessarily share the same convictions.

The indispensable neutrality of the State, of public services and their users, permits impartiality in guaranteeing the right to believe, not to believe, or to doubt and to all religions to exercise their cult freely, provided they do not thereby trouble the freedoms of others and do not trouble public order.

Laïcité grants each one the same dignity, whatever his or her origin, sex, opinions, demanding no devotion in exchange but only the freely consented acceptance of a contract and of duties on the part of autonomous and free consciences, i.e., enlightened, capable of judgment and of will-power.

## **Equality before the Law**

By individual or collective struggles, both in the public and private spheres, feminist women and men fight for women to be fully recognised as citizens.

After women took on major roles of responsibility and commitment in the Resistance, the Assembly of Algiers in 1944, declared them to have the same right to vote and to be eligible as men.

French women could at last exercise national sovereignty and representation. They participate in and are elected in the municipal elections of 1945 and for the Founding National Assembly in October.

Equality between women and men is then included in the Constitution but must be transferred into the laws of the Republic.

In the 1960s, twenty years (a generation) after obtaining the right to vote, women orient their combat towards obtaining the basic right to dispose of their bodies. It is first necessary to take into account female specificities concerning child birth. Laws are adopted that can only apply to women. They concern maternity leave, contraception and abortion, so that women finally have the right to control their desire to have children. The private domain becomes a domain of law. Attacks on women's dignity are subject to prosecution, whether at home (domestic violence) or in the workplace.

Women refuse to be victims. These legal combats are intended to render men responsible for their acts and to assert women's rights. Education of girls and boys should include understanding of gender equality.

However, stereotypes are long-lasting. Feminists – both men and women – must block all attempts at back-sliding. They must continue their struggles for equality in the family and in the couple, for access to contraception and abortion, combat violence against women, fight for professional equality, for parity representation in political, social and professional spheres.

In the model Republic to which we aspire, concrete equality between women and men is not only a question of social justice; it is also one of basic freedoms and of human development.

This is why, today in France, feminists refuse all attempts to go back on women's rights under pretext of cultural, traditional or religious relativism. We cannot admit that, on the territory of the Republic, women are deprived of their basic right to freely dispose of their bodies, their actions and their minds.