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The Epistemology of Binary Gender in Nineteenth-Century Romanian Society

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Introduction

Based on how society is reflected in the nineteenth century novels and short stories, the doctrine of separate spheres sought to restrict women's rights while simultaneously glorified women and praised the family in an era of individualism. Although the women's movement of the late nineteenth century contributed to the transformation of women's social roles, it did not reject a separate, unique female identity. "The idea of separate spheres," as Rachel G. Fuchs remarks, "was a bourgeois or middle-class male ideal. Nineteenth-century women in poverty lived in an era when bourgeois gender norms clashed with the experiences and necessities of working-class

life. For the poor, the separation of the private and public spheres was primarily a prescriptive category that even in the discursive realm had little applicability for them.”¹

Napoleon finished his revolutionary opus concerning woman by creating *The Napoleonic Code*, the most significant of his achievements, which, beginning in 1804, would serve as the model for codes and laws in Europe and throughout the world. This imperative legislation that curtailed women’s rights, dominated Europe for more than a century (in some countries, some of its provisions are stipulated even nowadays). The *Alexandru Ioan Cuza Code* (1860) and the *Carol I Code* (1966) adopted in their entirety the provisions of *The Napoleonic Code*, ignoring the former statutes concerning women in the *Calimach Code* in Moldavia (1817), *Caragea* or *Doinici Code* (1818, the first Code in Wallachia), which were abruptly abandoned.

Inspired by military organization, taking the warrior as its model, *The Napoleonic Code* also reinforced patriarchal power by making the husband the ruler of the household whereas the woman was reduced to the role of a creator of future soldiers, the very reason for her existence. His Civil Code places the family under the man’s authority, and in marriage, the husband became the absolute owner of all material and moral goods. The very basis of all Napoleonic legislation was the preconceived superiority of the man.

The rights of full equality and individual liberty with no exception of social class, age or profession were stipulated for the first time in the ‘Constitution of Moldavia’ of the year 1882. But these principles did not refer to women at all. In 1866, politicians put into question for the first time the women’s right to vote. But the new Constitution that was ratified the same year placed women among children, lunatics, criminals, and excluded them from any political rights. For a variety of reasons, partly because of their exclusion from male organizations and partly because of cultural beliefs that emphasized the differences between women and men, women’s

political culture flourished in separate institutions. A major strong feature of Romanian feminism prior to 1938 (when the women were given the right to vote, Romania being a kingdom at that time) was the separate female organizations that sustained women's participation in both social reform and political activism. The expansion of women's political culture after the War of Independence laid the foundation for the greatest political mobilization of women in Romanian history – a lot of committees for women.

Marriage and/or Divorce: Women's Roles in the Private Space

The family tends – in the nineteenth century from partly political reasons– to absorb all functions, including the sexuality, whose “crystal” (Michel Foucault) is to define the rules and the norms. Women thought about marriage in terms of romance and companionship rather than a simple economic partnership. Thus some of the journals, magazines, and conduct books chose young ladies as their target: *Familia (The Family)*,² 1880–1906, *Femeia română (The Romanian Woman)*, 1878–1880, *Munca (Work)*, 1889, *Gazeta feminină (The Feminine Gazette)*: 1908, *Rândunica (The Swallow)*, 1893, *Unirea Femeilor Române (The Union of Romanian Women)*, 1908, *Drepturile femeii (Women's Rights)*, *Căminul (The Home)*, *Mama și copilul (Mother and Child)*: 1865–1866. In 1887, Cleopatra Arca wrote *Cartea bunei cuviințe (The Book of Good Manners)*.

In the 19th century Romanian society, matrimonial arrangements were most often made by fathers. In most of the cases, the father believed his decision was based on scientific and rational arguments. Therefore, the man reserves for himself the right of absolute control over a woman's actions: on the visits received or paid by the wife, on her visits in the town and on her personal

mail. At the end of the 19th century, this latter topic started a controversy, but a woman's right to the intimacy of her personal mail was still denied by the majority of the magistrates in Romania.

Taking into account the *Calimach Code* (1817) in Moldavia and the *Caragea Code* (1818) in Wallachia, the ecclesiastical instances pronounced many divorces, which, later, were pronounced by civil courts of law. According to 'Article 108' of the *Calimach Code*: "Even if they have a proper age, married people cannot dissolve marriage by themselves, even if they can prove that their marriage was not strong from the first."³

Most of the divorces were registered among the upper class society, and most of the time, new marriages were already contracted. In three-quarters of the cases, the woman is the one that asks for divorce, editing a complaint and submitting it to the court of law. "The bad living," that is the non-observance of the matrimonial obligations, "the passion for drinking" or "cheating" are the most common reasons. These accusations are not in concordance with the provisions of 'Article 63' in the *Calimach Code*, according to which: "The bonds of the family are set up through the marriage, by which two persons, a man and a woman, show a legitimate will and desire to live in a legitimate and inseparable association, in love, honesty and in fear of God, to give birth to babies, bring them up, and to help each other as much as they can in all the endeavors."

A husband who wanted to get rid of the marriage bond submitted a petition to the metropolitan bishop that ordered an inquiry conducted by members of the church court. The inquiry contained cross-examinations, and hearing of witnesses, the reasons invoked being examined in a scrupulous manner. The approval of the church court was sent to the metropolitan bishop that, usually, gave the partners a period of thinking reflection that lasted one year or even more, agreeing sometimes to bodily separation and urging the partners to reconciliation. The reasons for which a man can divorce "because of the woman" are more numerous than those

written in ‘Article 121’ of the *Calimach Code*: “1. If knowing that a copulation is set up against the mastery and the public security they did not reveal it to her husband; 2. If it was proved that she cheated on her husband or was prosecuted for a criminal deed; 3. If she showed enmity against her husband’s life or if knowing that others showed enmity against him she did not reveal this to him; 4. If she feels delight in eating or drinking or in bathing together with other unknown persons without her husband’s consent; 5. If, without her husband’s consent, she goes into an unknown house, other than her parents’, or if her husband ousts her – and she is not guilty of the reasons mentioned above – and because she does not have parents or they live too far away, she spends the night in another place; 6. If without her husband’s knowledge or will she goes to search out other similar places; 7. If she causes the death of her children on purpose or kills them after they are born; 8. If she totally gives in to a passion for drinking.”

In accordance with the two *Codes* the ecclesiastical instances pronounced many divorces that were solved later by the civil Court Laws. The highest rate of the divorce cases are registered among members of the upper class, when new marriages were already settled. In accordance with ‘Article 385’ of *The Civil Code*, there was some dignity in the widows’ dower rights acknowledged by common law which recognized the right of married women to acquire a separate estate, over which the husband’s customary common-law rights did not extend. When the *Napoleonic Code* became the constitutional law in Romanian Principalities, women were left in a position of inferiority as compared to men, not only with regard to political rights, but also with civil rights.

Regarding the wealth that composed the dowry, the *Calimach Code* stated that a woman “can freely decide, according to her own will and pleasure” (Article 1659), while the *Caragea Code* stipulated that: “she is free to sell it, to pawn it, to borrow it, to give it” (Article 46), unlike the

Roman Civil Code, which was included in the *Napoleonic* one, revealed that the woman “cannot give it, estrange it, lend it without the man’s consent” (Art. 199).

In accordance with ‘Article 19’ of the *Civil Code*, if a Romanian woman marries a foreigner she has to follow her husband and if she becomes a widow she will gain back her Romanian rights. There was not mentioned the hypothesis while a widow she remarries for the second or the third time with another foreigner.

Many young women that became widows did not want to remarry because of the institution of tutelage, which severely curtailed their rights. ‘Articles 345–348’ restrained the tutelage rights of the mother on her children, when the father is deceased. The husband hired a “custodian council,” and if his wife remarried after his death, she lost the tutelage over the children in case that she did not ask and did not get “the favorable agreement of the family council.” This was not applied in a husband’s case. He could remarry anytime, remained the tutor of his minor children and continued to administrate their wealth even if it had belonged to the deceased wife. ‘Article 203’ stipulates that at her husband’s death, the married woman had to demonstrate the provenience of each of the objects from their home, whether from her dowry or not, otherwise all her wealth passed as fortune for the husband’s relatives or for his children. In the divorce case the man is not obliged to give back the fortune of his wife, except only after a year from the separation, without anyone could be bother by someone, only if the separated women have or not means to survive during all this time.

The 19th century was a time of reassessment of theories of the sexes, though this greater scientific openness was still reined in by the moral control of the Church. Women’s sexuality constitutes the object of permanent observation by the religious authorities. The intolerance towards illegitimate pregnancies is terrible. Single women are struggling to survive as ‘Article

307' of the *Napoleonic Code* ceases the search for paternity, but 'Article 308' says: "The search for maternity is received." While sex was a natural thing for men, who had total sexual freedom within and outside of wedlock, for women sexuality had to take place only within marriage and, in most of the cases, sex was only for procreation.

Women's Roles at the Borders of Public Space: Literary Salons and Politics

Most of the first Romanian women writers stepped on the literary scene as journalists. They were supported by their husbands who were also journalists or politicians, and most of them initiated and managed journals dedicated to women. In their writings they approached issues considered taboo at that time: deficiencies in girls' monastic education, lack of sexual education, virginity, divorce, prostitution, abortion, feminism, incest, interethnic marriages, celibacy, companionate marriages/ sisterhood, nuns, birth control, sexual division of labor. Constanța de Dunca-Schiau ran the feminist newspaper *Amicul familiei* (*The Friend of the Family*), 1863–1865. Adela Xenopol set up the journal *Dochia*: 1896-1898, and ran other three journals: *Românca* (*The Romanian Woman*), 1905-1906, *Viitorul românelor* (*The Future of Romanian Women*), 1912–1916, and *Revista scriitoarei* (*The Woman Writer's Journal*), 1926–1928. Eliza V. Cornea edited the journal *Rolul femeii* (*The Woman's Role*), 1883, Emilia Tailler was the director of *Jurnalul femeii* (*The Woman's Journal*), a journal with articles focused on education and fashion. Constanța Hodoș, published between 1905–1907, and then, 1914–1916, *Revista noastră* (*Our Journal*), a literary, artistic and social journal.

The second half of the century is the epoch of the *artistic and literary salons* organized by rich and respectable women. Thus, they could find their social identity. "To keep" a salon

becomes for women a means of escaping from anonymity. They were competing against each other to invite all the artists and writers in fashion. At the same time, it was a competition meant to represent the most elegant salon, with a “fancy taste.”

In Paris, Princess Hélène Chrissoveloni had a luxurious cultural salon at Ritz being in a direct competition with Anna de Noailles, Marthe Bibesco, Hélène de Caraman-Chimaya, Hélène Vacaresco. All these Romanian women writers living in Paris were offering their salons to literary events and they were competing each against other and all of them against the American writers Natalie Barney and princess Wineretta Singer de Polignac. Princess Elena Bibesco played an active part in the Parisian artistic life of Belle Époque. Among the personalities attending her salon we could mention famous painters: Pierre Bonard, Puvis de Chavannes, Edouard Vuillard, Henri Martin, writers: Pierre Loti, Anatole France, Jules Lemaitre, Marcel Proust, sculptors: Aristide Maillol or musicians – Debussy, Gounod, Saint-Saëns, Massenet, Chausson, Fauréand, Enescu.

Otilia Cosmuță opened a literary salon in Paris and invited cultural personalities who lived in Paris at that time: Brâncuși, Picasso, Chagall, Modigliani, Joseph Csaky, BrăssLipchitz. Coralia Biberi organized her literary salon in the garden of the house in Iasi. Eliza Brătianu ran a literary salon for 50 years. She invited the most important personalities of political and cultural Romanian society and along with other Romanian prominent women like Maruca Cantacuzino, Veturia Goga, Cella Delavrancea, Irina Procopiu, Maria Ventura, and Queen Maria, she organized cultural events in order to raise funds for Romanian soldiers who were fighting in World War I.

During 1848 – 1849, women from the high society took part along with their husbands or brothers into the Revolution from the Romanian Principalities: Maria Rosetti, Ana Ipătescu,

Catinca Carac Odobescu, Maria Eliade Rdulescu, Sevastia Blcescu, Elena Cuza, Efimia Pleşoianu, Zoie Golescu, Pelaghia Roşu. They also fought for women's emancipation and the "Amendment 16" of the Izlaz Proclamation (June 9, 1848) stipulated equal education for both of the sexes. In the 1870's, when debates, conferences, and public lectures regarding woman's situation in the political activity often took place, representatives of bourgeoisie and landed gentry agreed that a woman must be "only wife, mother, and administrator of the house." They took part neither as electors nor as eligible candidates. Also, they were not allowed to occupy a position in the state, a fact that was clearly mentioned in "Chapter 1" of the *Caragea Code*: "only men can become boyars, judges, and public rulers," while "women are kept separate from all political ordeals and political positions."

The issue of woman's right to vote was discussed for the first time in 1866, when this provision was supposed to be added to the constitution, thus the debates were numerous and contradictory regarding the woman's right to vote. It had been issued the electoral law and the universal vote. Encouraged by this evolution of ideas, women sought to guide their movement seriously. In the summer of 1918, after some series of summits held in the Lecture Hall of the University of Iasi, the "Association for the Romanian Women's Civil and Political Emancipation" was set up having as a main purpose to get civil and political rights, on one hand, and to motivate women in general, in such a way that each of them to signify an increase for her family and people, on the other hand.

During the appointment (July 18, 1919) in Parliament that was awarded to the delegates of the "Association for the Civil and Political Emancipation of Romanian Women" even M. S. Queen Maria declared that she had also been a participant in the fight for women's right to vote and embraced with warm wishes the Romanian women's movement of emancipation.

Conclusions

For a variety of reasons, partly because of their exclusion from male organizations and partly because of cultural beliefs that emphasized the differences between women and men, women's political culture flourished in separate institutions. A major strength of Romanian feminism prior to 1938, when the women got the vote, was the separate female community that helped sustain women's participation in both social reform and political activism.

Most Romanian feminists did not adopt the radical demands for equal status with men that originated at the different feminist meetings throughout the 19th century. Rather, they preferred to retain membership in a separate female sphere, one which they did not believe to be inferior to men's sphere and one in which women could be free to create their own forms of personal, social and political relationships. The achievements of feminism at the turn of the century came less through gaining access to the male domains of politics and the professions than in the tangible form of building separate female institutions. At work, beyond the stereotypes of the "feminine" work-places which Holmes and Stubbe try to identify, in social life, and in politics, women hoped to become equals by adopting men's values and integrating into their institutions.⁴

1. Fuchs, G. Rachel (2004), *Women in Nineteenth-Century Europe*. Basingstoke Hampshire: Palgrave Macmillan, 7.

2. My translation. All the references to the Romanian books or other publications are in my translation.

3. Some of my comments on the codes and laws appeared in my article “(Un)gendered Private Space in Nineteenth-Century Romanian Society,” *Journal of Research in Gender Studies*, vol. 1(1), 2011.

4. Holmes, Janet, and Maria Stubbe (2003), “‘Feminine’ Workplaces: Stereotypes and Reality,” in Janet Holmes and Miriam Meyerhoff (eds.), *The Handbook of Language and Gender*. London: Blackwell, 577.