

The Modernity of Women. Jenny P. d'Héricourt's Contribution to Social Theory (1809-1875)¹

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One of the most influential embodiments of social thought emerged in post-revolutionary France as an attempt to interpret the epoch-making phenomenon of the Revolution as to its origins and consequences. Admittedly there were numerous links to the philosophical and political thought of earlier centuries, in particular, the Enlightenment and Scottish moral philosophy. But the Terror and the stark divisions in the wake of the French Revolution demanded a novel explanation of the significance of these violent events; new interpretations of social change and stability were required. From the very beginning, authors who were concerned with societal organization in this vein linked the quest for theories about the 'social bond' in modern society with assumptions about the 'sexual bond' (Fraisse, 1992: 49).²

Auguste Comte is a particularly evident case in point: In no respect did the 'lamentable mental anarchy' of contemporary society seem more striking to him than in the attempts to claim the enfranchisement of women. Such claims, he argued in 1843, contradicted the hierarchical order of the sexes as it was based in physiology and functional to societal order and were worth no more than unscientific sentimentalities, alien to the positive spirit of the new human sciences (Comte in Mill, 1899: 245). They bypassed what he believed to be the female mission, namely to alleviate the moral ravages of the present on the grounds of her domestic nature and her instinctive distaste for all things modern. Charged with the dissemination of the secular positivistic religion that Comte had devised to establish social cohesion in a perceived anarchistic society, women should act as a veritable bulwark against the excesses and anomalies of social change.

While the decisive 'metaphysical', or 'religious', turn in Comte's intellectual biography – triggered by his relationship with Clotilde de Vaux – has gone down as a 'bizarre episode' in the history of the social sciences (Lepenies, 1988: 34), the systematic impact of his theory of sexual difference on his conception of sociology was consistently ignored. Not only does this omission reveal of a selective dealing with Comte's work, but it also leaves in the dark the embattled terrain on which he devised his theories. While Comte's socio-physiological foundation of sexual hierarchy was indeed to be engrained in emerging social

theory, it was highly contested at the time – not only by John Stuart Mill whose breaking with Comte over the woman's question is well known, but also by an author who opposed Comte with clearly sociological arguments: Jenny P. d'Héricourt.

If, as his biographers tell us, Auguste Comte had his writing desk faced towards a mirror and 'was always looking at himself' while writing (Lepenies, 1988: 46), d'Héricourt must have worked at an open window. Her thinking was shot through with an empirical approach to contemporary society that served as the starting point, reference and correcting force for her theoretical work. From that perspective she criticized Comte's blueprint for social order:

It is said, sir, that you no longer read. Indeed, I have noticed this, for you do not appear to know anything about the mental and material condition of the various members of our French society, in particular as far as my sex is concerned. (D'Héricourt, 1855: 59)

For a long time now, d'Héricourt observed, women had been involved in the social change brought about by the Enlightenment, the Revolution and industrialization, leading to their becoming part of modern society. And this, she contended, was not, as Comte would have it, a sign of social anarchy, but the positive achievement of post-revolutionary society. Those who did not take this fact into account when theorizing on modernity, those who denied its legitimacy and tried to bring it to a halt by devising opposed normative prescriptions, aimed at nothing less than the 'social annihilation of woman' (*l'annihilation sociale de la femme*) (d'Héricourt, 1860a: I, 166). To prove the empirical falseness, the political injustice and the conceptual defectiveness inherent to this theoretical maneuver was the goal d'Héricourt set herself, devising her work as a 'response to the modern innovators' and calling it a 'philosophical theory of rights' (d'Héricourt, 1860a: I, 8).

Jenny P. d'Héricourt is today a little-known thinker with neither institutional nor academic legitimacy at her time. The consideration her work has been afforded posthumously is limited to her advocacy of women's emancipation and the emancipation of the working classes. Yet, it was precisely her concern with women's relationship to modernity and her critique of contemporary theories of sexual difference that steered d'Héricourt's thinking along the sociological tracks that her opponents had left when devoting themselves to the creation of various ontologies of sexual difference. However, this very concern entailed her being placed exclusively in the history of feminism and catapulted her out of the tradition building efforts in sociology to come. Thus, her story is revealing not just as to the history of social thought but also

as to mistaken demarcations that organize historiographic work in 19th century intellectual history by setting apart the history of feminist thought from the one of emerging human and social science disciplines.

‘Daughter of her century’: Biographical outline

Jenny P. d'Héricourt was born Jeanne-Marie-Fabienne Poinsard on 10th September 1809 in Besançon.³ Republicanism and enlightened Protestantism characterized her modest middle class home environment, her mother being a Calvinist of Swiss origin and her father, a watch-maker, coming from the Lutheran village of Héricourt. D'Héricourt would always feel a deep bond to her origins. The moral strictness of her mother is often mentioned in her work, and, with the pseudonym, ‘d'Héricourt’, that she was to take on after the 1848 Revolution, she was harking back to her Protestant origins. After her father’s death in 1817, she moved with her mother to Paris, where she obtained a teacher’s diploma in 1827. Five years later she married Michel-Gabriel-Joseph Marie, an employee at the Bourbon Palace, whom she left after four years. As divorce was prohibited in France between 1816 and 1884, she was still officially married at the time of her death.

From 1836 on, d'Héricourt attended private lessons in anatomy, physiology and natural history, and obtained a diploma in homeopathic medicine. As access to the academic study of medicine was barred to French women up until some time during the 1870s she arranged to be trained as a midwife from 1852, received the degree of ‘*maîtresse sage femme*’, and opened a practice for obstetrics and women’s and children’s diseases. The very experience of being excluded from academic education became an important motivating force in d'Héricourt’s trajectory as an intellectual. Furthermore, her medical practice conveyed her an intimate knowledge of female life conditions.

Calling herself a daughter of her time, a ‘*fille de mon siècle*’ (d’Héricourt, 1860a: II, 7), d’Héricourt pointed up her association not only with the principles of the French Revolution but also with post-revolutionary political movements. Already as a young girl, d’Héricourt was impressed by the Saint-Simonians, who had taken up ‘the two capital problems of our epoch; *the emancipation of woman and of the workman*’ (d’Héricourt 1860b: 174 and 1860a: I, 25). In the 1830s and 1840s, early socialism was to contribute decisively, albeit with an utterly fickle attitude, to the discussion about the order of the sexes in modern times. In this period, d’Héricourt entered the public arena. In 1844, under the pseudonym of Félix Lamb, she published a two-volume novel of social criticism. Starting in 1847 she worked as a staff member at *Le*

populaire, the newspaper of the utopian communist, Etienne Cabet. But soon d'Héricourt left this circle, reproaching Cabet for neglecting the woman question. She would now publish under the name of Jeanne-Marie in the feminist press, i.e. in *La voix des femmes*, and, in gentlemen's clubs, she publicly defended women's claim to equality, becoming co-founder of the *Société pour l'Émancipation des femmes*.⁴ However, as early as February 1848 it became clear that the Second Republic was not going to meet feminist demands for equality. And in 1851, the Republican Revolution gave way to the Second Empire.

Notwithstanding the henceforth repressive political climate, d'Héricourt pressed, in the 1950s, further onto 'the ground which men preserve for themselves' (d'Héricourt cited in Offen, 1987a: 156) by engaging with the writings of contemporary social theorists. She became part of the circle that gathered around the *Revue philosophique et religieuse* in Paris, a left-wing liberal and Protestant journal that was published between 1855 and 1858. This network was all the more important for her work as feminists were completely isolated during the Second Empire. In the pages of the *Revue philosophique et religieuse* began the so-called '*querelle des femmes* of the Second Empire', between, among others, Jenny P. d'Héricourt and Juliette Adam on the one side, and Pierre-Joseph Proudhon and Jules Michelet on the other (Moses, 1984: 151-172). However, d'Héricourt's publicity infrastructure was fragile, and finally collapsed: When, in 1857, the editors printed two vehemently anticlerical articles of hers, Napoleon III prohibited all further publication of the journal.

In 1860, d'Héricourt's main, two-volume work *La femme affranchie* was published simultaneously in Brussels and, in a strongly abbreviated English translation entitled *A Woman's philosophy of Woman, or Woman Affranchised*, in New York.⁵ In the first volume she gathered various critiques of contemporary political movements and social theorists. In a second volume, she added a theory of rights, an analysis of the life conditions of women in French society, proposals for legal reform and a programme for the organization of a women's movement. The latter included the outlines of a pedagogy which should turn young women into 'good, conscientious trainees in theory, better at sociology and ethics than all our wonderful phrasemongers' (D'Héricourt, 1860a: II, 244).

In 1863 or 1864 d'Héricourt emigrated to the USA. From roughly 1863 to 1873 she lived in Chicago, where she formed close bonds with American women's rights campaigners and established links between the French and American women's movements. In New York d'Héricourt urged the founding of a *World Women's League*, that could campaign for women's rights and world peace. Having earned her living teaching French, she finally returned to France with little in the way of savings. In her luggage she carried two manuscripts that were apparently

burned after her death at her instigation: a study of morals and manners in America and a fictitious dialogue between three philosophers. Early in 1875 Jenny P. d'Héricourt died of a brain hemorrhage. In accordance with her wishes she was buried in a mass grave at Saint-Ouen in Paris, the cemetery for paupers.

Modern innovators: The 'social annihilation' of women

D'Héricourt began, in *La femme affranchie*, her evaluation of contemporary theories on sexual difference by scrutinizing various streams of utopian socialism or, as she called them, 'modern communists', 'political' (*Égalitaires, Unitaires, Icariens*) and 'religious' (*Saint-Simoniens, Fusioniens, Philadelphes*). While crediting the Saint-Simonians with putting the social question and the woman question on the agenda, she refuted the Trinitarian mysticism and delusional philosophy of history which informed their theories. Their assertion that men and women were equal before God because the latter was androgynous, might be true, wrote d'Héricourt, but is irrelevant as it reveals of pure 'metaphysics' and, hence, lies outside the reach of positive knowledge (d'Héricourt, 1860b: 203 and 1860a: I, 223). Whereas the Saint-Simonians as well as the other utopian socialists 'sensed' the right principles, she maintained, their theories were defective and their utopian blueprints were neither feasible nor desirable.

More vehemently even, d'Héricourt opposed those who thought they could derive theories on women's role and status from biology and medicine: Jules Michelet, Auguste Comte and Pierre-Joseph Proudhon. She targeted those authors, when she wrote, in the preface of *La femme affranchie*:

Several of the adversaries of the cause which I defend, have carried the discussion into the domain of science, and have not shrunk before the nudity of biological laws and anatomical details. I praise them for it; the body being respectable, there is no indecency in speaking of the laws which govern it; but as it would be an inconsistency on my part to believe that blamable in myself which I approve in them, you will not be surprised that I follow them on the ground which they have chosen, persuaded that Science, the chaste daughter of Thought, can no more loose her chastity under the pen of a pure woman [*honnête femme*] than under that of a pure man [*honnête home*]. (D'Héricourt, 1860b: xf and 1860a: I, 8-9)

In his books, *L'Amour* (1859) and *La femme* (1860), the Romantic historian, Jules Michelet (1798-1874), had represented woman as being, due to her menstrual cycle, weak, wounded and diseased, and thus psychologically volatile. D'Héricourt counters that, in principle, no physiological function could ever be morbid, and hence menstruation could not be described as a disease. In individual cases, in particular in the upper classes, there could be morbid phenomena, but they were exceptions. Therefore, in her view, Michelet was violating the principles of rational thinking by concluding general rules from a few exceptions, constructing imaginary laws and making these the starting point of his theorizing (d'Héricourt, 1860: 17-32 and 1860a: I, 91-109).

As is well known, Auguste Comte (1798-1857), too, claimed to rely on biology and physiology when he propagated a hierarchical segregation between men and women as the basis of societal order which he believed discernible by means of phrenology and the 'moral physiology' of the Montpellier school (Comte in Mill, 1899: 32; Honegger, 1991). Women's brain structure, he argued, enabled them to perform emotional, but not intellectual or productive functions. Referring to phrenology, for her part, d'Héricourt countered this argument:

Since you believe in Gall and Spurzheim, you know that the encephalon of the two sexes is alike, that it is modifiable in both, that all education is founded on this modificability; why has it never occurred to you that if man *en masse* is more rational than woman, it is because education, laws and custom have developed in him the anterior lobes of the brain; while in woman, education, laws, and custom develop especially the posterior lobes of this organ; and why, having established these facts, have you not been led to conclude that, since organs are developed only in consequence of the excitants applied to them, it is probable that man and woman, subjected to the same cerebral excitants, would be developed in the same manner, with the shades of difference peculiar to each individuality; and that for woman to be developed harmoniously under her three aspects, she must manifest herself socially under three aspects? (D'Héricourt, 1860b: 132-133 and 1860a: I, 124-125)

Contrary to Comte, d'Héricourt stressed the plasticity of the human brain. As the natural design of human beings is capable of being molded, a non-deterministic Nature is the starting point for collective or individual development which leads to a 'second nature' (d'Héricourt, 1860a: 225) acquired through habitualization within a social milieu and under a specific educational

influence. Hence, there can be no biological justification for women's exclusion from production and intellectual endeavors:

Be sure, sir, [...] in the presence of the physiology of the brain, all theories of classification fall to the ground: before the nervous system, women are the equals of men: they can be their inferiors only before muscular supremacy, attacked by the invention of powder, and about to be reduced to dust by the triumph of mechanism. (D'Héricourt, 1860b: 133 and 1860a: I, 125)

Whatever different features women and men expose in their faculties, those are, according to d'Héricourt's reasoning, progressively products of social norms. In arguing so, she not only attacked Comte's recourse to a deterministic Nature, but she also undermined his whole theoretical system: Reducing the woman's question to a matter of biology (and assigning it to 'social statics' which he deemed only a prerequisite for 'social dynamics' as the proper domain of sociology), he declared it to be, at the same time and in a remarkable yet not atypical inversion, 'one of the most fundamental questions of sociology' (Comte in Mill, 1899: 245). The argument goes as follows: Due to their emotional and domestic nature, women are capable of stimulating, within the confines of the family, the underdeveloped 'social instinct' of men and children. Only through this 'moral refinement' would men learn to restrain personality – equated with egoism – in favor of sociability – equated with altruism – in order thus to acquire the civic spirit that would enable them to act outside the home (Comte, 1891: 289-90). Whereas, by way of this logic, Comte conferred upon women the responsibility of making sociability possible, he kept them apart from society: They are assigned, by nature and function, to the family which is a counterpart to society because it binds its members in only a rudimentary specialization of labor. At the same time, however, Comte propagated the family as a model for the hierarchical organization in a positivistic society since in the family arose women's subordination to men and the one of the younger to the older (Comte, 1975: lesson 50).

'Double-bound' he conceived both family's relationship to society – as a counterpart and a model – and women's status – as 'moral missionaries' charged with the task of solving society's most urgent problems and as a-social beings subject to men's political control. Both the development of altruism and the establishment of hierarchy Comte believed necessary to create and organize order in a society built upon modern forms of production which threatened to get out of control by exaggerating specialization. Those paradoxes did not escape d'Héricourt's criticism: 'Upon the whole, you see, my female readers, that if M. Comte believes us weaker

than men in body, mind, and character, in return, he believes us better. We are moral providence, guardian angels' (d'Héricourt, 1860b: 129 and 1860a: I, 121).

Whereas d'Héricourt appears distant in her criticism of Comte, despite all the polemics, and whereas she pulled apart his theory with satire and sarcasm, the dispute with Pierre-Joseph Proudhon (1809-1865) was both more complicated and more hostile. To an initial criticism from d'Héricourt Proudhon answered in an unusually invidious tone:

No, Madam, you know nothing of your sex [...]. And, if you do not comprehend this question; if, in your eight pages of reply to my letter, there are forty paralogisms, it results precisely, as I have told you, from your *sexual infirmity*. I mean by this word, the exactness of which is not, perhaps, irreproachable, the quality of your understanding, which permits you to seize the relation of things only as far as we, men, place your finger upon them. You have in the brain, as in the body, a certain organ incapable by itself of overcoming its native inertia, and which the masculine spirit alone is capable of setting in motion; and even this does not always succeed. (Proudhon, 1857: 165, cited according to the translation in d'Héricourt, 1860b: 48)

As d'Héricourt's views on social theory, in their emphasis on industrial labor, the division of labor and the human rights of the individual, are actually akin to Proudhon's, he became her most important and disturbing opponent. Proudhon advocated the same notions of equality as she did, but he applied them only to men, his theorizing of the relationship between the sexes not being distinguished from the construction of a Comte, whose rigid authoritarianism was otherwise opposed by Proudhon, and not even from that of the Romantic, Michelet. Indeed, when it came to women, d'Héricourt observed, Michelet's and Proudhon's views were only 'two manifestations of the same kind of thinking': 'the sole difference that exists between these gentlemen is, that the first is as sweet as honey, and the second as bitter as wormwood' (D'Héricourt, 1860b: 20 and 1860a: I, 94)

Proudhon's statements were, indeed, characterized by marked brutality. Instead of emancipating women, he suggested one would better lock them up. Since the difference between the sexes in the human being corresponds to the difference between species, he argued, woman can only ever be a complement to man: 'housewife or courtesan', according to his now famous saying. Therefore, she can become neither a contracting partner nor a citizen nor a bearer of public office which, Proudhon maintains, follows from the fact that woman lacks the capacity to produce germs and thus ideas.

In her critique, d'Héricourt accuses such reasoning of being based on false analogisms and setting up mistaken generalizations:

You chose a few remarkable men, in whom, by a convenient process of abstraction, you beheld *all* men, even to cretins; you here took a few women, without taking into account in the slightest degree any differences of culture, instruction, and surroundings, and compared them with these eminent men, taking care to forget those that might have embarrassed you; then, deducing generals from particulars, creating two entities, you drew your conclusions. (D'Héricourt, 1860b: 60 and 1860a: I, 156)

When dealing with men, d'Héricourt argues, Proudhon abstracts from all contexts, qualities and, especially, physical features in order to substantiate their equality before the law. When it comes to women, however, he legitimizes their subordination by referring to a bundle of anatomical and physiological features. Such reasoning boils down to plain discrimination on the basis of sexual difference: 'We find that you accord right to qualities and functions, *because the individual is a man*, and that you cease to recognize it in the same case, *because the individual is a woman*' (d'Héricourt, 1860b: 221 and 1860a: II, 45).⁶ This, however, goes against Proudhon's own principles of universal equality, d'Héricourt insists. And the contradictory logic operating here rests on false generalizations. At those, d'Héricourt took a close look.

In the depths of metaphysics: Classifying sexes

In a more general chapter of *La femme affranchie*, d'Héricourt argues that all 'classifications of the sexes' and all 'theories of the nature of woman' incorporate peremptorily false generalizations. While 'men, and women after them, have deemed proper hitherto to class man and woman separately; to define each type, and to deduce from this ideal the functions suited to each sex' (d'Héricourt, 1860b: 225 and 1860a: II, 102), neither one nor the others did admit that numerous facts refute such classification. Hence, she wrote with a hint at Proudhon, not a deficient female capacity for abstraction made her refrain from devising a general theory of sexual difference, but the inadequacy of such constructions which could only ever rest on an unprovable *a priori*. In order to illustrate her epistemological objections to any such theorizing, she drafted, by way of an intellectual satire, four theoretical scenarios. They all take up elements of existing theories while exposing the arbitrary logic of such theorizing in general. In what follows, we paraphrase these scenarios (d'Héricourt, 1860b: 226-240 and 1860a: II, 103-118):

1st Scenario: Women and men differ solely by their procreative function; all other supposedly 'natural' distinguishing characteristics can be refuted empirically and exposed as products of arbitrary causes. Since the human organs expand or contract according to the behavior of human beings, it is education, culture, prejudice or imposed habits that mark the brains of women and men differently. Consequently, any education that is not gendered would do away with all differences not related to procreation.

2nd Scenario: The sexes differ physically, intellectually and morally and, consequently, in their modes of behavior and activities. This justifies hierarchy, based on the principle that the sex more valuable for the evolution of the species is placed above the other. As can be seen in his hairiness and deep breathing, man is closer to animality and, hence, an underdeveloped variant of woman, standing between her and the species of great apes. Woman, on her side, is the creator and custodian of the species since she carries the human germ inside her, whereas it is uncertain whether man is indispensable for procreation. In any case, human science will make his procreative performance superfluous in the future.⁷ In analogy to the human germ, women also bear the germ of intellectuality and morality. They are careful observers, whereas men construct paradoxes and lose their senses in the depths of metaphysics. They are, by their gentleness, morally superior to the brutal and insensitive man. While the muscular man did fulfill a civilizing task, humanity's destiny now lies beyond the mere subjection of Nature and, consequently, women must take on the directing of human affairs.

3rd Scenario: Every classification of the human species is a subjective creation and an illusion of the mind. In truth, Nature hates repetition and, hence, no human being resembles another. Since the diversity of humanity does not bear classification, the individuality of every human being must be respected and the same rights granted to all of them. Human order can only arise from competition between free, individual faculties, whereas an artificial order, based on classifications, constitutes disorder as it leads to cruelty, oppressing those who do not correspond to their assumed type, or compelling them to be hypocrites. The mania for classification has borne bitter fruits as the division of humanity into castes, classes and sexes has largely caused the misery contemporary society is afflicted with.

4th Scenario: Female and male organisms are different in all their aspects. Woman has more sensitive nerves, fewer compact bones, weaker muscles etc. Intellectual and moral differences correspond to these organic ones: their sensitive nervous system makes women more susceptible to impressions, physical weakness gives rise to both cunning behavior and a need for protection, and motherhood ensures that they will be hostile to destruction. Since women think in concrete terms and make keen observations, they are particularly suited to scientific and

philosophical activity: They correct the male drive for abstraction, thus dispelling ontologies, and they are aware that generalizations are inadmissible. Hence, a genuine philosophy and a true science of the human being will bear the mark of both sexes. The same holds true for the production of goods, medicine, law, public administration and politics. Precisely because the sexes are different, women's participation is needed in all areas.

D'Héricourt's four scenarios take up contemporary theories of sexual difference, representing them as a pattern in the logic of which all possible interpretations or ideas can be propounded. She disagrees with all four theories proposed, being convinced neither of the identity of the sexes nor of the superiority of one, nor of the absence of sexual difference, nor of complementary sex characters.⁸ In a Kantian vein, d'Héricourt questions what all these theories must presuppose, i.e. that the essence of a pre-social difference between the sexes is amenable to understanding. As this is not possible, theorizing about sexual difference can take as its starting point only actual differences between men and women, thus confusing that which is the product of education and power relations with a difference that is stated as being beyond the social. And this holds true not only for sex, but applies to all 'classification of the human species, whether in castes, in classes, or in sexes' (d'Héricourt, 1860b: 244 and 1860a: II, 123). However, she does not discard the very idea of sexual difference:

We do not give a classification, because we neither have nor can have one; the elements for its establishment are lacking. A biological deduction permits us to affirm that such a one exists; but it is impossible to disengage its law in the present surroundings; the veritable feminine stamp will be known only after one or two centuries of like education and equal rights. (D'Héricourt, 1860b: 243 and 1860a: II, 122)

Yet even then, the *essence* behind the phenomenon of 'different sexes' would defy human understanding: 'Our intellect can only recognize the phenomena and the laws governing them, not the essence of the things or their ultimate causes. The latter do not belong to the domain of science' (d'Héricourt, 1860a: II, 253). Reality beyond the manifest appearance of phenomena could, she said, never be adequately represented by knowledge, because knowledge always organizes itself into categories that abstract from the many-facetedness of reality. Concepts systematize and classify reality, but do not coincide with it:

We observe concrete phenomena, compare them and establish similarities or differences. Our faculty for abstraction enables us to detect individual similarities, and, from them, we

construct a phenomenon that only exists in the imagination, that one calls a species, group or family etc. But in reality, in Nature, there are only more or less similar or dissimilar individual beings: Abstractions are not things. (D'Héricourt, 1860a: II, 250-51)

If objective reality is only manifest in its appearing, the abstracta, 'woman' or 'man', exist solely as qualities of a female or male individual. Like any other phenomenon, belonging to a particular sex links an idea about some abstract property (e.g. the color blue or femininity) to the manifestation of that property (e.g. a blue flower or a female individual). Now, if the category 'sex' is only conceivable by abstracting from the individuality of all men and women, and, at the same time, the quality 'sex' is only realized in an individual, sex and individuality can never be reduced to each other: 'There are as many different men and women as there are men and women composing the species' (d'Héricourt, 1860b: 230 and 1860a: II, 14).

Anti-nominalism, anti-essentialism and anti-realism set up the epistemological framework that d'Héricourt lays out for the debate about sexual difference. There may well be a pre-social difference, she contends, which, however, only manifests itself in individuals, and does not coincide with differences that have been generated socially. Such a pre-social difference between the sexes cannot be represented in knowledge, but only tentatively interpreted by means of abstraction; thus it always remains the product of intellectual activity. In arguing so, d'Héricourt combines the reference to a 'natural' – or, more adequately, a non-social – given of sexual difference with a social constructivist perspective, thereby linking what polarizes present-day debates. Beyond biological determinism and radical social constructivism, she adopts a constructivist perspective that takes a non-deterministic Nature as its starting point.

Not interested in countering her opponents' 'classifying theories' with a 'truer' theory or a more correct ontology of sexual difference, d'Héricourt was concerned with exposing the epistemological delimitations of any such theory and analyzing the conceptual grids along which differences of social and historical origin are naturalized by such theories. By way of this reasoning, d'Héricourt coined 'sex' as a social and historical category, conceived of the relationship between the sexes as a subject of political dispute capable of being altered and opened the phenomenon of sexual difference up to social scientific inquiry.

In their own right: The individual and society

D'Héricourt's skepticism towards classification gives, on epistemological grounds, priority to the individual and regards any subsumption under a type or category with much caution. This

skepticism is both embedded in and leading to a concept of cohesion in modern society that, on the one hand, differs considerably from Comte's and, on the other hand, anticipates elements of a theorem that Emile Durkheim should later, in a more systematic and explicit fashion, conceive of as 'organic solidarity'.⁹

Individuality, d'Héricourt contends against Comte, does not coincide with egoism and thus is not, per se, threatening social cohesion. In her view, Comte's altruistic morality which obliges the individual unilaterally to society, is

wrong and unjust; wrong, because it does not take into account the two sides of every moral code: the individual and society; unjust, because, if it is bad that the *collective* is absorbed by the individual, it is no less bad that the *individual* is absorbed by the *collective*. (D'Héricourt, 1855: 57)

Hence her concern with devising a non-reductionist conception of the relation between the individual and society which she sets up, in terms of social theory, as a question of social cohesion, and, in terms of a just political order, as a relationship made of reciprocal rights and duties.

D'Héricourt defines individuality as a quality that is inherent to every human being, since, 'when looked at analytically, each of us is a *society of faculties*' that distinguishes us from all others and makes us apt to perform specific functions (d'Héricourt, 1860a: II, 15). 'Function' as 'the manifestation of the aptitudes predominating in each of us whether naturally, or in consequence of education and habit' is, on its side, 'a production of utility'. By way of an 'insufficient' classification she presents a list of such functions: '1. Scientific and philosophic functions; 2. Industrial functions; 3. Artistic functions; 4. Educational functions; 5. Medical functions; 6. Functions for the preservation of safety; 7. Judicial functions; 8. Functions of exchange and circulation; 9. Administrative and governmental functions; 10. Legislative functions; 11. Functions of solidarity or of social benevolence and of institutions for the prevention of crime' (d'Héricourt, 1860b: 225 and 1860a: 102). Thus, the capacities of each person and, hence, her or his individuality, are expressed in professional activity which is functional to society, and give rise to a system of specialized production that connects individuals through relationships of exchange and cooperation: 'it is our duty to put ourselves in a position which enables us to perform a function that brings benefit to ourselves and others, and makes the exchanging of services possible.' (D'Héricourt, 1860a: II, 238)

Admittedly, to this form of structural integration, d'Héricourt does not apply the term 'division of labor' as Durkheim will do later; yet, she establishes a nexus of statements that falls under this rubric. And her emphasis clearly rests, as does Durkheim's – at least in his optimistic *Division of Labor*¹⁰ – on the individualizing *and* integrating effects of differentiation through the division of labor. For Durkheim, division of labor is the source of 'organic solidarity' which, in contrast to 'mechanical solidarity', does not integrate people who are alike, but people who are different. It becomes possible 'if each one of us has a sphere of action that is peculiarly our own, and consequently a personality' (Durkheim, 1984: 85). The more divided labor and the more personalized activities are, according to Durkheim's thesis, the stronger will be the social cohesion. The very same idea operates in d'Héricourt's elaboration of what we now call the 'functional integration' of what she called '*l'organisme social*' (d'Héricourt, 1860a: II, 102), building on the analogy between a biological organism and society which informs her sociological fragments as well as Durkheim's sociology. From this, she derives the positive evaluation of individualization that distinguishes her from Comte: Individuality does not equal egoism and does rather make modern society possible than pose a threat to its cohesion.

Division of labor, as Durkheim was to go on to argue, cannot be reduced to its economic dimension, but has, moreover, a 'moral character, since needs for order, harmony and social solidarity are generally reckoned to be moral ones' (Durkheim, 1984: 24). Similarly, in d'Héricourt's thinking, the division of labor lays the ground not only for structural but also for moral integration in that it sets up cooperative relationships which she conceives as relations of mutual rights and duties: Society is

an organized ensemble of human beings who associate in order to grant each other the guarantee of exercising their individual Right, to ease the exercise of Duty, to exchange goods in equitable way, and to cooperate in the progressive realization of humanity's destiny. (D'Héricourt, 1860a: II, 22)

This is why women fall victim to 'social annihilation', if the most fundamental of all rights and the most fundamental of all duties are denied them, i.e. the right to determine their actions on the basis of their individual talents, and the duty of fulfilling a useful function that benefits others. For this reason, performing a function according to individual – and not sexually stereotyped – aptitude, is, as the starting point of structural and moral integration, the primary route to the emancipation of women: they could 'only be affranchised through labor' (d'Héricourt, 1860b: 175 and 1860a: II, 26).

As becomes clear in this argument, mutual rights and duties bind the individual not only to other individuals but also to society as a whole since not only does the performance of functions serve the satisfaction of other individuals' needs, but it also benefits society. All aptitudes that make up an individual, d'Héricourt contends, are 'entitled to be performed because all of them are necessary to achieve the harmony of the whole' – and this 'whole' can be understood as the whole personality as well as the whole of society to which the harmonious personality contributes (d'Héricourt, 1860a: II, 15). Hence, society, for its own sake, owes its members the right to their individuality because 'the enjoyment of the individual right guarantees social progress, since that progress depends on the free unfolding of faculties, and those faculties can only develop in a context of liberty' (d'Héricourt, 1860a: II, 14-15).

Arguing that a social existence consists of both individualization *and* incorporation into the collective, d'Héricourt vanquished two opposing interpretations of society: Neither is the individual the end and society the means, as would correspond to utilitarian social theories, nor is society the end and the individual only a means, as Comte had propounded. Albeit in a rather fragmented way and not yet in the terms elaborated later in sociological theory, d'Héricourt hereby acquired a set of problems that would be continued in the history of social thought: With Durkheim, the question of how to reconcile a 'regulated social order with individual liberty and personal autonomy' was to become the central problem of sociological theory (Müller and Schmid, 1996: 481).

The recognition of rights: Towards the limits of individualism

D'Héricourt's epistemological and sociological emphasis on the non-reductive quality of any individual human being is restrained when it comes to policy. Despite her thoroughgoing critique of classifying theories, she considers some pragmatic classification indispensable for policy in a society marked by segregation and disparity of power. This 'classification for social practice' (d'Héricourt, 1860b: 246 and 1860a: II, 125) she presents as an analytical tool that is intended to make the fact of segregation visible; but, like every other mode of classification, it has to be understood as an abstraction, and its interpretation of reality as a provisional hypothesis. Policy built on that, d'Héricourt insists, should always point to the socio-historical genesis of factual differences, and strive for change in the present which she understands as '*l'époque transitoire*' (d'Héricourt, 1860a: II, 199). These considerations inform her theory of the progressive acquirement of rights.

According to d'Héricourt, equality before the law breaks down into a sequence of four forms of right to which all human beings are fundamentally entitled. The first, 'natural right' (*Droit naturel*), entitles to liberty, autonomy and self-realization. Second, 'civil right' (*Droit civil*) grants equal status before the civil law to all human beings who have reached the age of majority and are of sound mind. The devising of a non-patriarchal marital law is of major concern here. Third, the 'economic right' (*Droit économique*) is intended to guarantee equality in the 'sphere of exchange' and access to work. From these three rights there emerges the interest of the rightsholders in participating in decisions made about the establishment of the law and the organization of institutions. Only when they participate in these decision-making processes are human beings completely free, because, then, the only laws they have to submit to are those to the determination of which they have contributed. This is what the 'political right' (*Droit politique*), or citizenship, consists in (d'Héricourt, 1860a: II, 23-25; cf. in the English translation: chapter 'Summary of the proposed reforms').

As all human beings are as such entitled to natural, civil, economic and political rights, those rights cannot be refused, or bestowed, in fact. Rather, they are 'recognized' on certain conditions, namely 'when we are in a condition to exercise and to demand it; and we prove that we are in a condition to exercise it when we satisfy the conditions fixed by the law' (d'Héricourt, 1860b: 305 and 1860a: II, 189). While those conditions are very concrete (age of majority etc.) when it comes to the recognition of rights of an individual, they are more general when the question arises whether the category of rightsholders should be extended. As to political right, for instance,

the *practical* truth [...] is that it is profitable to recognize political rights *only to the extent to which it is demanded*, because those who do not demand it are intellectually incapable of making use of it, and because if they should exercise it, in a majority of cases, it would be against their own interests [...]. (D'Héricourt, 1860b: 301 and 1860a: II, 185)

Both the capacity to exercise a right and the desire to be recognized as a rightsholder are acquired through the practice of the preceding right, d'Héricourt contends. While women are, as of now, not ready to assume their political rights since they 'do not demand [it], but laugh at those who address them on the subject', they are ripe for the preceding phase: 'You are prepared for the civil right, the exercising and practicing of which will give you the maturity you need for the political right' (d'Héricourt, 1860a: II, 63). By arguing so, she distanced herself from claims for the immediate introduction of women's right to vote, cautioning that if the recognition of a

right is not based on an analysis of the actual state of mind and social status of the future rightsholders it would lead to ‘anarchy and regression, not progress’ (D’Héricourt, 1860a: II, 64-65).

Although these arguments can justly be interpreted as revealing of elitism, they do not simply imply a class bias.¹¹ That women are not yet ready to have their political right recognized because they are ‘minors civilly, slaves of prejudices, deprived of general education, submissive for the most part to the influence of their husbands, lovers or confessors’ (D’Héricourt, 1860b: 301 and 1860a: II, 185) she does not state as a matter of class. And she takes into account the fact that women of the lower classes have even fewer opportunities for education and thus hardly any opportunities to acquire the intellectual prerequisites for political rights by demanding a ‘national education for girls’ (d’Héricourt, 1860a: II, 283).

Conclusions

Fear of disintegration challenged post-revolutionary theorizing about modern societies. Thinkers such as Comte reacted to this by fashioning a ‘social bond’ to which women’s equality with men and both their individualized and socialized existence fell victim. Here emerges a strand in social theorizing that other classical sociologists would also feel bound by, decades later. According to this tradition, there are two stratification systems in society. One differentiates men from women; the other differentiates men from each other. In both systems, differentiation increases as modernization progresses, intensifying solidarity and thereby testifying to the progress of modern civilization. Whereas men are involved in this process as individuals, women are only differentiated as a group or type, distinguished from ‘the man’ as ‘the woman’, but not as individuals among each other, nor as female individuals from male individuals. Within this framework, another risk of disintegration had to be countered, namely the one brought about not by post-revolutionary fractures but by *excessive* differentiation that was believed to loom large in modern societies. To this threat of ‘anomie’ Durkheim offered two strategies consistent with the concept of double stratification: first, the strengthening of the institution of marriage intended to guarantee cohesion between the sexes and to protect man from anomic tendencies, second, the creation of professional associations intended to ensure cohesion among men (Durkheim, 1922; Marshall, 2002; Lehmann, 1991; Roth, 1989/90).

D’Héricourt challenged the concept of double stratification from its very outset, putting forward an interpretation of integration in modern societies that does not come to a halt at the demarcation drawn by ‘sex’. No individual should have to sacrifice their individuality to a sex

stereotype, and no society, for its own sake, may depend on such a sacrifice in order to secure cohesion. From this perspective there arose the theoretical challenge of conceptualizing the relationship between the individual and society in a non-reductionist way. In conceiving this problem lies what deserves to be called d'Héricourt's classic contribution to sociological thought. Classic it can be considered as for the radicalism with which she put this core problem of sociology: without taking recourse to sexual stratification. Contrary to her fellow social theorists up to the last third of the 20th century, she saw cohesion in a differentiated society as being guaranteed when *all* members, regardless of their sex, can realize their individuality. Consequently, as long as women are subsumed under a sex type and as long as their social existence is confined to the family, society's full potential for integration will remain unused.

By thus substantiating the feminist claim for emancipation not only on the basis of a philosophy of equality but also on the basis of social theory, d'Héricourt could postulate equal status as an ethical requirement *and* as a social necessity. Thereby, she extended the feminist discourse by adding a sociological dimension to it, while, at the same time, freeing sociological discourse from its limitations brought about by ontologies of sexual difference and the concept of double stratification that precluded the posing of sociology's core problem in its most radical form.

Yet, d'Héricourt's version of conceptualizing of social cohesion has not been handed down continuously in social theory. Thus, not only has a sociological question been posed only half-heartedly, but also, following d'Héricourt, a part of social reality has become a taboo: The 'social annihilation' she criticized was a matter of theory, institutions, mores and laws – it did, however, not correspond to the intellectual and economic transformations which, indeed, did involve women:

Since woman is no longer engrossed in the household and the care of children, but, on the contrary, has an ever growing proportion of the production of the national and individual wealth, it is self-evident that she needs liberty and independence, and that she must have an entirely different position in the family and in affairs outside the home from that of the past. (D'Héricourt, 1860a: II, 273)

In d'Héricourt's view, not the female claims for emancipation did constitute anarchy, as Comte would have it. But the discrepancy between actual capacities and activities of women, on the one hand, and institutions and ideas that preserved what was believed to be a pre-modern order of the sexes, on the other hand, generated a social pathology – hence the need for reform. And this need

d'Héricourt states with a sense of urgency: 'I claim the rights of woman', she wrote, 'because the progress of enlightenment, in which woman participates, has transformed her in social power, and because this new power produces evil in default of the good which it is not permitted to do' (D'Héricourt, 1860b: X and 1860a: I, 7). While we leave it to historical interpretation to judge the accuracy of this prognosis, we would like to argue that its formulation exposes, once again, the embattled nature of the terrain on which theories on modern society emerged. Most visibly embattled they were to an extent that raises a provocative question: Should we consider the long-lasting theorizing of women's adversity to modernity and men's exclusive capacity to embody the modern subject not just as a discourse that triumphed over its external critics but as a reaction to internal challenges that have become invisible only retrospectively because they were, in processes of canonization, lost or delegitimized?

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¹ A longer German version of this article includes an exhaustive bibliography of d'Héricourt's writing (Arni and Honegger, 1998). We would like to thank Joan W. Scott for her careful reading and precise comments upon an earlier version of this paper as well as the anonymous reviewers of JCS for their perceptive insights.

² For work on the link between concepts of societal order and theories of sexual difference in sociology, cf. among many others: Sydie, 1987; Honegger and Wobbe 1998; Marshall and Witz 2004.

³ There is little archival material, allowing only a rough reconstruction of d'Héricourt's life. Most information comes from what is probably a veiled autobiographical text that was published in 1896 in an American women's journal. That text is available in the original English version and in a French translation (Offen, 1987a and Offen, 1987b). The biographical details were verified and supplemented by Karen Offen. Few additional information can be found in the book by Alessandra Anteghini (1988). Carlo Montalbetti (1981) studied d'Héricourt's role as an initiator of the Italian women's movement; Florence Rocheftort (2000) considered her in the context of protestant feminism, and, recently, Alice Primi examined her interest in history (Primi, 2006). For d'Héricourt's writing within the context of intellectual history and the history of social thought cf. Arni and Honegger, 1998; Arni, 2001.

⁴ Whether d'Héricourt is identical to the early feminist, Jeanne-Marie, is disputed; we are provisionally assuming it, in common with Offen.

⁵ In the following, we quote, whenever possible, from the American translation while indicating references for both the French and the American edition.

⁶ D'Héricourt thus formulated a criticism of the inversion of abstract individualism, the turning of a principle of universal inclusion into a principle of exclusion, which, from 1789, rationalized the rejection of claims for women's equality; cf. Scott, 1996.

⁷ This is a hint to Comte's procreative utopia of parthenogenesis and asexual reproduction which he envisaged as a further "purification" of sexual difference and gender roles.

⁸ Her views seem to have changed, however, towards the end of her life: In later writings she argues that both sexes have to be represented in society because of their very complementary difference.

⁹ There exists a personal connection between d'Héricourt and Durkheim: Charles Renouvier who was a close friend and collaborator of d'Héricourt was also a teacher of Durkheim. Although we have not yet any evidence for this, the possibility that Durkheim knew d'Héricourt's writings can not be discarded.

¹⁰ If Durkheim was, concerning integration through the division of labor, as optimistic in *The Division of Labor in Society* as d'Héricourt, in *Suicide* (1897), he diagnosed deficient integration and a moral crisis, which he tried to overcome – much in Comte's vein – at the expense of female individualization.

¹¹ Nor do they, actually, differentiate between men and women: As to women's questionable maturity to exercise the political right, the same holds true, d'Héricourt writes, when it comes to men – however, rights that once have been recognized cannot be withdrawn. Cf. for the class bias interpretation: Moses, 1984: 172.