Women, Code & Court in the Napoleonic Era

The Politics of Joséphine Bonaparte in the Portraiture of Antoine-Jean Gros

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Media in 19th-century Paris

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Nineteenth-century France was filled with excitement and chaos. The Revolution of 1789 excited the wider population with promises of an equal society, but the challenge of translating these ideas into reality proved to be chaotic. The study of law and politics reflects the defeat of social privilege and the victory of liberty, equality and fraternity: founding principles of the French Republic. The newly drafted *Déclaration des droits de l'homme et du citoyen* claimed that "all men are born and remain free and equal in rights." The lofty promises of liberalism, however, reached a select few, limited to the handful of property-owning men, who conveniently happened be the authors of the Declaration. We know that women had played an essential role in the Revolution: what, then, were the fruits of their labor?

Before we examine the role of women in revolutionary politics, let us briefly look at how politics treated women. Despite their many efforts, the public acknowledgement of women's contribution was hesitant, at best, after 1789. The Declaration of the Rights of *Man* clearly did not promise them the legal rights they had fought to achieve. Olympe de Gouges, in 1791, challenged the validity of this charter by rewriting it as a Declaration of the Rights of Woman, which asked the fundamental question, "isn't it time for the revolution to begin for us women as well?"[1] Her feminized version of the Declaration garnered much attention, and for a brief period, won certain legal safeguards for women, such as the right to divorce.[2] Even these limited freedoms, however, were seized with the

[1] 14, Bessieres, Yves and Niedzwiecki, Patricia (1991) Women in the French Revolution: Bibliography. Women of Europe Supplement No. 33, January 1991. [EU Commission - Working Document]
[2] 18, Bessieres and Niedzwiecki.

advent of the Napoleonic code at the very end of the eighteenth century. The new civil code not only rescinded their rights to divorce but also banished the hope for education and other basic liberties:

> By 1810 not only had women lost all of the ephemeral rights that they had acquired during the Revolution, but they were often ostracized.[3]

The First Consul further asserted:

> "Will you not exact a promise of obedience from women? ... We need a formula for the mayor considered in his capacity as registrar that contains he woman's promise of obedience and faithfulness. She must know that in leaving the guardianship of her family, she comes under the guardianship of her husband…[women] are interested only in pleasure and clothes…It is women who give men children, they thus belong to men just as the fruit tree belongs to the gardener."[4]

In the spirit of these ideas, French jurisprudence, under Napoleon, birthed laws that restricted women to domestic environs and deprived them of independent access to a new and "equal" French society. Property law prohibited them from concluding contracts without the consent of their husbands or fathers. Under the scheme of joint ownership, the woman had no right to "look into, check, or oppose any action taken by her husband." Further, a wife could not make legal objection if the husband wished to dispose of the household's belongings to the benefit of any person. The rules for settling

[3] Bessieres and Niedzwiecki
[4] 24, Bessieres and Niedzwiecki.

a woman's debts were much more stringent than the corresponding laws for a man's debts. She could not sue or defend herself at court without her husband's consent; neither could she accept an inheritance, donation, or bequest, sell or mortgage a building, or leave the country without her husband's permission.[5] Did women possess any political authority?

In this essay, I seek to show that even though women were not supported by the power of law, they used other forms of media to cultivate political agency. Antoine-Jean Gros' portrait of Joséphine de Beauharnais will help us understand this argument over the course of the essay. The wife of Napoléon and Empress of France between 1804 and 1810, Joséphine is far from an accurate representation of the average woman: after all, she was at the very top of the social ladder. Today, her expensive wardrobe is the subject of fashion exhibits; her lavish lifestyle is fodder to bestselling fiction novels. In my essay, I do not seek to project her as archetypal, but urge the reader to spend more time on the nuances of her personality – as a wife, as a public figure, and most importantly, as a woman. Through Gros' representation of the Empress, we will notice that despite her endless wealth and privilege, she was a prisoner to social custom: much like the average French woman, she had to face the brutalities of the Napoleonic Code. From the seemingly comfortable confines of Malmaison, Joséphine exercised political force under the close eye of the century's most anti-feminist leader of state. In her deliberate self-representation, thus, she exerted a new kind of political agency, redefined the notion of

[5] Bessieres and Niedzwiecki.

womanhood, and might have empowered and inspired countless other women to lead similarly bold and liberated lives.

Why Gros?

We know from the previous discussion that few women succeeded in carving out political identities for themselves over the course of the Revolution.[6] Amy Freund further asserts that, in the absence of such liberties, courtly women often "manipulated the conventions of female portraiture" to project themselves as a true *citoyenne*: "a self that was both reassuringly feminine and capable of intervening in the course of national history." The "unfulfilled promises of Revolutionary citizenship"[7]she discusses in her essay are what we seek to study through the portraiture of Joséphine Bonaparte.

To study her portrait as a woman of the Revolution, we must first study the man who painted it. David O'Brien, a prominent contemporary biographer of Antoine-Jean Gros, describes him as the most important history painter of Napoléon's "well-oiled propaganda machine."[8] While Gros' painting career had a complex trajectory, this essay will focus on two aspects of his style: first, his obsession with classical revival; and second, his "personal and individual" approach to official propaganda.[9] If Joséphine was seeking a history painter who truly embodied the revolutionary spirit, Gros seemed to be the perfect choice.

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[6] 325, Freund, Amy. "The "Citoyenne" Tallien: Women, Politics, and Portraiture during the French.
[7] 325-26, Freund.
[8] 8, O'Brien, David. 2006. *After the revolution : Antoine-jeanGgros, Painting and Propaganda under Napoleon*. University Park, Pa.: Pennsylvania State University Press.
[9] 10, O'Brien.

A disciple of the legendary Jacques-Louis David, Gros picked up a penchant for classical art at his master's studio and trained in Genoa and Florence to refine his command of the style. Gros spent many years of the revolution period in Italy and thus, missed key moments of French symbolism that appeared at the time.[10] His continued fervor and nostalgia for classicism could be seen in our painting of interest: the bust on the far left is a typical example of the kind of sculpture Gros would have tried to revive through his neoclassical style. Furthermore, the *neo-Grèc* dress adorned by Joséphine and the Pompeian style of the natural landscape in the backdrop, once more, evokes classical references. Gros' neoclassical aesthetic was ideally suited to the artistic aspirations of post-revolutionary France. noble themes of public virtue and personal sacrifice from the history of ancient Greece or Rome. As a reaction to the collapse of the *ancien régime*, patrons moved away from the grandeur of Rococo styles and toward the "restraint," "discipline" and "austere clarity" of the neoclassical. Subjects like Joséphine were in search of "certitude and moral truth"[11] and artists like Gros were more than willing to comply. Additionally, Gros was disconnected with conventional approaches to nationalist propaganda and used a more personalized approach to history painting, interacting frequently with his subjects.[12] This made him extremely non-traditional as an official painter of the government of Napoléon, who was ironically very particular about self-portrayal. O'Brien claims that Gros would be "the last to make his reputation working primarily for the government" and adopted a painting ethic based on

[10] O'Brien.
[11] "National Gallery of Art." *18th- And 19th-Century France - Neoclassicism*, www.nga.gov/features/slideshows/18th-and-19th-century-france-neoclassicism.html#slide_1.
[12] O'Brien.

"individual style."[13] His reluctance to compromise personal values according to the state's interests could be interpreted as a bold reaction to the Napoleonic order – something Joséphine might have tried to replicate in her act of self-representation. As a woman similarly faced with nostalgia and entrapment, she might have resonated with Gros' neoclassical inclination and his courage to defy state control.

If we look at some of Gros' most famous commissioned works, including *Napoleon Visiting the Pesthouse at Jaffa* (1804) and *Napoleon on the Battlefield at Eylau* (1807), we notice him for gory depictions of violence and impeccable stately portraiture. In the most famous collections of Antoine-Jean Gros, thus, one could reasonably expect to discover depictions of war, military conquest, nationalism, and the many victorious visuals of Napoléon on a horse. The portrait of beautiful Joséphine Bonaparte, not surprisingly, comes across as an odd find. While all the portraits of Joséphine attract the eye of the historian (and many others), this one is particularly intriguing. How did Gros, the propagandist painter of the era, use his neoclassical training and non-traditional work ethic to portray the political convictions of France's most stylish woman?

To begin with, Gros depicts the most obvious aspect of Joséphine's identity. In *Cashmere: A French Passion*, Monique-Lévi Strauss writes about the painting:

> …[Joséphine] had two children, a son Eugène, whose bust is seen in profile on the left of the painting and a daughter, Hortense, who is symbolically

[13] 10, O'Brien.

represented by the hydrangeas (French: hortensias) in the vase bearing the initial J for Joséphine.

By making an allusion to Joséphine's *motherhood*, thus, Gros acknowledges, first and foremost, her *womanhood*. Given his notorious reputation as a political propagandist, however, womanhood is likely not the only theme he attempts to incarnate through this project. In his creative choice of representation, we find other aspects of Joséphine's character – as a woman but also as a political actor. What were these other elements? The following sections of this essay explore how the key features of Joséphine's portrait describe the non-political influences of women on the highly political developments of post-revolutionary France.

Before we carry on, we must address one important question: how could Joséphine singly represent the connection between women and politics in post-revolutionary France? This essay acknowledges the limitations of such an assertion but seeks to highlight Joséphine's role as a woman of the court, a highly public figure. Despite her proximity to the Head of State, Joséphine had no voice in the political process. She, too, was a victim – probably the most unfortunate – of Napoleon's misogynistic civil code. Deprived of formal education and reduced to the role of a homemaker and a child-bearer, like other French women, she had few outlets to prove her intelligence and potential for political leadership. Gros' portrait seems to be one of them.

The following two sections of the essay explore how Gros' portrait captures two essential values of revolutionary politics – natural liberty and enlightenment thinking. A close analysis of the painting's symbolisms will reveal Joséphine's possible message to the French women: even if the law did not allow them to reach the Revolution fever outside, other media could allow them to invite the Revolution home.

Women & Natural Liberty

Costume was an important yet controversial issue in the Napoleonic period. The Emperor was not a particularly fashionable man himself, but notoriously created and used the fashion industry as an opportunity to revive local industries. His "Code" extended itself to uniforms and costumes, designed using only the finest French fabrics and craftsmanship. In matters of personal dressing, courtly women were particularly ill-fated victims. His strictly imposed *etiquette* demanded them to buy and display French silks and velvets, muslins and lace. His object was to ensure that wealthy ladies used their *toilette* as an opportunity to fuel the French economy, not to hoard their riches.[14] But did he know enough about fashion to dictate what a truly French *coutume* should look like?

For this, he turned to the woman by his side. "The exquisite taste for which [Joséphine] was distinguished," write Barreto and Lancaster, "might have helped "his "fastidious" mission of codifying costume.[15] While Napoléon might have had the power to decree legal directives, though, it was Joséphine who decided what "Court style" would look

[14] 116-117, Barreto, Cristina. 2010. Napoleon and the empire of fashion : 1795-1815. 1st ed. Milano: Skira.
[15] 118-119, Barreto.

like. A trendsetter "followed by France," she was the spokeswoman of all things new, in the age of a "fashion hysteria."[16] We will now learn that even though Joséphine did not have the legal authority to propagate ideas of the Revolution, she had the opportunity to, quite literally, "fashion" them.

So, which revolutionary ideals did Joséphine choose to represent through her dress? Gros depiction might help us understand this better. In this section, we will limit our analysis to her veil, gown and petticoat. Joséphine, in Gros' portrait, is clad in a translucent white gown with a muslin veil. The underskirt or petticoat is lined with golden ribbon and lace and the silhouette looks comfortable and free-flowing. While she embodies many of the neoclassical styles discussed in the previous section, our object of focus here is her sensuality.

[16] 21, Barreto.

In her analysis of the above portrait by François Gérard, Susan L. Siegfried refers to the "comfort" of the modern dress, which could be "contrasted sharply with the rigid, upright postures that had previously been maintained by the boned bodices, corsets, panniers, and hoops associated with Marie Antoinette and the pre-Revolutionary court." She further explains:

> The high waist of the neoclassical dress hugged the breasts and its thin light fabric clung to the body, a style that flattered some bodies more than others.

> Contemporaries agreed that it suited Josephine admirably. She made the neo-Greek dress peculiarly her own...[17]

Gros similarly paints Joséphine in a private and intimate moment. While the neoclassical elements of the dress represented her cultivated personal tastes, the simplicity and artlessness of the fabric and cut indicated her progressiveness. The Empress, before the Revolution, had played a crucial role in dictating fashion trends. before Joséphine, the only notable portrayal of a queen in such scandalous, free-flowing attire was Vigée-Lebrun's *Marie-Antoinette en Chemise*, which Kelly Hall argues, "captured the escape Marie-Antoinette sought from political life."[18] In Old Regime France, where hooped dresses, boning and claustrophobic corsets[19] dominated the attire of courtly women, the daring *chemise* style was seen as reactionary. By the time Joséphine was Empress, however, this was no more the case:

> Like a desert plant that rarely flowers, fashion in the Napoleonic period blossoms in between two periods of corsets, thick fabrics and social and physical restriction. A woman was judged not on her demeure piety and conformity, instead she was judged by her taste, originality and social skills.[20]

Women's public portrayal was earlier restricted to corseted and elaborate costume. While Joséphine's many coronation portraits continue such trends, her other representations –

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[17] Siegfried, Susan L. 2015. Fashion and the reinvention of court costume in portrayals of josephine de beauharnais (1794-1809).
[18] Hall, Kelly (2014) "The Impropriety, Informality and Intimacy in Vigee Le Brun's Marie Antoinette en Chemise," *Art Journal*: Vol. 2014 : Iss. 1 , Article 4.
Available at: https://digitalcommons.providence.edu/art_journal/vol2014/iss1/4
[19] 48, Barreto.
[20] 41, Barreto.

such as Gros' portrait – encouraged the investment of court riches in more understated styles. Her costume was still luxuriously crafted with fine and expensive fabric, lace and ribbon. But the aesthetic quality of it birthed the new and fashionable style of *déshabillé*[21]: frizzy hair, plunging necklines and more flesh than clothing.[22] It evoked simplicity, ease and natural liberty: ideas that corresponded with many revolutionary theories but contradicted popular perceptions of women in the household.

Through Gros' portrait, Joséphine, might have hinted toward some of her political convictions. She was entrapped by Napoleon's stringent dress code and had now power to break away from his chains of political domination. But even though she complied with his directive, she also redefined the image of a queen. It was likely that such portraits were made for public exhibition. Siegfreid suggests that this might indicate Joséphine's portrayal of herself as "the empress at odds with the ceremonial of the court."[23] And so, even though the average French woman might not have been able to afford the sumptuous muslins of Joséphine's *chemise*, she might have been inspired to make more sensual and liberating wardrobe choices to practice her personal liberty.

[21] 48, Barreto.
[22] 18, Barreto.
[23] Siegfried.

Women & Enlightenment

Pine cones and hydrangeas might have more in common than one might assume. We are referring, here, to the floral pattern on Joséphine's two shawls and the vase seated on the surface behind her. In the introduction, we noticed that Napoleonic law prevented French women, including Joséphine, from seeking formal education and restricted them to domestic duties. Gros' painting shows us, however, that despite being shut off from the world, Joséphine welcomed the world into her home with the power of flowers and fabrics.

Women had limited access to the great ideas of Enlightenment – of scientific exploration and world discovery. A chief duty for women was to decorate and care for the household. From within these shackles of domesticity, Joséphine used restriction as an opportunity to explore her curiosity. Gros might be referencing Joséphine's active curiosity through the flowers in the backdrop as well as the curated garden-like setting behind the curtain. We have explored, thus far, Gros' tendency for political commentary through neoclassical symbolisms. What, then, could we understand about the Empress' position on women and politics through Gros' delicate depictions of Mother Nature?

We will notice, in the following paragraphs, the important role of garden and flowers in shaping

She prided herself on her knowledge of botany and spent many hours per day, addressing "numerous questions" to her gardeners.[24] A true lover of flowers, she dreamt of making the garden at her residence, the Chateau de la Malmaison, "the most beautiful and curious garden in Europe, a model of good cultivation"[25]:

> Contributions for the garden arrived from all over the world - from the nurseries and botanic gardens of Europe; from the botanists accompanying Napoleon's Egyptian campaign, from Commodore Baudin's exploring expedition to Australia, from Humboldt and Bonpland in South America and Mexico. Between 1803 and 1814 more than 200 species flowered at Malmaison for the first time in France; many of them for the first time in Europe.[26]

In her patronage of flora and fauna, Joséphine was skillfully using limited command over the household to make "global investments." In the absence of political or financial rights, she used her personal power of patronage to engage with other cultures. During the war with England, for instance, the continent was under blockade but Joséphine continued to buy huge quantities of plants from a London nurseryman: she even obtained a passport for him so that he could travel back and forth with her acquisitions. She insisted on laying out from laying out an "English" garden, employing an *English* head gardener, Howatson, and dealing very extensively with an *English* nursery. [27] Such acts of, what we

[24] Coats, A. (1977). The Empress Joséphine. *Garden History, 5*(3), 40-46. doi:10.2307/1586572
[25] Haynes, Jerry. Joséphine and Malmaison. http://www.rose.org/wp-content/uploads/2012/01/Josephine-and-Malmaison-article-2.pdf. Web.
[26] Coats.
[27] Haynes.

would today call “soft power,” became especially important in matters of international diplomacy.

The legacy of Joséphine’s gardening interest sustained its legacy well after the Napoleonic period. She had plans to create botanical gardens all over France along the lines of her gardens in Malmaison and kept up correspondence about her seed and plant collections. As a pioneer of the rose garden, she collected 260 roses for her gardens at Malmaison from 1805 to 1810. This cultivated French interest in the culture of roses in the vicinity of Paris, which propelled active rose hybridization during the early years of the 19th century. Auguste De Pronville, the French writer, contended that in 1814, that there were about 182 varieties of roses. By mid-century, however, thanks to Joséphine’s keen interest and investment, there were 6,000 varieties, created by cross-pollination and seed production. In this way, she propelled a “global garden economy” in France that represented not only a personal passion but also the genius of entrepreneurship, innovation and political leadership.

Napoleon led French armies to war all over the world and sent explorers to bring back information about other cultures. Women, meanwhile, remained trapped in the domestic prison and disengaged with such major political advances. From the cozy yet confining walls of Malmaison, however, Joséphine used her power of privilege to participate in the new era of international relations. Her elaborate gardening passion and international

collecting capability testify that the fruits of globalization could reach women, even if the law prevented them from pursuing independent travel or scientific exploration.

Conclusion

Joséphine Bonaparte was an intelligent woman and a powerful ruler. But her power was never given the recognition it deserved: after all, she held no legal authority to claim it. What she did hold was Napoleon's heart: a tool she used to wield power of another sort.

Womanhood limited Joséphine's "power" in the realm of law and politics. Ironically, though, womanhood enabled her to exercise a new form of it. As the wife of an Emperor, Joséphine lacked direct formal authority to take political action. But within this limited capacity, she influenced politics in other ways. This makes us wonder – what course would French history have taken if Joséphine had *real* power to make political decisions? Her patronage of art, her tastes in fashion and her eye for investment demonstrate her pragmatism, beauty, intelligence and sensuality—desirable qualities of an able state leader. Does Joséphine represent a missed opportunity of political history?

Indeed, if women's voices could have seeped into legal instruments, such as the Declaration or the civil code, Joséphine Bonaparte's political convictions might not have been hidden in the colors of Gros' portrait. History, however, is partial to those who derive "power" from political legitimacy. These narrow definitions affix our attention on domineering figures such as Napoléon and obscure the possibility of women, like Joséphine, as "powerful" agents of social and political change.

Some are born to be deprived of the claims to political power -- by virtue of gender, occupation, or ethnicity. Joséphine's political convictions remain hidden in Gros' portrait; they require a discerning eye to be seen as truly powerful. The lost voices of might be faint and might not assert "power" in traditional ways. But that does not mean they were not powerful. Many such individuals wrote their own constitutions, drafted their own codes, and lived by their own convictions. But such sources are not found in the annals of law: we need to look in other places. A portrait might just be the perfect place to start.

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Gros, Antoine-Jean. L'Impératrice Joséphine. 1808. Huile sur toile. Musée Masséna, Nice.

Baron François Gérard, Portrait de Joséphine, ca. 1801, oil on canvas : 178 × 174 cm. Saint-Petersburg, The State Hermitage Museum, inv. GE 5674.